

## **Organic Law No. 2018-29 of May 9, 2018, relating to the Local Authorities Code**

On behalf of the people,

The Assembly of People's Representatives having adopted,

The President of the Republic promulgates the organic law, the content of which is as follows:

**Article 1** – The purpose of this organic law is to determine the rules relating to the organization of local government structures, their powers, and their operating procedures in accordance with the processes of participatory democracy with a view to achieving, within the framework of the unity of the State, decentralization and comprehensive, fair, and sustainable development.

### **Book I – Common provisions Chapter I – General**

#### **provisions**

#### **Section 1 – Exclusive jurisdiction of the law for the creation of local authorities**

**Art. 2** – Local authorities are public entities that enjoy legal personality and administrative and financial autonomy. They consist of municipalities, regions, and districts. Each category covers the entire territory of the Republic.

**Art. 3** – The law creates local authorities and sets their boundaries.

The Assembly of People's Representatives shall approve, by law, the merger of local authorities voted by their councils elected by a two-thirds majority of their members. Such merger shall entail the transfer of all obligations and rights to the authority whose existence has been approved by law.

The Assembly of People's Representatives shall approve, by law, changes to the territorial boundaries of local authorities, voted by their elected councils by a two-thirds majority of their members.

Disputes concerning the territorial boundaries of local authorities shall be brought before the territorially competent administrative court in accordance with the procedures and time limits laid down by the law on administrative justice.

#### **Section 2 – Free administration of local authorities**

**Art. 4** – Each local authority shall manage local interests in accordance with the principle of free administration, in accordance with the provisions of the Constitution and the law, subject to compliance with the requirements of state unity.

**Art. 5** – Municipalities, regions, and districts shall be governed by elected councils.

**Art. 6** – The presidents of local government councils shall perform their duties on a full-time basis. They shall receive allowances paid from the local government budget. A government decree, issued on the advice of the High Administrative Court and the High Council of Local Governments, shall determine the criteria and amount of such allowances.

Full-time service means that the chairmanship of local authority councils cannot be combined with any other function or profession. The chairpersons of municipal councils working in the public sector shall be placed on special leave.

Any president of a local authority who has failed to comply with the full-time requirement shall be deemed to have been legally dismissed from office. The dismissal shall be recorded in accordance with the procedures laid down in this law.

Members of local government councils perform their duties on a voluntary basis. A government decree, issued on the advice of the High Administrative Court and the High Council of Local Authorities, determines the allowances granted to vice-presidents and deputies of the president to reimburse their expenses.

**Art. 7** – Except in cases where this is impossible, the president and his or her first deputy must be of different sexes. The president or one of the two deputies must be under 35 years of age.

**Art. 8** – The central authority shall assist local authorities in consolidating their own resources to ensure a balance between resources and expenditure.

Agreements between the central authority and local authorities may be concluded with a view to supporting the financial and human resources of local authorities in order to consolidate their administrative and financial autonomy.

**Art. 9** – Local authorities undertake to control the volume of expenditure allocated to public remuneration, which must not exceed the threshold of 50% of ordinary resources realized.

Local authorities whose public remuneration exceeds the threshold indicated in the previous paragraph must submit a program aimed at controlling remuneration expenditure to the High Authority for Local Finance and the central government.

The implementation of this program shall be ensured by means of an agreement concluded for this purpose between the local authority concerned and the central authority.

A government decree, issued on the recommendation of the High Authority for Local Finance and on the advice of the High Council of Local Authorities and the High Administrative Court, shall determine the conditions and procedures for the application of this article.

**Art. 10** – Local authorities shall ensure that elected council members with disabilities are provided with appropriate tools and working resources.

**Art. 11** – The division of powers between the different categories of local authorities established by law or by agreements or authorizations concluded between them shall in no way result in the exercise of any form of supervision by one local authority over another.

**Art. 12** – A local authority may empower another local authority or public institutions or enterprises to exercise one of its own powers.

The authorization shall be granted by a resolution passed by an absolute majority of the members of the council of the local authority concerned.

The resolution shall determine the financial implications of the authorization.

The delegated powers shall be exercised on behalf of the local authority holding the specific power.

The authorization is granted by a time-limited agreement, according to a model established by a government decree, issued on the advice of the High Council of Local Authorities and the High Administrative Court.

### Section 3 - Powers of local authorities

**Art. 13** – Local authorities have, by virtue of the law, their own powers, which they exercise exclusively, and powers transferred to them by the central authority.

Local authorities have powers shared with the central authority. They exercise these powers in consultation and cooperation with the latter on the basis of sound management of public funds and improved service delivery. A law passed after consultation with the High Council of Local Authorities determines the conditions and procedures for exercising shared powers.

**Art. 14** – Each local authority has exclusive jurisdiction over its own powers, subject to the specific cases provided for in this law.

The central authority may exercise some of the powers of a local authority at its request.

Two or more authorities may, by way of cooperation, decide to exercise part of their specific powers jointly.

The representative of the central authority may, in exceptional cases, exercise some of the powers specific to a local authority in accordance with the procedures and conditions provided for in the provisions of this law.

**Art. 15** – Shared and transferred powers of the central government are distributed among the various categories of local authorities on the basis of the principle of subsidiarity. Each category of local authority is responsible for the powers it is best able to exercise, given its proximity to residents and its ability to better serve local interests.

**Art. 16** – Any transfer of powers or extension thereof to local authorities shall be determined by law.

Any transfer or extension of powers shall be accompanied by a transfer of adequate funds and resources to cover the resulting costs for local authorities.

The central authority shall transfer funds and resources to local authorities within the limits of the State budget and after consulting the High Authority for Local Finance.

**Art. 17** – Local authorities shall manage the funds allocated to them under the transfer of powers in accordance with the principle of free administration.

**Art. 18** – The municipality has a competence of principle in the exercise of powers relating to local affairs. It exercises the powers assigned to it by law, either on its own, jointly with the central authority, or in cooperation with other local authorities.

**Art. 19** – The region has its own powers which, given their scope, are regional in nature. The region also exercises the shared powers assigned to it by law and the powers transferred to it by the central authority in accordance with the law.

**Art. 20** – The district exercises powers relating to development which, by their scope, concern its territorial jurisdiction. It ensures the establishment of plans and carries out studies, implementation, coordination, and monitoring of said plans.

The law establishes the powers that the district exercises jointly with the central authority and those that are transferred to it.

The provisions of this article shall not prevent the district from entering into agreements with local authorities or with the central authority to carry out tasks and contribute to their implementation through funding or monitoring.

**Art. 21** – A government decree, issued on the advice of the High Council of Local Authorities and the High Administrative Court, shall determine the terms and procedures for coordination and cooperation between municipalities, regions, and external departments of the central administration, as well as the public institutions and enterprises under their authority, in order to ensure the effectiveness of the actions of the various administrative structures, subject to respect for the powers of each party.

**Art. 22** – Local authorities shall exercise their powers subject to compliance with the requirements of national defense and public safety.

**Art. 23** – The elected councils of municipalities, regions, and districts shall rule on matters relating to their own respective powers. They may consult the High Administrative Court on the distribution of said powers.

**Art. 24** – The Administrative Court of Appeal of Tunis shall rule on conflicts of jurisdiction between local authorities and the central authority. It shall render its judgment within a maximum period of one month from the date of referral. Appeals shall be brought before the High Administrative Court, which shall render its judgment within a maximum period of two months.

The territorially competent administrative court shall rule on conflicts of jurisdiction between local authorities in accordance with the time limits and procedures laid down in Article 143 of this law.

#### **Section 4 - Regulatory powers of local authorities**

**Art. 25** – Subject to national laws and regulations, local authorities have regulatory powers that they exercise within their territorial jurisdiction and areas of competence. Decisions are classified as municipal decrees, regional decrees, and district decrees.

In exercising their powers, local authorities shall coordinate with other local authorities with territorial jurisdiction and ensure that local regulatory provisions are necessary and do not substantially undermine the principle of equality before the law and public services, or guaranteed rights. To this end, they may consult the competent administrative court, which shall issue its opinion within a period not exceeding two months from the date of submission of the request.

**Art. 26** – The local authority council has the power of principle in the exercise of the regulatory power of local authorities. The council may delegate part of its regulatory powers to its president by means of a reasoned decision published in the Official Journal of Local Authorities.

The delegation remains in force until its validity is terminated.

The local authority council exercises the regulatory powers conferred on it by law or by regulations adopted by the central authorities.

**Art. 27** – The president of the local authority shall exercise the regulatory powers conferred upon him or her by law or regulations, as well as those delegated to him or her by the local authority council.

**Art. 28** – Local authority regulatory decrees shall be published in the official journal of local authorities. They shall be displayed at the headquarters of the local authority and published on its website.

A government decree issued on the advice of the High Administrative Court shall determine the procedures for publishing and displaying local authority regulatory decrees.

#### **Section 5 – Participatory democracy and open governance**

**Art. 29** – Land use planning and development programs must be developed in accordance with participatory democracy procedures.

The local authority council shall ensure the effective participation of all residents and civil society in the various stages of drawing up land use and development programs and in monitoring their implementation and evaluation.

The local authority shall take all measures to inform residents and civil society in advance of the proposed land use and development programs.

Development and land use planning programs shall be submitted for approval to the relevant local councils after completion of the procedures provided for in this law.

A government decree, issued on the recommendation of the High Council of Local Authorities, shall establish a standard framework for participatory democracy procedures. The elected local council shall determine, in consultation with civil society, the procedures and modalities of participatory democracy on the basis of the aforementioned standard framework.

Local councils shall reject any development program that violates the provisions of this article.

Any decision taken by the local authority contrary to the provisions of this article may be appealed on the grounds of abuse of power.

**Art. 30** – The local authority shall keep a register in which, at their request, the components of civil society interested in local affairs shall be entered.

In addition, it shall keep a special register in which the opinions and questions of residents and civil society, as well as the responses given, shall be recorded. This register may be kept in electronic form.

A summary of the comments and the action taken in response to them shall be presented at the opening of each meeting of the local authority council.

Local authorities shall publish draft regulatory decrees on their websites and by any other means, and shall display them at their headquarters, at least fifteen days before the deliberation session is held, prior to submitting them for review by their elected councils.

A government decree issued on the advice of the High Council of Local Authorities and the High Administrative Court shall determine the conditions and procedures for the application of this article.

**Art. 31** – On the initiative of the president of the local authority or one-third of its members, the local authority council may decide, by a two-thirds majority of its members, to consult the inhabitants by referendum on development and land use planning programs.

One-tenth of the local voters of the local authority may also request the organization of a referendum. In this case, the referendum may only be organized with the agreement of two-thirds of the members of the local council within a period not exceeding two months.

Only one referendum may be held during a municipal or regional term of office.

When setting the date of the referendum, the local authority council must take into account the deadlines for drawing up the budget.

No referendum may be held during the first or last year of a municipal or regional term of office.

**Art. 32** – The president of the local authority shall immediately notify the territorially competent governor and the Independent High Authority for Elections of the council's decision to hold a referendum.

The governor may oppose the organization of the referendum before the administrative court of first instance within a period not exceeding one month from the date of notification.

The court shall examine the objection within a period not exceeding two months. The appeal shall be lodged within one week of the date of notification of the judgment of first instance. The administrative court of appeal shall render a final decision within a period not exceeding one month from the date of referral.

**Art. 33** – The expenses related to the organization of the referendum shall be charged to the budget of the local authority. The necessary funds must be available before proceeding with its organization under the auspices of the Independent High Authority for Elections.

The results of the referendum shall be binding provided that the turnout is not less than one-third of registered voters.

**Art. 34** – The local authority undertakes to ensure transparency in the management of local affairs and its operations. It shall take all measures and means to provide access to information relating in particular to:

- draft regulatory decrees of the local authority,
- financial management,
- asset management,
- contracts entered into by the local authority,
- works and investments that the local authority plans to carry out.

Local authorities undertake to conduct internal audits of their management and to publish the results of such audits. The State supports local authorities that adopt an audit and control system.

In cooperation with the National Institute of Statistics, local authorities undertake to maintain an accurate local statistical database, classified in particular by gender and sector, and to make it available to public authorities, researchers, and the public for use in the development of public policies and development plans, as well as in various research projects, subject to legislation on the protection of personal data.

The National Institute of Statistics shall establish models and procedures for the compilation of statistical data for the benefit of local authorities and shall assist them, as far as possible, in maintaining such data.

**Art. 35** – Municipal and regional councils may decide by a majority of their members to organize public meetings with residents at which the council will provide clarifications and residents will make proposals prior to the adoption of the following decisions in particular:

- the revision of local taxes,
- the conclusion of cooperation and partnership agreements,
- participation in the creation of public enterprises,
- concluding cooperation agreements with central authorities,
- authorizing another local authority to exercise powers falling within its own jurisdiction or agreeing to take on powers falling within the jurisdiction of another local authority,
- the management of public property,
- regulatory decrees of local councils,
- foreign partnership and cooperation agreements,
- the financing of associations and the management of donations.

This meeting may be convened upon a reasoned request made by at least 5% of those registered on the electoral roll of the municipality or region. In this case, the local authority must organize a meeting within 30 days of the request being submitted.

**Art. 36** – The decrees, announcements, communiqués, and notices provided for in this law shall be posted on the portal reserved for local authorities.

**Art. 37** – The presidents of local councils and their members shall declare their assets and interests in accordance with the legislation in force.

### **Section 6 – Solidarity, equalization, and compensatory inequality**

**Art. 38** – In order to promote solidarity between different areas of the national territory, the State undertakes to help local authorities achieve financial equilibrium and enjoy effective administrative and financial autonomy through investments and transfers of specific equalization credits granted by the fund for support for decentralization, equalization, and solidarity between local authorities financed by the State budget.

Starting in the year following the promulgation of this law, adjustment and equalization credits shall be allocated on the basis of a program prepared by the local authority concerned with a view to achieving financial equilibrium and good governance.

Each year, the High Council of Local Authorities shall draw up a list of local authorities eligible for the financial balance program based on data available to the High Authority for Local Finance.

**Art. 39** – Credits allocated for adjustment and equalization shall be distributed with a view to limiting imbalances between different local authorities and improving the living conditions of inhabitants in accordance with the principle of compensatory inequality.

In accordance with the criteria set out in this law, a government decree, issued on the recommendation of the High Council of Local Authorities and after consultation with the High Administrative Court, shall determine the conditions for the distribution of adjustment and equalization funds.

These criteria shall be updated whenever necessary.

### **Section 7 - Decentralized cooperation**

**Art. 40** – Within the limits authorized by law, and subject to compliance with the commitments of the Tunisian State and its sovereignty, local authorities may enter into cooperation and development project agreements with local authorities in countries with which the Republic of Tunisia maintains diplomatic relations, or with governmental or non-governmental organizations working to promote decentralization and local development.

Agreements signed by the president of the local authority with foreign parties shall cover, in particular, the cultural, social, and economic fields, vocational training, sport, health, education, urban planning, agriculture, environmental protection, support for renewable energies, and gender equality.

When negotiating agreements with foreign parties, local authorities are required to consult with the relevant departments of the Ministry of Foreign Affairs.

The texts of the agreements must be sent to the Ministry of Foreign Affairs at least two months before they are submitted to the local authority council for approval.

From the date of notification of the agreement documents, the Ministry of Foreign Affairs may reject the draft agreement on grounds of sovereignty related to the foreign policy of the State or public order.

The local authority concerned may appeal against the refusal of the Ministry of Foreign Affairs before the Administrative Court of Appeal of Tunis, which shall rule within a maximum period of one month from the date of referral to the High Administrative Court, which shall rule within two months from the date of referral. The reasons of sovereignty that led to the refusal shall be disclosed only to the relevant judicial authorities.

The decision of the High Administrative Court is final.

In the event of a judicial appeal, the deliberations of the local authority council shall be postponed until a final judicial decision has been handed down.

**Art. 41** – Agreements shall only enter into force after they have been approved by the local authority council and the said approval has been published in the official journal of local authorities.

Agreements shall be published on the website of the local authority concerned.

**Art. 42** – Local authorities undertake to honor their commitments to foreign parties and shall ensure that the reputation and sovereignty of the Republic of Tunisia are preserved.

Persons and parties involved in partnership and cooperation relations undertake not to commit any act that could damage the reputation and dignity of the Republic of Tunisia.

## Section 8 – Training

**Art. 43** – Members of local councils and local authority officials are entitled to training appropriate to their duties.

Local authorities shall cooperate with higher education institutions and training establishments in organizing training programs for elected officials and civil servants.

Local authorities shall allocate funds amounting to no less than 0.5% of their operating budget to provide training in line with the programs adopted for this purpose.

**Art. 44** – A national commission for the training of local government officials shall be established to oversee, in accordance with the law, the establishment of training programs and the monitoring of their implementation for the benefit of local elected officials.

The commission shall be composed of six members from among qualified persons appointed by the president of the High Council of Local Authorities as follows:

- the chair of the commission,
- two representatives of municipalities,
- one representative of the regions,
- one representative from the districts,
- a representative of the ministry responsible for training.

The principle of gender parity shall be taken into account in the appointment of members.

The chair of the commission may invite any person whose presence is deemed useful.

The commission meets at the training and support center for decentralization, and its operating expenses are covered by its budget.

The training and support center for decentralization provides the commission's secretariat and keeps its documents.

### **Section 9 – Official Journal of Local Authorities**

**Art. 45** – Local government regulations shall be published in the Official Journal of Local Governments in Arabic. They may be published for information purposes in one or more other languages.

The Official Printing Office of the Republic of Tunisia shall be responsible for the free electronic publication of local authority regulations in the Official Journal of Local Authorities within a period not exceeding five calendar days from the notification of a copy of said decisions by any secure means.

At the request of the local authority and at its expense, the decisions shall be published in paper form.

**Art. 46** – Local authority regulations shall enter into force five days after their publication on the website of the Official Journal of Local Authorities.

### **SECTION 10 – The High Council of Local Authorities**

**Art. 47** – The High Council of Local Authorities is responsible for:

- examining issues relating to development and balance between regions,
- coordinating national and local public policies, plans, programs, and projects,
- coordination with constitutional bodies and ministries involved in local affairs and decentralized international cooperation,
- the study of ways to promote cooperation and consultation between different local authorities,
- monitoring training programs for local elected officials and local government employees.

The High Council may submit proposals to the public authorities.

**Art. 48** – The High Council of Local Authorities is composed as follows:

- , one mayor from each region, elected by their peers from the same region, upon convocation by the territorially competent governor within a period not exceeding two months from the date of proclamation of the final results of the municipal elections,
- the presidents of the municipal councils of the four most populous municipalities, provided that they belong to different regions,
- the presidents of the municipal councils of the four municipalities with the lowest development index, provided that they belong to different regions,
- ly the presidents of the regions,
- s district presidents.

The president of the most representative association of Tunisian cities and one of the non-elected representatives of the High Authority for Local Finance attend the sessions of the High Council without voting rights.

The president of the High Council may invite any person whose presence is deemed useful, without voting rights.

**Art. 49** – The High Council of Local Authorities is managed by a bureau composed of a president and two vice-presidents, elected for a non-renewable five-year term at the first meeting of the High Council convened by the president of the Assembly of People's Representatives and chaired by the oldest member.

The president of the High Council is elected by secret ballot. The candidate who obtains an absolute majority of the votes of the members of the High Council in the first round is declared the winner.

If no candidate obtains an absolute majority, a second round is held between the two leading candidates.

The candidate with the highest number of votes shall be elected President of the High Council.

In the event of a tie between the two candidates, priority shall be given to the younger candidate.

Unless impossible, the two vice-presidents shall be elected in accordance with the principle of parity, following the same procedures as set out in the preceding paragraphs.

In the event of a partial or total vacancy within the bureau, the High Council shall meet automatically within a period not exceeding one month, upon convocation by its president or one of the vice-presidents or, where applicable, one-third of its members, to fill the vacancy in accordance with the same procedures provided for in this article.

The High Council may, upon a reasoned request from one-third of its members, pass a motion of censure against the president of the High Council of Local Authorities by a majority of three-fifths of its members.

**Art. 50** – The High Council of Local Authorities shall meet in plenary session with all its members once every two months and whenever necessary at the request of its president or one-third of its members.

The meetings of the High Council of Local Authorities are public. The date of the session shall be published by any available means of information. The minutes of the sessions shall be published on the official website of the High Council.

The High Council may decide by an absolute majority of its members to hold a closed session at the request of its president or one-third of its members.

The High Council shall meet validly when a majority of its members are present. If the quorum is not reached, the council shall meet within a period not exceeding three hours, at the same place, regardless of the number of members present.

The High Council adopts its decisions and opinions by a majority of the members present.

**Art. 51** – An administration shall be established within the High Council of Local Authorities, under the authority of the President of the Council, by government decree, on the proposal of the High Council and on the advice of the High Administrative Court.

**Art. 52** – The financial resources of the High Council of Local Authorities shall consist of:

- of contributions from local authorities up to 0.1% of transfers from the fund supporting decentralization, regularization, equalization, and solidarity between local authorities for local authorities whose development index exceeds the national index, and up to 0.05% of the same transfers for the remaining local authorities.
- allocations from the state budget,
- donations and gifts,
- and other resources.

The management expenses of the High Council of Local Authorities are included in a special budget approved by the High Council. The President of the High Council is its authorizing officer. The accounts of the High Council are subject to audit by the Court of Auditors.

**Art. 53** – The High Council of Local Authorities must be consulted on draft legislation concerning local authorities, in particular laws relating to planning, the budget, and local finances.

The High Council shall deliver its opinion within a period not exceeding three months from the date of the request submitted to it. The period shall be reduced to one month in urgent cases.

**Art. 54** – The High Council of Local Authorities shall hold an annual meeting in June, attended by the members of the High Authority for Local Finance, to examine the state of local finances and developments therein.

**Art. 55** – The High Council of Local Authorities shall draw up reports evaluating the transfer of powers. These reports shall be published in the Official Journal of Local Authorities and on the Council's website.

**Art. 56** – The President of the High Council of Local Authorities may be invited to attend the proceedings of the Assembly of People's Representatives, which may question him when examining bills relating to local authorities.

The bureau of the High Council of Local Authorities may be invited to meetings of one of the parliamentary committees of the Assembly of People's Representatives to hear its members or to take note of the concerns and grievances of local authorities.

**Art. 57** – The High Council of Local Authorities shall draw up an annual report on the functioning of local authorities. This report shall be approved by its plenary assembly and published on the Council's website.

The annual report shall be submitted to the President of the Republic, the President of the Assembly of People's Representatives, and the Head of Government.

**Art. 58** – The High Council of Local Authorities may, under the same conditions and procedures as those applicable to local authorities, enter into cooperation and partnership agreements with its counterparts and with the economic and social councils of States with which the Republic of Tunisia maintains diplomatic relations.

**Art. 59** – The High Council of Local Authorities shall approve its rules of procedure within a period not exceeding three months from its establishment.

The rules of procedure shall determine the organization and functioning of the Council.

**Art. 60** – The High Council of Local Authorities shall refer any matter relating to local finances to the High Authority for Local Finance for its opinion and for the purposes of the law.

### **Section 11 – The High Authority for Local Finance**

**Art. 61** – A High Authority for Local Finance shall be established under the supervision of the High Council of Local Authorities, responsible for examining all matters relating to local finance, its consolidation, modernization, and sound management in accordance with the rules of good governance, in order to promote the financial autonomy of local authorities and reduce disparities between them. It shall be responsible in particular for:

- Submit proposals to the government to improve local finances in order to strengthen the financial capacity of local authorities to meet local needs.
- Propose estimates of financial resources that can be transferred to local authorities in the draft state budget,
- Propose criteria for the distribution of state transfers to local authorities,

- Monitor the implementation of the distribution of shares allocated to each local authority from the decentralization support fund, regularization, equalization, and solidarity between local authorities and, where appropriate, propose any necessary changes.
- Conduct preliminary studies on the estimated cost of transfers or expansion of powers in consultation with the central authority services,
- Conduct financial analyses of the various local authorities in light of the financial statements that must be submitted to it by said authorities,
- Examine the volume of public remuneration of local authorities in accordance with the provisions of Article 9 of this law,
- Monitor the indebtedness of local authorities,
- Conduct periodic assessments and forecasts of local finances every three years.

**Art. 62** – The High Authority for Local Finances shall draw up an annual report on its activities and on the state of local finances during the past year. This report shall be presented to the High Council of Local Authorities at a meeting held in June.

The report shall be published in the Official Journal of Local Authorities and on the council's website.

**Art. 63** – The High Authority for Local Finance is composed as follows:

- A financial judge proposed by the High Council of the Judiciary, appointed as president of the Authority for a non-renewable four-year term by government decree issued with the agreement of the president of the High Council of Local Authorities,
- Nine representatives of the High Council of Local Authorities appointed by the president of the High Council of Local Authorities according to criteria set by him, taking into account the representation of local authority categories and the principle of parity,
  - A representative of the Ministry responsible for local authorities,
  - Two representatives of the Ministry of Finance responsible for managing the state budget, public accounting, and revenue collection,
  - One representative of the Ministry responsible for state property,
  - A representative of the Local Authorities Loan and Support Fund,
  - A certified public accountant nominated by the Tunisian National Association of Certified Public Accountants for a non-renewable four-year term,
  - An accountant nominated by the Tunisian Association of Accountants for a non-renewable four-year term.

A permanent secretariat attached to the ministry responsible for local authorities shall be established within the High Authority for Local Finance.

**Art. 64** – The first meeting of the High Authority for Local Finance shall be convened by the President of the High Council for Local Authorities.

The High Authority for Local Finance shall meet when convened by its president. It shall deliberate validly when the majority of its members are present. If the quorum is not reached, the Authority shall meet 24 hours later at the same place, provided that the number of those present is not less than one-third.

**Art. 65** – The State shall provide the Authority with premises in Tunis and the necessary resources to carry out its functions.

The funds necessary for the operation of the High Authority for Local Finance are included in the state budget, and its budget is attached for administrative purposes to the ministry responsible for local affairs. The president of the authority is the authorizing officer for the said budget.

## **Section 12 – Progressivity in the establishment of decentralization and its support**

**Art. 66** – The State shall establish a decentralized system in accordance with Chapter Seven of the Constitution and shall gradually provide it with the conditions for effectiveness and efficiency.

On the proposal of the government, the Assembly of People's Representatives shall approve, during the first year of each term of office, a plan for the program to support decentralization and its development in a framework law setting out the objectives and resources allocated for this purpose during the term of office.

The government shall prepare an annual evaluation report on the progress made in implementing decentralization and the support provided for it. This report shall be submitted to the Assembly of People's Representatives before February 15 of the following year.

**Art. 67** – The High Council of Local Authorities shall prepare an evaluation report on the implementation of the five-year plan to support and promote decentralization before the end of June of the last year of the plan's implementation. This report shall be submitted to the Assembly of People's Representatives and the Government.

**Art. 68** – The Assembly of People's Representatives may request the Court of Auditors to prepare an evaluation report on the results of the implementation of the program to support and promote decentralization for a specified period.

The Court may, where appropriate, submit concrete proposals for improving the performance of local authorities in a report made public.

## **Chapter II – Local authority property and services Section 1 – Local**

### **authority property**

**Art. 69** – All movable and immovable property of local authorities that is considered as such by law and allocated for public use, either directly or as part of a public service and specially equipped for this purpose, shall be considered as local public property.

The following are considered to be property assigned for direct public use:

- avenues and streets,
- public places,
- public gardens,
- public roads and their appurtenances, except for national roads and highways,
- all property that the law considers as such.

The following are considered to be property assigned to public service:

- plots of land owned by the local authority on which water, gas, electricity, sanitation, communication, and other public works and networks are installed,
- stops assigned to public transport services and their appurtenances,
- municipal childcare centers, youth centers, and kindergartens,
- property transferred by the State to the local authority for the purpose of managing a public service.

**Art. 70** – The following assets are part of the local public domain:

- property expropriated and transferred to local authorities for the construction of public works or property acquired and allocated for this purpose by the local authority,
- property from housing developments,
- donations and bequests of real estate or works of art granted to local authorities,
- sports and cultural facilities, as well as facilities for children, built by the local authority or owned by it on the date of promulgation of this law,
- public property transferred by the State to the local authority,

- property classified as public domain by law.

**Art. 71** – Local public property is imprescriptible, unseizable, and inalienable. Legislation relating to possession does not apply to it.

However, the transfer of ownership of public property may be carried out amicably without prior declassification between public entities, if the property being transferred is used by the beneficiary public entity to carry out its duties and is incorporated into its own public domain.

The public nature of the local authority's domain may only be withdrawn by a decision voted by a three-fifths majority of the members of the local authority council.

**Art. 72** – All buildings and land owned by local authorities and not classified as public property form part of the private domain of local authorities.

The following assets are considered to be part of the local private domain:

- buildings and premises for professional, commercial, or craft use,
- buildings for residential use,
- undeveloped land not allocated for public works or public services and which may be transferred by the State to local authorities,
- movable property acquired or produced by the local authority that represents a countervalue and to which the law has not attributed public status,
- shares in public companies and publicly owned companies and their financial support,
- markets, slaughterhouses, and warehouses,
- decommissioned public property,
- cemeteries,
- land whose ownership is transferred to local authorities by way of purchase or exchange or in return for the recovery of debts or transfer from the State or other persons.

**Art. 73** – The president of the local authority shall keep two registers of immovable and movable property and ensure that they are updated immediately. To this end, he shall submit a periodic report to the local council. A copy of both registers shall be transferred to the public accountant of the local authority concerned.

A secure electronic system may be adopted for the keeping of these two registers.

The model for each of the two registers provided for in this article shall be established by government decree, after consultation with the High Council of Local Authorities and the High Administrative Court.

**Art. 74** – Assets belonging to the private domain shall be managed and exploited in accordance with a decision of the local authority council voted by an absolute majority.

The resolution shall determine the method of exploitation of private property, the income to be generated by such exploitation, and the allocation of such income.

The regional treasurer shall be kept informed of such resolutions.

## **Section 2 – General principles governing the operation of local public services**

**Art. 75** – The operation of all local public services shall comply with the following principles:

- equality between users and co-contractors of the public service,
- continuity of services,
- adaptability,
- sustainable development,
- transparency,

- accountability,
- neutrality,
- integrity,
- efficiency and protection of public funds,
- open governance.

**Art. 76** – Local authorities guarantee access to information and undertake to publish all documents relating to the functioning of public services in accordance with the legislation in force.

Local authorities shall draw up periodic reports on the functioning of public services and publish them on their respective websites.

**Art. 77** – Local authorities undertake to comply with the principles and rules governing the operation of local public services managed directly by them, as well as through the procedures for their allocation to third parties, their execution, and their control, in accordance with the public services charter proposed by the High Council of Local Authorities.

Those responsible for managing a public service must observe the same principles and rules in their relations with service users.

**Art. 78** – At the request of civil society organizations, the local authority may set up a special commission composed of members of the council and officials from its administration, as well as representatives of civil society, responsible for monitoring the operation of public services without interfering in their management.

This commission shall submit reports to the local authority council.

The local authority may also survey the opinion of users on the functioning and management of any of the local public services using a form which must be prepared and studied in accordance with the requirements of transparency, objectivity, and independence. The results of the survey shall be published by any available means.

**Art. 79** – During the last year of its term of office, the local authority council shall appoint one or, where appropriate, several experts to audit the management methods of public services of an economic nature and the allocation of their management in accordance with the legislation and regulations in force. The audit report shall be published on the local authority's website following its public presentation during the last session of the local authority council.

### **Section 3 – Methods of managing public services and local authority contracts**

**Art. 80** – The local authority may operate its services directly or indirectly.

The local authority shall enter into contracts under which it entrusts public or private entities with the management of its public services or with the performance of a public contract.

The choice by local authorities of the mode of management of public services is subject to an assessment to determine the best mode of management, taking into account both efficiency and quality criteria and the specific capacities of the local authority. The local authority council may call on the expertise of qualified persons to assess and choose the best mode of management.

#### **Subsection One – Direct Management**

**Art. 81** – Local authorities shall manage their public administrative services, in principle, on a direct management basis.

The local authority may operate these services in the form of a local agency.

The revenue and expenditure of the administration shall be entered in the budget of the local authority in accordance with the simplified accounting rules laid down by government decree on the advice of the National Council for Public Accounting Standards and the High Administrative Court.

The operation of public services shall comply with the rules of efficiency, quality, and protection of public funds.

**Art. 82** – The local authority council may also decide to operate certain local public services in the form of a public utility company.

A special budget shall be allocated to these agencies, which are responsible for operating local public services. The accounting rules applicable to companies shall apply to them. An auditor shall be appointed in accordance with the criteria of competition and transparency and in accordance with the regulations and procedures in force to ensure their control.

A government decree issued on the proposal of the Minister of Finance and the Minister of Local Authorities, after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court, determines the administrative and financial organization of these agencies, as well as their financial regime and management methods.

## Subsection 2 - Contract management

### A- Concession

**Art. 83** – Within the meaning of this law, a concession contract is a contract whereby a local authority, in its capacity as a public entity designated as the grantor, entrusts, for a fixed term, to a public or private entity, in its capacity as concessionaire, the management of a public service or the use or operation of property, materials, or equipment, or the collection of fees payable to the local authority in return for remuneration that it receives from users for its benefit under the terms and conditions set out in the concession contract.

The concessionaire may be responsible for the construction, modification, or extension of buildings and structures, or for the acquisition of equipment or materials necessary for the performance of the contract.

**Art. 84** – Local authorities may operate part of their public services, property, markets, parking lots, shelters, or advertising spaces, or the advertising rights to which they are entitled, or even the construction of real estate complexes on their land under concession contracts in accordance with the laws and regulations in force and subject to compliance with the principle of free administration.

After a call for competition and subject to compliance with the rules of transparency, local authority councils shall deliberate and approve concession contracts, their duration, and their financial clauses. Local authorities may, for this purpose, consult the competent bodies and services of the central government.

The grantor and the concessionaire shall ensure that the financial balance of the contract is maintained within the limits of the requirements imposed by the public service covered by the contract and in accordance with the remuneration received by the concessionaire.

### B- Public service delegation contracts

**Art. 85** – Local authorities may, upon deliberation by their councils, decide to operate public services of an economic, industrial, and commercial nature through "local public service delegation" contracts, whereby the delegating local authority entrusts a public or private entity, in its capacity as delegate, the management of a public service that is not of an administrative nature falling within its prerogatives and whose remuneration is substantially linked to the results

of the operation of the public service that is the subject of the delegation, with the delegatee assuming the financial risks associated with the operation of the service.

The public service delegation contract may require the delegatee to carry out construction work or acquire the goods or equipment necessary for the operation of the service.

The deliberations of the local authority council shall specify the nature of the public services to be delegated and their technical characteristics.

Local authorities may seek assistance from specialized firms or companies to negotiate and draft public service delegation contracts. Public service delegation contracts shall be concluded in accordance with procedures that comply with the principles of competition, equality, transparency, and fairness.

**Art. 86** – Public service delegation contracts may not be concluded if the law requires the service to be operated by the local authority or if its exclusive operation is assigned by law to a public institution or company.

**Art. 87** – The following persons may not apply for public service delegation contracts:

- any person who has been convicted of a criminal offense punishable by imprisonment for more than six months, with the exception of persons convicted of unintentional offenses not followed by flight,
- any person prosecuted for bankruptcy or subject to proceedings for the reorganization of companies in economic difficulty,
- any person who cannot prove that their tax situation with the State and local authorities is in order,
- all presidents, council members, and agents of local authorities,
- the accountant of the local authority,
- all cases of conflicts of interest in accordance with the legislation in force.

**Art. 88** – Public service delegation tenders are subject to competitive bidding, which is advertised by posting on the local authority's website, in at least two daily newspapers, and by displaying at its headquarters.

The call for competition shall set an appropriate deadline to ensure genuine competition, taking into account the importance of the subject matter of the contract.

The tender notice must include the following:

- the subject matter of the contract,
- the place where the specifications can be viewed and obtained,
- the place, date, and deadline for receiving bids,
- the place, date, and time of the bid opening session,
- the period during which candidates will remain bound by their bids,
- the supporting documents to be submitted relating to the technical characteristics and financial guarantees required.

The principles set out in Article 75 of this law shall be taken into account.

**Art. 89** – Bids shall be opened by a committee composed as follows:

- a chairperson appointed by the president of the local authority concerned or his or her representative,
- two members of the local authority council, appointed by the local authority council,
- two specialist technicians appointed by the local authority's office.

The secretary general or executive director of the local authority concerned, or their representative, shall act as secretary to the commission.

The accountant of the local authority shall attend the commission's meetings. He or she shall issue an advisory opinion.

**Art. 90** – Public service delegation contracts shall be concluded for a fixed term, taking into account the nature of the services requested from the delegatee.

If the public service delegation contract requires the delegatee to carry out construction work or acquire assets, the nature of the construction work and assets, the depreciation period, and the amount of the investment to be made for this purpose shall be taken into account when determining the term of the contract.

**Art. 91** – Public service delegation contracts may only be extended by a reasoned decision taken by a majority of the members of the delegating authority's council. The extension shall take place in one of the following cases:

- at the initiative of the delegating authority for reasons relating to the proper functioning of the public service or the extension of the geographical scope of the delegation, or to carry out physical investments not provided for in the initial contract,
- at the initiative of the delegating authority for reasons relating to vital local public interest,
- at the initiative of the delegatee for reasons relating to the proper functioning of the public service or in the event of unforeseen circumstances causing a delay in completion.

In all cases, an amendment to the initial contract shall be concluded.

**Art. 92** – The special commission referred to in Article 89 of this law receives the bids and draws up a list of candidates admitted to participate, after studying the technical characteristics and financial guarantees presented in the application files and after verifying their ability to ensure the continuity of public service and equality among its users.

**Art. 93** – The commission referred to in Article 89 of this law shall rank the candidates in order of merit, taking into account both their technical and financial bids. It shall draw up minutes of its proceedings and forward them to the local authority council.

The candidate whose bid has been accepted is announced at a public meeting.

Any candidate whose bid has not been accepted may, within a period not exceeding fifteen days from the date of the meeting indicated, request that the reasons for the rejection of their bid be communicated to them in writing. The president of the local authority undertakes to respond to this request within fifteen days.

The president of the local authority shall send the delegation contract and its amendments to the candidate whose bid has been accepted and shall invite them to sign the draft contract within a period not exceeding fifteen days. If this deadline is exceeded, the candidate ranked next in the list of accepted bids shall be considered the successful bidder. The contract shall be concluded with them in accordance with the same procedures.

**Art. 94** - The local authority may only proceed with direct negotiation or organize a consultation in the following cases:

- when the call for competition has been declared unsuccessful twice in a row,
- when the subject matter of the contract relates to services that can only be performed by a specific person or to an activity whose operation is reserved for a patent holder or a holder of cultural or heritage assets,
- in cases of absolute urgency and extreme necessity for performance.

The mutual agreement is sent to the territorially competent governor and the regional treasurer for information.

The governor may challenge the above agreement before the competent territorial court within 15 days of the date of notification. The challenge suspends the execution of the contract. The court shall render its judgment within one month of the date of referral.

An appeal against the judgment may be lodged within ten days before the competent court of the Court of Auditors, which shall render its decision within one month. Its decision shall be final.

**Art. 95** – The delegating authority reserves the right to exercise, on a permanent basis, general economic, technical, and financial control over the obligations arising from the contract, as well as its right to revise the terms of the contract in accordance with public service requirements, while guaranteeing the delegatee's right to the financial balance of the contract. To this end, the delegating authority may be assisted by experts or agents, keeping the delegatee informed. The above-mentioned power of control shall not disrupt the normal operation of the service covered by the delegation contract.

**Art. 96** – The delegatee shall be responsible for the management and organization of work within the public service covered by the contract. It shall be liable, in accordance with the legislation in force, for all buildings, structures, and fixed installations that it operates within the scope of the delegation. It must take out civil liability insurance policies for the entire duration of the delegation, covering the risks resulting from the work it carries out and the operation of the aforementioned buildings, structures, and installations. The insurance policy must include a clause prohibiting it from terminating or making significant changes to the policy without the prior consent of the delegating authority.

The local authority remains responsible for the operation of the public service vis-à-vis its users, and is responsible for taking legal action against the delegatee.

**Art. 97** – The delegatee is required to personally perform the delegation contract, unless the contract authorizes it to subcontract part of its obligations and after prior authorization from the delegator. In all cases, the delegatee remains personally liable to the delegator and third parties for the performance of all obligations imposed on it by the contract.

During the performance of the contract and until its termination, the delegatee is required to safeguard the buildings, structures, and facilities necessary for the performance and management of the subject matter of the contract and undertakes to respect the principle of equal treatment of users and continuity of services rendered.

Notwithstanding the contractual clauses, the buildings and works shall revert to the local authority at the end of the contract.

**Art. 98** – The delegatee may request the termination of the contract in the event of non-compliance by the delegator with one of its substantial contractual obligations after formal notice requiring it to fulfill its commitments within a period specified in the contract. The delegatee is authorized to claim compensation for the damage it has suffered as a result of the breach that led it to request termination.

**Art. 99** – The delegating local authority may terminate the delegation contract early in the following cases:

- if the general interest or the requirements of the proper functioning of the public service require its performance by the delegating public authority, provided that it informs the delegatee in advance of its intention to terminate the delegation contract at least six months in advance. The delegatee retains its right to fair compensation covering all the damage it has suffered as a result of the early termination of the contract, which shall be paid to it without delay,
- if the delegatee has committed a serious breach of one of its substantial contractual obligations, after written notice granting it a reasonable period of time to remedy the breach and which remains without effect.

### **C-Partnership contracts**

**Art. 100** – The local authority may entrust a private partner with a comprehensive mission relating wholly or partly to the design and construction of works, equipment, or tangible or intangible infrastructure necessary to provide a public service, in accordance with the legislation in force relating to partnership contracts between the public and private sectors, subject to compliance with the principle of free administration.

**Art. 101** – The partnership contract shall determine the obligations of the parties.

### SUBSECTION 3 – CONTRACTS

**Art. 102** – Subject to compliance with the provisions of this law, contracts for supplies, goods, services, studies, and works shall be concluded by local authorities on the basis of the principles of free participation, competition, transparency, equal opportunity, and fairness.

A government decree issued on the advice of the High Council of Local Authorities and the High Administrative Court shall establish the legal framework for the conclusion, execution, and control of local authority public contracts.

### Section 4 – Enterprises, shareholdings, and local development

**Art. 103** – Local authorities may, within the limits of the powers conferred on them by law, create local public enterprises or participate in publicly owned enterprises for the operation of industrial or commercial public services.

For the purposes of this law, a local public enterprise is defined as any local public institution or public limited company subject to the legislation in force and whose capital is held individually or jointly by local authorities to an extent exceeding fifty percent.

**Art. 104** – The local authority council shall approve the creation of the local public enterprise, participation in its capital, participation in enterprises with local public participation, or the relinquishment of the majority of the capital of local public enterprises, which shall then become enterprises with public participation.

The legislation in force relating to public holdings and enterprises applies to local public enterprises and enterprises with public holdings, subject to compliance with the principle of free administration and the provisions of this law.

**Art. 105** – The local development plan, drawn up using a participatory approach and with the support of government departments, shall constitute the reference framework for the actions and interventions of local authorities and their subordinate bodies in the field of overall development.

When preparing the local development plan, account must be taken of the capacities of the local authority and the amount of financial support provided by the State and the various actors involved in development in any capacity whatsoever.

The local development plan, with the support of the State, seeks to consolidate the comparative advantages of each local authority or to give it attractive advantages in order to promote its development and encourage investment.

**Art. 106** – The local authority council approves local development plans and takes into consideration:

- the requirements of sustainable development,
- encouraging young people to set up projects,
- equality between people and equal opportunities between the sexes,
- promoting employment,
- support for people with disabilities,
- the fight against poverty,
- balance between areas within the local authority.

**Art. 107** – In order to develop economic activities carried out within the limits of their territorial jurisdiction and employing a large workforce or having high added value, local authorities may grant direct or indirect aid to economic enterprises. Such aid shall be allocated by the local authority councils by a majority vote of three

fifths of their members, in accordance with the law and the requirements of transparency, competition, equal opportunity, and sound management of public funds, as well as the international commitments of the Republic of Tunisia.

Direct aid takes the form of grants, interest-free loans or loans with flexible terms, or the provision of land or premises to investors.

Indirect aid takes the form of leases or transfers of real estate at preferential prices concluded with the economic and social enterprises concerned.

The financial consideration for the contracts referred to above shall be determined on the basis of the reference prices on the real estate market in the area concerned, to which discounts may be applied in accordance with the expected economic and social benefits of the contracts.

Local authorities determine, through deliberations by their councils, the guarantees to be provided by economic enterprises wishing to benefit from the aid and the amount of such aid, taking into account the specific nature of each economic activity.

The consequences of non-compliance by the local authority's co-contractor with its obligations are determined by the legislation in force and the contractual clauses.

**Art. 108** – The contracts referred to in Article 107 of this law, together with the related documents, shall be sent to the governor and the regional treasurer.

The regional treasurer and the governor may challenge the contracts before the territorially competent court. Such a challenge shall suspend the performance of the contract.

Opposition shall be exercised in accordance with the provisions of Article 94 of this Act.

**Art. 109** – Local authorities shall endeavor to support the social and solidarity economy and sustainable development projects through contracts concluded for this purpose and in accordance with the legislation in force.

Local authorities shall ensure that funds are allocated to support social and solidarity economy projects and projects promoting the integration of rural women and persons with disabilities into economic and social life.

The local authority council shall endeavor to encourage economic enterprises to invest in green economy and renewable energy projects in particular.

Green economy and renewable energy projects shall receive priority support from local authorities.

The State undertakes to support social and solidarity economy projects, as well as sustainable development projects and projects for the effective integration of women into economic and social life, through contracts concluded for this purpose with the local authority concerned.

**Art. 110** – As part of efforts to encourage job creation and economic projects, local authorities may, within the limits of their territorial jurisdiction, enter into agreements with the State defining their action plans and the assistance that may be granted to promote employment.

These agreements shall be taken into account when drawing up the draft budget of the local authority concerned by the allocation of appropriations for this purpose.

The draft agreements referred to in the first paragraph of this article shall be submitted to the local authority councils for approval by a majority of those present, which may not be less than one-third of the members.

**Art. 111** – On the basis of programs established by their councils, local authorities may grant financial assistance to legally constituted associations to support their social, cultural, sporting, and environmental activities. They may authorize such associations to use various spaces and facilities for activities of general interest in accordance with programs and conditions approved by the local authority and posted on its website.

Aid to associations shall be granted in accordance with the requirements of transparency, equal opportunity, and competition. The local authority council determines, by means of a decision made public by any available means, the conditions for submitting applications for aid, the procedures for counting votes and announcing the results. Applications must be accompanied by the statutes of the association concerned, the latest annual report and the latest financial report approved in accordance with the law.

The local authority may grant subsidies to finance activities considered by its council to be of particular interest on the basis of a "program contract" concluded between the authority and associations whose financial accounts are approved in accordance with the law. The program of activities covered by the contract must be posted on the website of the authority concerned.

Local authority aid to sports associations is subject to the law governing sports organizations.

Local authorities shall publish, before November 15 of each year, a report containing a list of associations receiving aid for that year and a summary of their activities.

**Art. 112** – Local authorities shall endeavor, within the limits of their means, to set aside funds to finance assistance programs for persons with disabilities, persons who are destitute or without family support, elderly persons, children, and women who are victims of violence.

Based on available statistical data, local authorities propose programs to central authorities to support the fight against poverty and provide assistance to people in need.

### **Chapter III – Land use planning, urban planning, and sustainable development**

**Art. 113** – The central authority and local authorities manage the national territory within the scope of their respective powers and coordinate with each other in the field of land use planning and urban planning.

**Art. 114** – Municipalities shall draw up the development plans provided for by the legislation on land use planning and urban planning and which fall within their powers. These plans shall be approved by their elected councils.

When drawing up and implementing these plans, the municipality shall take into account the urban aesthetics and architectural specificity of the area.

Neighboring municipalities may, with the agreement of their elected councils, prepare a joint urban development plan covering their entire territories and approved by said councils.

For the implementation of the works referred to in paragraphs 1 and 3 of this article, the central authority and the municipalities, and the municipalities among themselves, shall coordinate their respective actions.

**Art. 115** – Regions and districts shall, in coordination with the central authority and in accordance with the procedures laid down by the legislation in force, draw up the land-use and development plans provided for by law and falling within their competence, and approve them through their elected councils.

The regions and districts shall be consulted when the central authority draws up land use planning documents falling within its jurisdiction, as provided for by the legislation on land use planning.

**Art. 116** – The various land use and urban planning plans shall be integrated into a hierarchical order based on the principle of harmony and in accordance with the legislation and regulations relating to land use planning and urban planning.

**Art. 117** – The development of areas whose environmental or cultural importance or sensitive nature requires special protection falls within the jurisdiction of the central authority in accordance with legislation relating to land use planning and urban planning.

**Art. 118** – When carrying out the acts mentioned in this chapter, local authorities must:

- comply with national legislation on territorial space,
- comply with national legislation on land use planning and urban planning,
- take into account projects of general interest.

**Art. 119** – When drafting its plans, local authorities must use participatory methods in accordance with the law and participatory procedures established by their elected councils to ensure the effective participation of residents and civil society organizations and guarantee their involvement in the design and determination of major development choices, as well as the implementation of practical arrangements for preparing development plans and monitoring their execution.

In drawing up development plans, local authorities undertake to comply with the principles of sustainable development.

**Art. 120** – The State shall ensure that local authorities' land reserves are consolidated in order to help them implement land use and urban planning programs that promote sustainable development.

**Art. 121** – When carrying out the acts mentioned in this chapter, the central authority or its representative in the region shall notify local authorities in writing of the following irregularities:

- violation of national legislation relating to territorial space,
- failure to comply with public utility easements,
- failure to synchronize actions with the development plans of neighboring local authorities,
- damage to projects of a public nature.

**Art. 122** – Local authority decrees relating to the approval of plans and acts provided for in this chapter shall be published in the Official Journal of Local Authorities.

**Art. 123** – The central authority or its representative shall, at the request of the local authority, call upon the police to enforce decisions relating to the punishment of offenses and the elimination of activities that are unauthorized or carried out in violation of authorizations, or carried out in violation of legal requirements and without declaration to the various competent services, including the tax authorities.

**Art. 124** – Local authorities shall draw up an annual report detailing their actions in the areas of planning, urban development, and sustainable development and shall publish it by any means available.

**Art. 125** – Local authorities may seek the assistance of experts in planning, urban development, and sustainable development to evaluate their programs, plans, and achievements and to consider solutions to any difficulties that may arise during their implementation.

#### **Chapter IV – The financial regime of local authorities**

**Art. 126** – Local authorities shall ensure that their resources and property are used in the local interest in accordance with the rules of good governance and the optimal use of public funds.

Local authorities shall have free disposal of their resources and shall strictly observe the principle of financial legality and the rule of effective budgetary balance.

**Art. 127** – The State undertakes to set up national computer networking systems to ensure the proper management of the resources and assets of all local authorities, to update the necessary census of buildings and activities for the collection of taxes, various fees, local duties and contributions, and to monitor expenditure and revenue. The data collected shall be made available to the High Authority for Local Finance to facilitate the exercise of its powers and assist in the formulation of public policy.

Local authorities undertake to integrate and use the above-mentioned networks.

**Art. 128** – Local authorities' resources are intended to cover expenditure required for the management of local affairs and in the interests of the local authority concerned.

Local authorities may not be required to bear expenses normally borne by the State or its public institutions, except in exceptional and unforeseen cases determined by law and provided that such expenses are reimbursed to the local authority concerned.

**Art. 129** – The accountant of the local authority is a public accountant reporting to the State and acting as chief accountant. He or she is exclusively responsible for the accounts of local authorities. He or she is appointed by order of the Minister of Finance after prior notification of the president of the local authority concerned.

The local authority accountant shall, under his or her personal responsibility, take the necessary steps to recover sums and debts owed to the local authority.

The accountant assists the local authority in drawing up the budget, managing funds, and monitoring debts. He or she executes expenditures in accordance with the law, calculates the impact of proposed measures, and contributes to the protection of the local authority's finances and assets.

### Section One – General Principles of the Budget and Its Resources

**Art. 130** – Local authorities undertake, when preparing their annual budget, to observe transparency and adopt a participatory approach by drawing up a comprehensive, unified, and clear document based on realistic and honest forecasts covering all resources, expenditures, and various commitments.

The financial and accounting operations of local authorities shall be carried out in accordance with the rules laid down by law and the relevant regulations.

**Art. 131** – The State undertakes, through finance laws, tax laws, and laws relating to property, to ensure that, gradually, own resources represent the decisive share of the resources of each local authority. The central authority undertakes to assist local authorities in achieving equivalence between resources and expenditure.

To this end, the State shall, within the framework of finance laws, allocate funds to local authorities on the basis of their financing needs.

**Article 132** – The following are considered own resources within the meaning of this law:

- the proceeds of local taxes, the regime for which is established by law in accordance with Article 65 of the Constitution,
- the proceeds or part of the proceeds of taxes and contributions transferred by law to local authorities, including contributions for urban planning expenses as determined by law,
- the local authority's share of the proceeds of taxes shared between the State and local authorities, with the exception of earmarked resources,

- the proceeds from penalties and transactions for violations of the law and regulations,
- the proceeds from fees, contributions from residents, and fees for services, operations, and authorizations approved by local government councils,
- revenue from various non-tax sources,
- the share of local authorities in respect of adjustment, equalization, and solidarity,
- the local authority's share of the above-mentioned products, which is allocated to local businesses,
- unallocated donations approved by the local authority council within the limits provided for by law.

**Art. 133** – Local authorities undertake to adopt a budget based on an effective balance between resources and expenditure.

The budget of local authorities is voted on a balanced basis when management and development expenditures are approved on the basis of balance, taking into account all prior commitments, including debt servicing.

**Art. 134** – Borrowing resources are necessarily allocated to finance local authority investments. It is prohibited to take out loans to finance the operating budget.

**Art. 135** – Local budget expenditure forecasts shall be determined on the basis of resources that are foreseeable and achievable during the year of implementation, as well as any carryovers from the previous year, and in accordance with the principle of actual balance, in line with the following requirements:

- revenue and expenditure forecasts must be set in accordance with the principle of sincerity, without underestimation or overestimation, taking into account the available data,
- the resources in Title 1 must at least cover the expenditures in Title 1,
- the appropriations necessary to cover the compulsory expenditure provided for in Article 160 of this law must be entered,
- expenditure on debt repayment in principal and interest must be covered by the local authorities' own resources,
- development expenditures related to allocated external resources must not be less than the allocated external borrowing resources,
- the need to take into account the balance in Part 5 of the budget between allocated resources and related expenditures,
- remuneration expenditure must not exceed a threshold equal to 50% of Title 1 for the previous year,
- The annual principal repayment amount of the local authority's debt must not, under any circumstances and taking into account the loans planned during the year, exceed a ceiling equal to 50% of the operating budget realized during the year preceding the year in which the budget is drawn up.

**Art. 136** – The budget of local authorities shall include, for each year, all the resources and expenditures of the authority concerned that it authorizes in accordance with the provisions of this law and within the framework of the objectives of the local development plan.

Subject to the specific provisions of this law, the budget year shall begin on January 1 and end on December 31 of the same year.

**Art. 137** – The budget of local authorities shall be financed by the following resources:

- local taxes and duties established by law for its benefit,
- s taxes and contributions transferred by law to local authorities,
- various fees, taxes, and duties, whatever their name, which do not constitute taxes or contributions within the meaning of Article 65 of the Constitution and whose amounts or rates are set by the elected councils of local authorities for the purposes of operation, services, or authorizations,
- resources transferred by the central authority,

- the proceeds of other non-tax revenues, including the proceeds of fines for violations of the regulations and decrees of each local authority, as well as revenues from local public utilities and enterprises,
- donations,
- borrowed funds,

And any resources created or allocated for the benefit of the local authority by the texts in force.

**Art. 138** – Local authorities shall ensure that a special account is opened with their accounting officer in which the proceeds of donations are deposited, which they are required to allocate to the financing or co-financing of projects of general interest.

This same account shall also hold sums from partners with whom local authorities have partnership relationships in accordance with Article 40 of this law and whose purpose is to finance or contribute to the financing of mutually agreed programs.

This account shall be opened at the request of the president of the local authority after deliberation by its council. This decision shall be notified to the governor and the competent regional treasurer. Information on the opening of the said account shall be made public by any available means.

Any balance remaining in the account shall be carried over from one year to the next, unless otherwise decided when the budget is settled.

The local authority council approves the program for the use of appropriations under this article as part of the annual budget. These appropriations are spent in accordance with the same rules and procedures specific to local authority expenditure.

**Art. 139** – The elected councils of local authorities shall set the amounts or rates of the various duties, fees, taxes, and contributions to the cost of works, whatever their name, levied for the operation, use, or provision of a service, the obtaining of a benefit or authorization, and which do not constitute taxes or contributions within the meaning of Article 65 of the Constitution.

The local authority council shall determine the cases of exemption or reduction of the various duties, fees, taxes, and contributions to the costs of works.

**Art. 140** – Fees, taxes, charges and contributions to the costs of urban planning works, the amounts or rates of which the municipalities are authorized to determine, shall be decided by resolutions published in the official journal of local authorities and brought to the attention of residents by any available means. These resolutions shall concern in particular:

- the entertainment tax,
- the contribution of riverside property owners to the cost of roadworks, sidewalks, and drainage pipes,
- licensing fees for drinking establishments,
- the fee for legalizing signatures,
- fees for certifying that copies are true copies of the original,
- fees for issuing certificates and various documents,
- fees for administrative authorizations,
- fixed parking fees,
- tax on licensed commission agents and market suppliers
- auction fees,
- weighing and measuring fees,
- the right to peddle within markets,
- the right to shelter and guarding,
- the health inspection tax on seafood products,
- slaughter tax,
- the health inspection tax,

- the fee for temporary occupation of certain parts of public roads, streets, and community property,
- fees for the placement and use of advertising signs on all classified roads in the municipality,
- fees for occupying public or private property, for any reason whatsoever,
- concession fees in cemeteries,
- contributions towards the construction of collective parking facilities for means of transport,
- fees for various services or paid operations,
- and all other fees.

**Art. 141** – Fees, taxes, and duties for which the regions are authorized to set the amounts or rates shall be determined by resolutions published in the official journal of local authorities and brought to the attention of residents by any available means. Said resolutions shall concern in particular

:

- fees for the issuance of certificates and various documents,
- taxes on administrative authorizations,
- fees for the use of land and spaces belonging to the region,
- fees for various paid services or operations,
- fees for the disposal or treatment of various types of waste from polluting production units,
- the annual fee for authorization to carry out economic activities that are dangerous or have abnormal negative effects on the environment in accordance with the legislation in force,
- , and all other fees.

**Art. 142** – In addition to the amounts transferred to local authorities by the State and its enterprises, local authority councils shall authorize the annual collection of fees, proceeds, taxes, duties, and miscellaneous revenues accruing to the local authority budget by means of decisions of their councils approving or amending their budgets.

**Art. 143** – Prior to their publication in the Official Journal of Local Authorities, deliberations of a general nature relating to fees, taxes, duties and various amounts shall be forwarded to the governor and the regional treasurer within a period not exceeding ten days from the date of the deliberations.

Within one month of the date of notification of said deliberations, the governor may, where appropriate, bring an action challenging the legality of the decrees relating to the determination of fees, taxes, duties, or operating fees before the territorially competent administrative court of first instance. In urgent cases, the governor may ask the competent administrative judge to suspend the execution of the acts that are the subject of the opposition.

The court shall render its judgment within a period not exceeding one month from the date of referral. An appeal shall be lodged with the competent administrative court of appeal within one month from the date of notification of the judgment. The court of appeal shall render its decision within a period not exceeding one month, and its judgment shall be final.

**Art. 144** – The State shall ensure that the management of certain public or private state-owned properties is transferred to local authorities. The terms and procedures for the transfer, as well as the mechanisms for sharing the costs and resources arising from the operation of the transferred properties, shall be determined by decree issued on the advice of the High Administrative Court.

The State shall transfer the management of certain public or private state-owned properties under its control to local authorities by means of specific agreements.

The State may terminate any agreement relating to the management of public or private property before its expiry date if the local authority's management of the property has proved ineffective.

**Art. 145** – Local authorities shall propose to the competent central authority, on the basis of the data at their disposal, a revision of the fees for the occupation of State public property located within their constituencies, with a view to the optimal exploitation of such property.

Environmental impacts shall be taken into account when determining the annual fee for the exploitation of quarries and other assets, including those belonging to private individuals, in accordance with the polluter pays principle.

## Section 2 – Credits transferred by the state

**Art. 146** – In accordance with the principle of solidarity and within the framework of consolidating decentralization and reducing inequalities between regions, the State shall transfer funds to local authorities for the purposes of adjustment and equalization or to contribute to the financing of vital local projects in accordance with agreements concluded for this purpose.

**Art. 147** – Any expansion of powers or transfer of new powers to local authorities must necessarily be accompanied by a consolidation of local resources determined by law.

The resources transferred to local authorities must be proportional to the costs arising from the transfer or extension of powers.

The High Authority for Local Finance shall, either itself or through a person it designates, carry out a preliminary assessment of the additional costs incurred as a result of the transfer or extension of powers during the first three years of their implementation. Where appropriate, it may submit proposals to the government, the Assembly of People's Representatives, and the High Council of Local Authorities with a view to introducing the necessary amendments to ensure a better balance between costs and expenditure.

**Art. 148** – The resources of the "fund to support decentralization, equalization, and solidarity among local authorities" come from:

- appropriations allocated by finance laws,
- the allocation of a proportion of tax revenues,
- the allocation, where applicable, by law of a portion of State revenues from the exploitation of natural resources pursuant to Article 136 of the Constitution,
- and any other revenue allocated to this fund.

The amounts in the Fund are distributed among the categories of local authorities as follows:

- 70% of the appropriations for the benefit of municipalities,
- 20% of funding for the regions,
- 10% of appropriations for districts.

**Art. 149** – The funds transferred by the Fund for Support for Decentralization, Equalization, and Solidarity between Local Authorities consist of:

- lump sum appropriations,
- equalization appropriations,
- adjustment appropriations,
- bonus credits for municipalities with rural areas,
- exceptional and earmarked credits.

The allocation of credits is published in the Official Journal of Local Authorities.

**Art. 150** – The distribution of credits from the fund supporting decentralization, equalization, and solidarity between local authorities is based on objective criteria that take into account, in particular:

- the number of inhabitants,
- the unemployment rate,

- fiscal potential,
- the development index,
- debt capacity.

Additional funds may be allocated to cover specific expenses incurred by certain local authorities.

A government decree issued on the recommendation of the High Council of Local Authorities and with the approval of the High Administrative Court approves a computer application incorporating the above-mentioned criteria for the allocation of funds.

In exceptional circumstances or in the event of disasters, the State may transfer advances or subsidies to local authorities to help them overcome unforeseen situations.

**Art. 151** – The central authority shall allocate funds annually from the State budget to local authorities, which shall be used:

- to carry out interventions to meet the specific and urgent needs of local authorities and public enterprises concerned, in an amount equivalent to the credit for the previous year plus an amount set by the finance law.

These appropriations shall be entered in the budget of the ministry responsible for local affairs.

- to contribute to the financing of local authority expenditure through an amount entrusted to the local authority loan and support fund for:
  - earmarked and unearmarked development expenditures
  - exceptional support equal to the amount of the previous year's credit plus an amount set by the Finance Act.

### **Section 3 – Recovery of amounts and receivables owed to local authorities**

**Art. 152** – The local authority accountant is personally responsible for ensuring the recovery of amounts and receivables due to the local authority in accordance with the annual recovery targets set with the local authority.

The local authority accountant shall send the president of the local authority a monthly statement detailing the recoveries made and the debts recorded as due and not yet recovered.

Before March 31, the accountant of the local authority shall send the president of the local authority a list of receivables and amounts that cannot be recovered, together with the reasons and justifications for non-recovery. For debts other than tax debts, the local authority council shall, where appropriate, authorize, by a two-thirds majority of its members, the public accountant to write off the said sums from the list of recognized debts.

**Art. 153** – Local authorities shall monitor the collection of fees, contributions, and duties of all kinds to which they are entitled. They shall invite debtors to settle their debts and, in coordination with the public accountant, shall serve them with formal notices by legal means.

The president of the local authority concerned shall encourage the public accountant to initiate proceedings for the recovery of the principal amount of the debt and late payment penalties in accordance with the legislation on public debts.

At the end of each month, the accountant informs the president of the local authority of the progress of recovery proceedings for the past month.

**Art. 154** – The State undertakes to transfer an advance equal to half of the debts recorded in favor of the local authority and which have been recorded for a full year, without having been recovered, provided that they have not been contested before the competent court.

#### Section 4 – Classification of resources

**Art. 155** – The resources of Title I of the local authority budget are divided into the following categories:

- 1st category: tax revenue from property and business taxes,
- 2nd category: other tax revenues,
- 3rd category: taxes, duties, and various fees for administrative authorizations and formalities, and fees for services rendered,
- 4th category: income from the occupation and use of properties and spaces, as well as from the concession of public services or various properties belonging to the local authority,
- 5th category: income from the local authority's domain and its holdings, and miscellaneous income,
- 6th category: transfers from the State for operating expenses.

Section I on tax revenue includes categories 1 and 2.

Section II relating to ordinary non-tax revenue includes categories 3, 4, 5, and 6.

The resources of Title II of the local authority budget are divided into the following categories:

- 7th category: equipment subsidies,
- 8th category: reserves and miscellaneous resources,
- 9th category: domestic borrowing resources,
- 10th category: external borrowing resources,
- 11th category: allocated external borrowing resources,
- 12th category: resources from transferred credits,
- Category 13: resources from matching fund accounts.

Section III on local authorities' own resources for development includes categories 7 and 8.

Section IV, relating to borrowing resources, includes categories 9, 10, and 11.

Section V, relating to resources from transferred appropriations, includes category 12.

Section VI, relating to resources allocated by support fund accounts, includes category 13.

#### Section 5 – Local authority appropriations and expenditure

**Art. 156** – Local authorities shall ensure that appropriations are made available in their annual budgets in accordance with programs and missions that implement the development plan and land-use plans. In drawing up the budget, account shall be taken of mandatory expenditures and the need to promote social justice and gender equality on the basis of statistical data available to the local authority.

The missions shall include a set of programs contributing to the implementation of a strategy of national, regional, or local interest.

The nomenclature of programs and missions is established by a government decree issued on the proposal of the High Council of Local Authorities and on the advice of the High Administrative Court.

Local authorities shall ensure that the implementation of their budget in the context of the development plan and land use plans is evaluated by audit and evaluation experts at least once every three years. The results of the evaluation shall be published on the website of the local authority concerned.

**Art. 157** – Appropriations relating to investment expenditure shall be divided into commitment appropriations and payment appropriations.

Commitment appropriations shall be made available to the authorizing officer to enable him or her to commit the expenditure necessary for the implementation of the investments provided for in the budget.

Payment appropriations allow the sums charged to the local authority to be scheduled within the limits of the corresponding commitment appropriations.

**Art. 158** – Commitment appropriations are valid for an unlimited period. They may be carried over from year to year or, where applicable, canceled.

Payment appropriations not used at the end of a financial year are canceled and cannot be carried over. However, any remaining payment appropriations not used during the budget year may be redeployed and reopened during the following financial year within the limits of the sums actually available and under the same program and, where applicable, reprogrammed taking into account the resources allocated to finance other projects, including in particular the coverage of maintenance expenses, renovation of buildings housing local authority services and their works, and support for local authority libraries. The regional treasurer shall be kept informed of the decision to reopen unused payment appropriations.

**Art. 159** – The expenditures under Title I are divided into the following parts:

- Part 1: public sector salaries,
- Part 2: Service resources,
- Part 3: Public interventions,
- Part 4: Unforeseen and unallocated management expenses,
- Part 5: interest on debt.

These expenditures are grouped into two sections. Section I, relating to management expenditures, comprises categories 1, 2, 3, and 4. Section II comprises expenditures in category 5 relating to debt interest.

The expenses in Title II are divided into the following parts:

- Part 6: direct investments,
- Part 7: public financing,
- Part 8: Unforeseen and unallocated development expenditures,
- Part 9: Development expenditure from assigned external resources,
- Part 10: Debt principal repayments,
- Part 11: Expenditures covered by transferred appropriations,
- Part 12: expenditure from matching funds.

These expenditures are grouped into three sections:

Section III, relating to development expenditures, includes categories 6, 7, 8, and 9.

Section IV relating to expenditure on debt principal recovery includes category 10. Section V relating to expenditure reimbursed and paid from transferred appropriations includes category 11. Section VI relating to expenditure on matching funds includes category 12.

**Art. 160** – The following expenditures are mandatory for local authorities:

- public sector remuneration, including tax and social security deductions,
- repayment of loan installments due in principal and interest,
- repayment of debts due,

- expenses for cleaning and maintenance of streets, sidewalks, public lighting, sewerage and drainage systems, and green spaces,
- expenses related to the preservation of local authority contracts, documents, and archives,
- maintenance expenses for the local authority's headquarters and its various buildings and structures,
- all expenses that the local authority must bear, within the scope of its powers, in accordance with the legislation in force.

**Art. 161** – Local authorities shall bear the remuneration expenses of the agents they recruit in accordance with the law and the provisions of the agents' status.

Local authorities are authorized, in order to fill vacancies for certain jobs, to grant, from their own budget, additional allowances as a supplement to the salaries of executives made available to them by the State for a period determined by agreements concluded for this purpose between the central administration and the local authority at the request of the public employee. The amount of this allowance shall not exceed half of the salary and allowances paid by the employee's original administration.

The official made available to the local authority retains his rights in his original administration, including those relating to the functional position he held, where applicable.

When assigning civil servants or employees of public enterprises seconded to local authorities, priority is given to local authorities with a development index below the national average and a management ratio below the general management ratio in local authorities.

The allowances that may be granted according to the categories and grades of the officials made available to the local authority are set by government decree, on the advice of the High Administrative Court and after consultation with the High Council of Local Authorities.

**Art. 162** – In accordance with the principle of compensatory inequality, the State shall cover the salaries of the secretaries-general of municipalities whose development index is below the national average, based on statistical data available from the National Institute of Statistics.

The salaries and bonuses of the secretaries-general of the aforementioned municipalities shall be granted on the basis of criteria that take into account the geographical characteristics, area, and number of inhabitants of the municipalities.

The said salaries and bonuses shall be set by government decree on the advice of the High Administrative Court.

**Art. 163** – Subject to the provisions of Article 82 relating to public utilities, the expenses of local authorities shall be incurred, authorized, and ordered by the president of the local authority, its authorizing officer, or by his or her deputy delegated for this purpose, or by the person acting in this capacity by virtue of the law.

Local authorities may only enter into contracts if appropriations are available for this purpose in their budget. The regional treasurer or governor may oppose any contract before the territorially competent court on the grounds of absence or insufficiency of budgetary appropriations.

Opposition and appeals shall be exercised in accordance with the provisions of Article 94 of this law.

**Art. 164** – Payment orders are not subject to approval by the public expenditure control services or to any other authorization.

**Art. 165** – Residents of the local authority and civil society organizations registered with the general secretariat, as well as any interested parties, may submit written requests for clarification to the president of the local authority regarding specific revenue or expenditure items. Each request

shall be recorded in a numbered register reserved for requests for clarification. The community may opt for a secure computerized system for keeping this register.

Persons referred to in the previous paragraph who do not receive a response within one month of submitting their request may refer the matter to the competent territorial administrative court.

The court shall, where appropriate, authorize the disclosure of the requested documents.

### **Section 6 – Preparation and adoption of the budget**

**Art. 166** – Local authorities shall prepare their budgets by adopting missions and programs to be carried out over a three-year period in order to achieve specific objectives. Local authorities shall ensure that the principle of annual budgeting is reconciled with the multi-year framework for the implementation of plans and programs.

**Art. 167** – The resources and expenditures opened in each part or section shall be divided into paragraphs and subparagraphs in accordance with a nomenclature that takes into account the accounting system specific to local authorities approved by the High Council of Local Authorities and adopted by government decree on the advice of the High Administrative Court.

**Art. 168** – The president of the local authority shall ensure that the local authority administration draws up a preliminary draft budget on the basis of statistics, available data, and forecasts of transfers that the Ministry of Finance, after consultation with its competent departments, intends to make.

The central authority shall notify local authorities, before June 30, of the preliminary estimates of the grants that will be transferred to them for the following fiscal year. However, it must notify them, before September 10, of the grants that will be transferred to them in accordance with the first paragraph of this article.

**Art. 169** – Members of the local authority council may, before June 30, submit proposals to the committee responsible for financial and economic affairs and management oversight, which may take them into account in the draft budget.

In light of the available statistics, forecasts, reports, and observations, the local government administration, with the assistance of the public accountant and under the supervision of its president, prepares a preliminary draft budget, which it submits to the committee responsible for financial and economic affairs and management oversight before September 1.

The committee responsible for financial and economic affairs and management monitoring shall examine the draft budget, financial statements, and explanatory notes. It shall submit it to the president of the local authority, who shall present it to the local authority's executive committee before September 20.

If the committee fails to complete its task within the aforementioned deadline, the president of the local authority shall take charge of preparing the draft budget with the assistance of persons of his or her choice.

**Art. 170** – The draft budget of the local authority, accompanied by a comprehensive explanatory note, shall be sent to the regional treasurer with territorial jurisdiction before October 15.

The regional treasurer may issue an opinion on the draft budget within one month of the date of transmission of the draft.

The same documents shall be communicated to the members of the local authority council at least fifteen days before the meeting at which the budget is to be deliberated and approved.

**Art. 171** – The following are considered budget documents that must be made public:

- financial statements including the budget, balance sheet, financial performance statement, statement comparing the budget to expenditure, cash flow statement, statement of commitments and explanatory notes,
- the list of transfers and aid to the local authority,
- the list of subsidies granted by the local authority to associations and other organizations and companies,
- the table of real estate acquisitions and disposals,
- the annual investment program.

**Art. 172** – The draft budget shall be submitted by the president of the local authority to the council for discussion and approval at a meeting held before December 1.

If the draft budget is not submitted within the time limit referred to in the first paragraph of this article, the council shall meet within three days upon the request of one-third of its members. If the budget is not approved by the council, the governor with territorial jurisdiction shall give notice to approve the budget by December 15 at the latest.

**Art. 173** – At the meeting of the local authority council devoted to the approval of the budget, the rapporteur of the committee responsible for financial and economic affairs and management monitoring shall present the draft budget and, where applicable, read out the opinion of the regional treasurer on the draft. After the debate has been opened in accordance with the rules of procedure, the draft shall be put to the vote.

During the council meeting, it is prohibited to present any proposal that would undermine the balance of the budget or create new expenses that the local authority's budget is unable to cover.

A vote shall be taken on the estimated resources for each budget heading by section and category. A vote shall be taken on the estimated expenditure for each budget heading by part and article.

The local authority council session remains open until the draft budget is approved by a majority of the members present, provided that their number is not less than two-fifths of the council members.

**Art. 174** – Within five days of its approval by the local authority council, the budget shall be forwarded to the governor and regional treasurer with territorial jurisdiction.

The regional treasurer may request explanations and documents relating to the approved budget.

The governor may, within ten days of notification of the local authority's budget, object to it before the territorially competent court on grounds of budgetary imbalance, failure to include mandatory expenditure, or insufficient appropriations for such expenditure.

On the recommendation of the representative of the central authority, the court with territorial jurisdiction may, where appropriate, order the necessary adjustments to be made to the approved budget or approve the implementation of the budget approved by the local authority council.

Any objection shall be lodged in accordance with the provisions of Article 94 of this Law.

The decisions of the court with territorial jurisdiction shall be binding on all the authorities concerned.

**Art. 175** – If the budget is not approved before December 31 for any reason whatsoever, the rules relating to mandatory resources and expenditures included in the previous year's budget shall remain in force, within the limits of monthly installments determined by decision of the president of the local authority. A copy of the decision shall be sent to the governor and regional treasurer with territorial jurisdiction.

If the budget is not approved by the end of March of the current fiscal year, the local authority council shall be deemed to be dissolved by operation of law.

**Art. 176** – The budget approved by the council shall be published on the local authority's website. A copy shall be made available to the public for consultation at the local authority's general secretariat.

Budget documents and accounting documents shall be kept at the headquarters of the local authority concerned. A copy of these documents shall be kept by the relevant departments of the Ministry of Finance.

Local authorities shall ensure that the above-mentioned documents are digitized and preserved. Copies of the digitized documents shall be sent to the national archives and the national statistics institute.

### **Section 7 – Budget execution and settlement**

**Art. 177** – The total amount of authorized expenditure shall be limited to the revenue actually received.

No expenditure may be incurred unless it is covered by a budget appropriation.

During the year of its implementation, the local authority's budget may be adjusted upwards or downwards depending on the degree of resource realization, and on the basis of a report prepared for this purpose by the committee responsible for financial and economic affairs and management monitoring. Any proposed adjustment shall be submitted to the regional treasurer for opinion. The president of the local authority submits the draft budget adjustment to the council for approval by a majority of the members present, which must not be less than one-third of the members.

At the request of the central authority and during the budget year, the High Council of Local Authorities shall propose any adjustments to the local authority budget that circumstances may require. The proposed adjustment must be justified and submitted to the local authority council for approval by a majority of those present, which must not be less than one-third of the members.

**Art. 178** – Transfers of appropriations from section to section within Title I and Title II, as well as transfers from part to part within each section, may be made.

The above-mentioned transfers of appropriations shall be made on the basis of a reasoned proposal from the president of the local authority or the committee responsible for financial and economic affairs and management monitoring. The president of the local authority council shall submit the proposal to the council for approval, together with the comments of the regional treasurer.

However, appropriations transferred and allocated to a specific project or financed by earmarked resources may only be transferred with the prior agreement of the administration that transferred the said appropriations.

**Art. 179** – For Title I expenditures, transfers of appropriations from one paragraph to another within the same article and from one subparagraph to another within the same paragraph may be made by order of the president of the local authority, on the advice of the chair of the committee responsible for financial and economic affairs and management oversight. The regional treasurer shall be immediately informed of such transfers. However, transfers of appropriations intended for the repayment of debts may only be made after deliberation by the local authority council.

For Title II expenditures, transfers of appropriations from paragraph to paragraph and from subparagraph to subparagraph may be made by decision of the president of the local authority, on the advice of the chair of the committee responsible for financial and economic affairs and management monitoring. The governor and the regional treasurer shall be immediately informed of such transfers. However,

transfers from appropriations reserved for the repayment of principal on debt and appropriations financed by earmarked resources are only possible by decision of the local authority council.

At the request of the regional treasurer, the governor may oppose the transfer of funds within seven days of the date of notification of the transfer decision to the territorially competent court, which shall rule within a period not exceeding 15 days.

**Art. 180** – The appropriations in Title I relating to unforeseen and unallocated operating expenses may, where appropriate, give rise, during the budget year, to the opening of appropriations to cover urgent expenses for which no provision has been made in the budget or for which the appropriations entered prove to be insufficient. The decision to open appropriations shall be taken by the president of the local authority on the basis of a report from the committee responsible for financial and economic affairs and management monitoring. The regional treasurer shall be informed of the opening of appropriations.

The appropriations entered in Title II relating to unforeseen and unallocated development expenditure shall be used under the same conditions as those laid down in this article to open appropriations under the headings of Parts VI and VII.

**Art. 181** – Within the framework of the appropriations entered in the budget, the total amount of expenditure under Title I incurred during the year shall not exceed the amount of revenue actually received under that title.

The total amount of expenditure commitments charged to Title II must be limited to the following expenditure :

For expenditures financed by own resources, within the limits of the resources available under Title II,

For expenditures financed by loans or grants or contributions and charged to Parts VI and VII of the third section, within the limits of the amounts transferred under Title II by the administration concerned with the financing,

For expenditures listed in Parts VI and VII above and expenditures listed in Section V, within the limits of the appropriations transferred under Title II.

**Art. 182** – If the execution of the budget for the past year results in a deficit exceeding the five percent threshold, the High Council of Local Authorities shall, at the request of the Minister of Finance, invite the local authority to take measures to cover the deficit using ordinary resources. The High Council of Local Authorities and the relevant central authorities shall be kept informed of the measures taken within sixty days.

If the local authority refrains from taking the above measures, the central authority shall propose measures to the court with territorial jurisdiction to cover the deficit. The said court shall, where appropriate, order the appropriate measures, which shall remain in force until the local authority adopts measures likely to effectively reduce the deficit using ordinary resources.

Local authorities assess their actions either through officials appointed at their request by the High Council of Local Authorities and on the recommendation of the High Authority for Local Finance, or through auditors chosen from among certified public accountants. In light of this assessment, local authorities adopt any amendments required for the sound management of public finances.

The local authority is responsible for setting up an internal audit and control unit.

Opposition to the measures provided for in this article shall be exercised in accordance with Article 94 of this Act.

**Art. 183** – Violation of the provisions of Article 181 constitutes mismanagement within the meaning of the Organic Law on the Court of Auditors.

Civil action shall be brought by the minister responsible for local authorities on the basis of an inspection report by the competent services of the Presidency of the Government or the Ministry of Finance. The public prosecutor shall, where appropriate, bring public proceedings.

**Art. 184** – The accountant of the local authority shall exercise the following powers in particular:

- keeping the general accounts,
- keeping the budget accounts,
- keeping materials accounts,
- issuing recovery orders, including those arising from the performance of contracts and various obligations,
- the collection of various amounts relating to recovery orders,
- monitoring the accounting of local authority funds,
- payment of expenses in accordance with payment orders or legal supporting documents presented by rights holders or at their initiative. The public accountant verifies the legality of payment orders, the regularity of expenditure commitments and the legal validity of the debt they cover, the availability of funds and the existence of mortgages and other privileges, where applicable.

The preservation of all accounting documents, including those transmitted by the authorizing officer.

**Art. 185** – The local authority accountant must refrain from paying authorized expenses if the local authority does not have sufficient funds to cover them.

With the exception of advances provided for in contracts and procurement, cases provided for by law, or the program for the use of donations or contributions, the rule of service rendered must be observed.

Offsetting revenue against expenditure is prohibited.

**Art. 186** – Local authority accountants are prohibited from assessing the appropriateness of transactions subject to authorization. Their role is limited to verifying their regularity within the framework of their personal and financial responsibility.

The local authority accountant must give reasons for refusing to make payments subject to authorisation and inform the regional treasurer and the authorising officer concerned.

The authorizing officer may, once again, order the transaction to be carried out under his or her personal responsibility. In this case, and except in the event of insufficient available funds or lack of supporting documents for the service provided, the local authority accountant shall execute the transaction under the responsibility of the authorizing officer and shall forward the file relating to the expenditure to the competent territorial court within a period not exceeding 15 days in order to initiate legal proceedings or prosecutions, where appropriate.

**Art. 187** – Authorizing officers of local authorities equipped with an IT expenditure management system are prohibited from using manual purchase orders during the execution of the budget. This prohibition applies to persons acting on behalf of local authority authorizing officers.

Violation of the provisions of this article constitutes mismanagement subject to the provisions of the organic law of the Court of Auditors regarding mismanagement.

However, in the event of a proven malfunction of the computer system that could prejudice the interests of the local authority or the functioning of its services, it is possible to

use provisional manual purchase orders, subject to regularization as soon as the malfunction of the computerized expenditure management system has ceased.

**Art. 188** – Revenue and advance fund administrators shall be appointed by order of the Minister of Finance or the person delegated by him for this purpose, on the recommendation of the president of the local authority. The appointment of administrators shall be carried out in accordance with the same procedures.

Revenue and advance administrators shall perform their duties under the authority and supervision of the local authority's accountant in accordance with the provisions applicable to State administrators.

**Art. 189** – The local authority accountant shall submit to the Minister of Finance and the president of the local authority, before the tenth day of each month, a statement on the execution of the budget, including a detailed table of revenue operations, the recording of receivables, and expenses recorded during the previous month.

**Art. 190** – The local authority accountant shall keep accounts in accordance with the same rules governing State accounting and the local authority accounting system, unless otherwise provided for by special provisions.

Accounting must clearly, fully, and truthfully reflect the actual financial situation of the local authority, its assets, and its debts, in order to facilitate control and verification, control the cost of services and projects, gradually record depreciation, evaluate the efficiency and performance of said services, modernize the management of the local authority's finances, and optimize their use.

The accounts of public utilities are kept in accordance with the accounting system used by commercial enterprises. A single bank account is opened for each public utility, which may not be used for any other purpose, with bank checks and transfers requiring the joint signature of the head of the public utility and the head of its financial department.

**Art. 191** – The National Council for Public Accounting Standards shall develop accounting standards applicable to local authorities based on the principles of double-entry bookkeeping and accrual accounting. The aforementioned accounting system shall be enacted by government decree on the advice of the High Administrative Court and updated in accordance with the same procedures.

For the purposes of maintaining its accounts, the local authority may seek the assistance of accounting professionals, subject to an agreement approved by its council and based on a model prepared by the High Council of Local Authorities and published in the Official Journal of Local Authorities.

**Art. 192** – In addition to exercising his financial powers, the accountant shall monitor the keeping of the inventory accounts by the president of the local authority and under his responsibility in order to record the movable and immovable property owned by the local authority.

The president of the local authority shall, on the recommendation of the accountant, appoint from among public officials or members of the accounting profession, and in accordance with competition rules, the person responsible for conducting an annual general inventory of the local authority's assets, with the local authority bearing the cost of their remuneration.

**Art. 193** – Transactions relating to all movable and immovable property of local authorities, property under their management, and equipment and facilities belonging to them shall be recorded in the accounts of local authorities in accordance with a model provided for in the standard accounting guide that must be included in the accounting system of local authorities.

**Art. 194** – At the close of the financial year, and before April 5 of the following year, the local authority's accountant shall prepare the financial statements for the past year, including the budget, the balance sheet, a statement of financial performance, a statement comparing the budget to expenditure, a cash flow statement, a statement of commitments, and explanatory notes.

The financial statements and audit report are sent to the president of the local authority, who submits them to the committee responsible for financial and economic affairs and management oversight with a view to preparing an annual administrative report in conjunction with the local authority administration.

Before the end of May, the president of the local authority shall present the financial statements, together with the audit report and the administrative report, to the local authority council for deliberation and approval under the budget regulations.

If the local authority's accountant does not prepare the annual financial statements, the Minister of Finance, or the person delegated by him, shall appoint a person to perform this task as a matter of urgency, notwithstanding the public accountant's liability for breach of duty.

**Art. 195** – If the local authority council refuses to approve the management account and the administrative report, the documents shall be forwarded to the territorially competent court of auditors, which may, where appropriate, either confirm the validity of the account as presented or order the local authority to adjust and regularize the said account.

The local authority council may not examine the draft budget for the following year before the previous budget has been voted on, unless authorized to do so by the competent territorial court of auditors.

**Art. 196** – The president of the local authority shall forward the management account, the approval decision, and the report of the committee responsible for economic and financial affairs and management monitoring to the regional treasurer with territorial jurisdiction to endorse the approved account and to issue, within a period not exceeding fifteen days, a certificate of compliance with the accounting records.

The president of the local authority shall send a certified copy of the financial account to the competent territorial court by July 31 of the year following the financial year.

**Art. 197** – Decisions relating to the preparation, execution, and restoration of budgetary balance may be appealed by the representative of the central authority or local taxpayers to the territorially competent court of auditors.

Appeals shall be lodged in accordance with the procedures laid down in Article 94 of this Act.

**Art. 198** – The central authority may instruct the financial inspection and control services to carry out a retrospective check on the local authority's compliance with the provisions of the law and financial regulations.

The local authority undertakes to facilitate the work of the inspection and control services.

The results of these missions shall be forwarded to the local authority so that it may exercise its right of reply and take the measures provided for by law.

The results of inspection and control missions that have identified suspected irregularities that may constitute misconduct or offenses committed to the detriment of the local authority concerned shall be forwarded to the competent courts.

**Art. 199** – The local authority council may, at the request of its president or one-third of its members, ask the competent central inspection services to carry out an inspection mission to identify any irregularities.

The inspection services shall draw up their reports and forward them to the president of the local authority, who shall read them to the council so that the necessary legal measures may be taken.

## Book II – Special provisions

### Chapter I – The municipality

**Art. 200** – The municipality is a local authority with legal personality and administrative and financial autonomy. It manages municipal affairs in accordance with the principle of free administration and works to promote the economic, social, cultural, environmental, and urban development of the district, to provide services, to listen to its inhabitants, and to involve them in the management of local affairs.

**Art. 201** – The law creates the municipality and sets its territorial boundaries in accordance with the provisions of Article 3 of this law.

This law approves the municipalities listed in Appendix "A" attached to this law, which were created before the date of its entry into force, within their territorial boundaries.

**Art. 202** – The name of the municipality or its seat may be changed by a special decision of the municipal council, taken by a two-thirds majority of its members.

The governor shall be immediately informed of the decree approving the change of name of the municipality or its seat. This decree shall be made public by any available means.

The decree of change shall only enter into force after the expiry of two months from the date of its publication in the Official Journal of Local Authorities.

### Section One – The Municipal Council

**Article 203** – The municipality shall be managed by a municipal council elected in accordance with electoral law.

At its first meeting, the municipal council elects, from among its members, the president of the municipality and the deputies, taking into account the provisions of Article 7 of this law and in accordance with the provisions of the electoral law.

**Art. 204** – Except in cases provided for by law, the municipal council may only be dissolved if no other solutions are possible, by reasoned government decree, after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court. Such dissolution may only take place on grounds relating to a serious breach of the law or a clear violation of the interests of the inhabitants, after hearing the members of the council and guaranteeing their right of defense.

In an emergency, the municipal council may be suspended by order of the minister responsible for local authorities, based on a reasoned report from the governor and after consultation with the office of the High Council of Local Authorities. The suspension may not exceed two months.

The mayor of the municipality or one-third of the council members may appeal for annulment of the suspension or dissolution decisions before the territorially competent administrative court of first instance. The parties concerned may also file a request for a stay of execution within a period not exceeding five days from the date of notification of these decisions. The president of the competent administrative court of first instance shall rule within a period not exceeding ten days from the date of filing of the request.

Decisions to suspend or dissolve shall only become enforceable once a decision to refuse the request for a stay of execution has been issued by the president of the competent administrative court or once the deadline for filing said request has expired.

During the period of suspension of the municipal council, the secretary general shall manage the administration of the municipality and, with the authorization of the governor, shall exceptionally order any expenditure that cannot be postponed.

**Art. 205** – Any municipal councilor may submit his or her resignation to the president of the municipality, who shall submit it to the municipal council at its next meeting to confirm the vacancy. The territorially competent governor shall be informed thereof.

Except in cases where holiday replacements have been exhausted in accordance with electoral law, the municipal council shall be dissolved by operation of law upon the collective or simultaneous resignation of the majority of its members. Such resignation shall be addressed to the territorially competent governor.

The municipal council shall be dissolved by operation of law upon the expiry of a period of 15 days from the date of notification by the governor.

The governor shall inform the Independent High Electoral Commission and the High Council of Local Authorities of cases of vacancy and automatic dissolution.

**Art. 206** – Any member of the municipal council who, without legal reason, fails to perform the duties legally assigned to them shall be formally notified by the mayor to fulfill their obligations. If the formal notice remains unheeded, the municipal council may, by a three-fifths majority of its members, declare their dismissal after hearing them. The person concerned may appeal to the competent local administrative court.

The loss by a member of the municipal council of his or her status as a voter or the violation of the rule on the non-accumulation of mandates in accordance with the provisions of electoral legislation shall automatically result in the termination of his or her mandate. The council shall declare the end of the mandate at its next meeting.

**Art. 207** – A provisional management committee and its chair shall be appointed by government decree on the proposal of the minister responsible for local authorities after consultation with the president of the High Council of Local Authorities in the following cases:

- the dissolution of the municipal council or its dissolution by operation of law,
- the total annulment of the results of the municipal council election,
- the creation of a new municipality,
- the merger of municipalities.

**Art. 208** – The provisional management committee shall be composed of no fewer than ten members, depending on the number of inhabitants in the municipality and in accordance with a table established by government decree after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court. Gender parity and youth representation shall be taken into account in the composition of the committee.

The members of the provisional management committee shall perform their duties on a voluntary basis, with the municipality being responsible for reimbursing their expenses in accordance with the provisions of Article 6 of this law.

The provisional management committee manages day-to-day affairs. With the exception of the creation of a new municipality, the provisional management committee may not recruit permanent staff. The chair of the provisional committee exercises the powers of the mayor.

The provisional management committee shall exercise its powers for a period not exceeding six months, renewable once, and in any event until the election of a municipal council.

The chair of the provisional management committee shall act as registrar. He or she may, by order, delegate part of his or her powers to one of the members of the committee.

**Art. 209** – The dissolved municipal council shall continue to manage municipal affairs until a provisional management committee is appointed. In the event of refusal, the secretary general of the municipality shall be responsible for managing municipal interests. He or she may, with the authorization of the governor, order expenditures that cannot be postponed.

**Art. 210** – Upon taking office, the municipal council shall form an adequate number of standing committees, which shall not be less than four, to examine the matters submitted to it and which shall necessarily cover the following areas:

- financial and economic affairs and management oversight,
- cleanliness, health, and the environment,
- women's and family affairs,
- public works and urban planning,
- administrative affairs and service delivery,
- arts, culture, education, and teaching,
- children, youth, and sports,
- social affairs, employment, people without family support, and people with disabilities,
- equality between individuals and equal opportunities between the sexes,
- participatory democracy and open governance,
- media, communication, and evaluation,
- decentralized cooperation.

The council may form temporary committees to examine specific issues or assign one of its members to follow up on specific matters.

The composition of the various committees is based on proportional representation of the different lists that have won seats on the municipal council. Except in cases where this is impossible, the composition of the committees takes into account the principle of gender parity, the representation of young people, and the correlation between the specialization of the council members and the committee's area of activity.

Except in cases where no other electoral lists exist, the chairmanship of the committee responsible for financial and economic affairs and management oversight shall be assigned to a member of the municipal council who does not belong to the lists on the basis of which the president and his or her first deputy were elected.

**Art. 211** – The municipal council appoints the chairpersons of the committees and their rapporteurs on the basis of proportional representation.

In the event of the resignation or absence of the chair of a committee or its rapporteur, the chair of the municipal council shall appoint a substitute. Vacancies shall be submitted to the municipal council at its next meeting.

The municipal council shall fill any vacancies that arise within the committees.

**Art. 212** – Committees shall meet when convened by their chairpersons, within a period not exceeding ten days from the date of their establishment. They shall set their meeting schedules and agendas.

Committees prepare reports on matters they have taken up or that have been submitted to them by the municipal council or the mayor.

Committees shall adopt participatory democracy mechanisms in the performance of their duties. Committees may invite government officials or representatives of public institutions or enterprises chosen for their experience to participate in their work. Committees may involve residents of the municipality, members of civil society, or any person whose activity or experience enables them to provide useful advice.

The minutes of committee meetings shall be recorded in a special numbered register. Committees may adopt a secure electronic register system.

Committees have no decision-making power. They may not exercise any of the powers of the municipal council, even if delegated by the latter.

**Art. 213** – At the first meeting of the municipal council, the members shall take the following oath in the presence of the president of the court of first instance with territorial jurisdiction or his or her deputy:

"I swear by Almighty God to serve the affairs of the municipality and the interests of all its inhabitants without discrimination or favoritism, in accordance with the Constitution, the laws, the values of democracy, and the unity of the Tunisian State."

**Art. 214** – The municipal council shall meet at the municipality's headquarters. However, for objective reasons, the council may hold its meetings at any accessible location within the municipality that guarantees security, the public nature of the meetings, and neutrality.

In the event of the election of a municipal council following the creation of a municipality or the dissolution of the municipal council, the first meeting shall be convened by the governor with territorial jurisdiction.

At the first meeting, the members of the municipal council shall register their chosen domicile and, where applicable, their email addresses.

**Art. 215** – The municipal council shall adopt its rules of procedure within a period not exceeding three months from its establishment.

The rules of procedure shall determine the organization and functioning of the municipal council.

The rules of procedure shall determine the distribution of responsibilities within the committees in accordance with the rule of proportional representation.

**Art. 216** – The first meeting of the elected municipal council shall take place within a period not exceeding eight working days from the date of the announcement of the final election results by the independent higher electoral authority, and shall be convened by the president of the municipal council whose term of office has expired or, in the event of his or her absence, by the oldest elected member of the council.

At its first meeting, the council sets the schedule for its regular sessions and informs the public thereof.

A preliminary meeting must be held prior to the regular session. It shall be chaired by the mayor or one of his deputies and shall be held at least one month before the regular session. The inhabitants of the municipality shall be invited to this meeting by any available means of communication in order to hear their comments on local affairs and to present municipal programs to them.

Proposals submitted to the preliminary meeting are examined by the committees, according to their areas of competence, and must be submitted to the municipal council at its next regular session.

Preliminary meetings are held in turn in the various municipal districts. Except in exceptional cases or on public holidays, the council holds its meetings at the end of the week.

The council must hold a session every three months. It also holds meetings whenever necessary at the request of its president, one-third of its members, or one-tenth of the voters registered in the municipality's voter registry.

Notices of meetings are sent at least fifteen days before the date of the meeting. In urgent cases, the notice period may be reduced to two days. In cases of extreme urgency, the meeting may be held immediately. The notice of meeting must mention the items on the agenda.

The notice shall be recorded in the minutes register, posted at the entrance to the municipal headquarters, published on the municipality's website, and sent in writing to the members of the council. Notices sent electronically and for which proof of receipt is provided shall be deemed authentic.

**Art. 217** – Explanatory notes relating to the items on the agenda shall be attached to the notices of municipal council meetings.

Draft contracts or other agreements must be sent to the members of the municipal council at least five days before the meeting is held.

In the course of their duties, all members of the municipal council may examine all documents and data relating to local issues under discussion.

**Art. 218** – The president of the council, or, in his absence, one of his deputies, presides over the municipal council.

When discussing the municipality's financial statements, the municipal council shall elect a chairperson for the meeting. In this case, the mayor may, even if no longer in office, attend the deliberations, provided that he or she leaves the meeting when the vote is taken.

Municipal council meetings are open to the public. The date of the meetings shall be announced by posting a notice at the entrance to the municipality's headquarters and by any other means of communication available. However, at the request of one-third of its members or its president, the municipal council may decide, by a two-thirds majority of its members present, to deliberate in camera.

The president of the municipality or the person acting as president shall maintain order during the meeting. He or she may order anyone who disturbs the order of the meeting to leave the meeting room. He or she may call on the police to protect the meetings and ensure that they proceed normally.

The secretary general of the municipality shall act as secretary to the municipal council. However, in the event of the latter's absence or vacancy, the president of the council may, at the beginning of each meeting, appoint one of its members to act as secretary. He or she shall be assisted by one of the municipality's officials.

**Art. 219** – A seat is reserved for the representative of the regional council to attend meetings as an observer.

During city council meetings, seats are also reserved for civil society organizations and the media.

**Art. 220** – The municipal council holds its meetings in the presence of a majority of its members.

If a quorum is not reached, the council shall be reconvened to meet after at least three days, regardless of the number of members present.

**Art. 221** – Subject to specific provisions relating to voting on certain issues, decisions shall be taken by an absolute majority of the members present, provided that this majority is not less than one-third of the members of the council.

Proxy voting is prohibited.

Voting is public. In the event of a tie, the chairperson has the casting vote. The names of those voting are recorded in the minutes of the meeting.

A secret ballot shall be held in either of the following two cases:

- if at least one-third of the board members present request it and the board has adopted this proposal by a two-thirds majority of the members present,
- if the board is called upon to elect, decide on an appointment, or present candidates. In this case, if none of the candidates obtains a majority of the votes of the members present in the first round, a second round shall be held. The two candidates who obtained the highest number of votes in the first round shall stand in the second round.

In the event of a tie in the second round, the youngest candidate shall be declared elected.

**Art. 222** – The internal rules of procedure of the municipal council shall lay down the conditions and procedures governing oral questions relating to municipal affairs or the organization of hearings of the president, his deputies, district presidents, or committee presidents.

The internal rules of procedure of the municipal council shall determine the procedures for the annual meetings devoted by the council to the discussion of committee reports.

**Art. 223** – Employers are required to grant their agents and employees who are members of municipal councils the necessary facilities to enable them to attend and participate in council meetings or committee meetings of which they are members, in accordance with the provisions of this law.

Except in the case of emergency meetings, municipal elected officials are required to inform their employer of the date of meetings at least three days before they are held and to submit a copy of the notice of meeting to their employer.

When the municipal elected official complies with the provisions of the second paragraph of this article, his or her absence to attend official municipal meetings to which he or she is summoned shall not constitute grounds for dismissal, termination of employment, disciplinary action, or deprivation of professional promotion or any social benefit.

The directors of educational or training establishments are required to facilitate the attendance of pupils and students elected to municipal councils in accordance with the same procedures and under the same conditions.

**Art. 224** – The deliberations of the municipal council shall be recorded and filed in chronological order in the register of deliberations. They shall be signed by the members of the council present or, where applicable, the reasons preventing signature shall be noted therein.

An extract from the minutes of the deliberations shall be displayed for two months at the entrance to the municipal headquarters and, where applicable, its districts, within a period not exceeding eight days following the date of the deliberations. It shall also be published on the municipality's website.

**Art. 225** – Municipalities shall ensure that common areas are reserved for members of the municipal council in accordance with the conditions set out in the council's internal regulations.

## **Section 2 – Municipal districts**

**Art. 226** – The municipal territory may be subdivided into two or more administrative districts, known as municipal boroughs, whose boundaries are set by a municipal council resolution passed by a two-thirds majority of its members.

**Art. 227** – The President of the Municipal Council shall appoint a president from among the members of the Council to head each district. He shall ensure that the president is a resident of the district.

The borough president shall enjoy the same rights and benefits as those granted to the deputy mayor of the municipality.

**Art. 228** – The district president is a civil registrar within the limits of his or her district. The president of the municipality and his or her deputies exercise the powers of civil registrars throughout the territory of the municipality.

The president of the municipality may delegate to the district president the signing of documents relating to matters concerning the district. The delegation may not extend to decisions of a regulatory nature or to areas where delegation is legally prohibited.

The president of the municipality may, by order, authorize the district president to sub-delegate his or her signature to category "A" and "B" officials under his or her authority in the municipal district, in the areas covered by the said delegation.

**Art. 229** – An advisory committee, known as the borough council, shall be established in each borough, composed of at least five members appointed from among the members of the municipal council by order of the mayor and after deliberation by the said council.

The principle of parity and the representation of young people shall be taken into account in the appointment of members of the borough council.

The borough president chairs the borough council.

**Art. 230** – The borough council issues opinions and proposals, particularly on the following matters:

- The establishment and development of local community facilities relating to culture, sports, social affairs, and economic affairs that exclusively concern the residents of the borough,
- The management of the above-mentioned community facilities, following an agreement between the municipal council and the borough council after the establishment of a related inventory,
- The establishment and revision of various documents and urban planning operations concerning the borough's territory,
- The amount of aid to be granted to various associations and beneficiaries within the borough,
- Annual programs relating to cleanliness and environmental protection within the borough, monitoring their implementation, and contributing to the development of the municipal investment program and municipal infrastructure program by proposing projects for the borough and programs to improve basic infrastructure and urban renewal.

The borough council shall make a register of suggestions available to residents in paper and electronic format.

**Art. 231** – The borough council must meet once a month and whenever necessary, when convened by its president or at the request of the majority of its members.

The borough president chairs the council meetings. If unable to attend, he or she appoints a member to act as a substitute.

The borough president sets the agenda and sends a copy to the mayor at least seven days before the meeting.

The provisions relating to the convening of municipal council members shall apply to the convening of district council meetings.

The borough president ensures order during the meeting.

**Art. 232** – The minutes of borough council meetings shall be recorded in a specially numbered register and must be signed by the borough president.

The borough president shall forward the reports and minutes of borough council meetings to the mayor within eight days of their being held.

**Art. 233** – All provisions relating to the right of access to information to which the municipality is subject shall apply to the municipal borough.

### **Section 3 – Powers of the municipality**

**Art. 234** – The municipality has its own powers, powers shared with the central authority, and powers transferred to it by the central authority.

#### **Subsection 1 – Own powers**

**Art. 235** – The specific powers of municipalities consist in particular of the provision of local services and facilities.

**Art. 236** – The municipal council examines and approves the municipality's budget. It ratifies borrowing and management operations relating to municipal property and its development.

**Art. 237** – The municipal council manages municipal affairs and takes decisions relating thereto. It is responsible in particular for the following matters:

- ing the municipality's financial commitments,
- s determining fees, taxes, and various duties, whatever their name, including those related to the installation of advertising signs in the municipal territory and to services rendered,
- financial decisions, including the disposal, exchange, rental, or allocation of the use of property, participation in local public enterprises and other economic projects,
- the disposal and exchange of real estate,
- decisions on the terms of leases with a duration of more than two years,
- the classification of parts of the municipal public domain, such as streets, public squares, green spaces, and others, their declassification, their reclassification, and the development and modification of plans relating to the alignment of municipal public roads,
- the conclusion of transactions.

**Art. 238** – The Municipal Council shall draw up the municipal investment program and the municipal equipment program within the limits of the municipality's own capacities and the resources made available to it, while adopting participatory democracy procedures.

The municipal council shall take all necessary and possible measures to promote the development of the municipality and increase its attractiveness for investment, in particular through the construction or development of infrastructure and public facilities.

**Art. 239** – The municipal council prepares urban development plans by adopting participatory democracy processes. It ensures compliance with the rules relating to land use planning and urban planning documents relating to the protection of archaeological and historical heritage, as well as compliance with the rules laid down by the laws and regulations in force.

The municipal council adopts, either unilaterally or in partnership and coordination with the central or regional services of the ministry responsible for urban planning, the measures required in the context of urban planning operations and in relation to urban development, rehabilitation, and renovation.

The municipal council shall enact local building regulations and regulations relating to the preservation of the municipality's specific urban characteristics.

**Art. 240** – The municipal council creates and manages municipal public services, particularly in the areas of :

- the construction, maintenance, and repair of roads and sidewalks, gardens, parks, and nurseries, as well as their outbuildings and services belonging to the municipality,
- the development of gardens, sites, and green spaces, the beautification of the city, and the removal of sources of pollution from public roads,
- the collection of household waste or similar waste within the meaning of Law No. 2016-30 of April 5, 2016, its sorting and transport to controlled landfills,
- public lighting of roads, public squares, and municipal services,
- the construction, maintenance, and repair of municipal buildings, public squares, premises, and other municipal works,
- the construction and maintenance of rainwater drainage systems, with the exception of flood protection works,
- the construction of municipal markets of all categories, fairs and commercial and cultural events, slaughterhouses, summer vacation and recreation centers, as well as the organization of their management and activities,
- ensuring health prevention, cleanliness, and environmental protection, as well as adopting the relevant general regulations,
- making decisions relating to the municipality's headquarters, its domain, and the naming of squares, streets, municipal complexes, and gardens.

**Art. 241** – The municipal council supports all actions aimed at promoting social, cultural, sporting, and environmental life within the municipality, either directly through municipal services or through organizations and associations whose activities relate to the above-mentioned sectors.

**Art. 242** – The municipal council is consulted and gives its opinion on any project that the State, the district, the region, or a public enterprise plans to carry out in the municipal area.

It shall give its opinion in all cases provided for by the legislation in force.

In all cases, the municipal council shall issue its opinion within two months of the date on which the matter was referred to it.

Failure by the council to issue its opinion after the expiry of the above-mentioned period or its opposition shall not prevent the implementation of the planned projects.

### Subsection 2 - Shared powers

**Art. 243** – Powers shared with the central authority shall include the following:

- ing local economic development and supporting employment,
- the preservation and development of the specific characteristics of local cultural heritage,
- the implementation of appropriate measures to promote private investment and the establishment of economic activity zones,
- the construction of social, sporting, cultural, environmental, and tourist facilities such as cultural centers, museums, stadiums and other sports facilities, swimming pools, parks, controlled landfills, and waste treatment centers,
- establishing and maintaining natural parks within the municipality's territory,
- the management and development of the coastline located within the municipality in coordination with the relevant services in accordance with the laws and regulations in force,
- the construction and maintenance of sanitation facilities,
- the maintenance, repair, and installation of waterway and stormwater equipment and structures, as well as the maintenance of flood prevention structures,
- urban and school transport,
- maintenance of primary schools, clinics, and basic health centers,
- intervention in the case of buildings in danger of collapse,
- preservation of areas subject to easements for the benefit of the public maritime domain and enforcement of applicable regulations,

- maintenance of state-owned roads crossing urban areas within the municipality, with the exception of motorways,
- establishing programs to support Tunisians abroad.

Shared powers are exercised in accordance with the provisions of the law referred to in paragraph 2 of Article 13 of this law.

Shared powers shall take into account the specific characteristics of the islands, particularly in the areas of transport, infrastructure, and the environment.

### **Subsection 3 - Transferred powers**

**Art. 244** – The municipal council shall exercise the powers that may be transferred to it by the central authority, particularly in the following areas:

- the construction and maintenance of health facilities and centers,
- the construction and maintenance of educational establishments,
- the construction and maintenance of cultural facilities,
- the construction, equipping, and maintenance of sports facilities.

Any transfer of powers must be accompanied by a transfer of the financial and human resources necessary for their exercise.

Projects and works are carried out under agreements between the central authority and the municipality.

The specific characteristics of the islands are taken into account when transferring powers from the central authority to the local authority concerned.

### **Section 4 – The mayor of the municipality and his deputies**

**Art. 245** – The municipal council shall elect, from among its members, the mayor and deputy mayors for the entire term of office at the first meeting following the announcement of the final election results.

The municipal council determines the number of deputies to the president, which may not exceed four.

**Art. 246** – The oldest member of the municipal council, assisted by the youngest, presides over the meeting at which the president of the municipality is elected.

The municipal council shall be convened for the election of the president and his deputies by the outgoing president or by the person acting in that capacity, in accordance with the procedures and deadlines laid down by law. Failing this, the governor shall issue the convocations. The convocation shall specify the election to be held.

The mayor and deputy mayors are elected by the municipal council by secret ballot and by an absolute majority of its members, subject to the electoral law and the provisions of Article 7 of this law.

If no candidate obtains an absolute majority, a second round of voting shall be held to elect the president of the council from among the two candidates who obtained the most votes. In the event of a tie, the youngest candidate shall be declared elected.

The president's deputies shall be ranked in order of election by the members of the municipal council.

The minutes of the elections shall be drawn up by the secretary general of the municipality, who shall send a copy to the governor.

The results of the elections for the president and deputies shall be announced within 24 hours of the election by posting them at the entrance to the municipality's headquarters and by any other available means.

Appeals against the regularity of the elections of the president and deputies may be lodged in accordance with the conditions, procedures, and time limits applicable to appeals against municipal council elections before the administrative courts within fifteen days of the date of the elections.

**Art. 247** – If the election is canceled or the president or vice presidents resign from their positions, the municipal council shall be convened by the president of the municipality or, where applicable, by the governor with territorial jurisdiction to fill the vacancy.

The election meeting shall be chaired by the oldest member of the municipal council, assisted by the youngest.

The election meeting must take place within fifteen days of the vacancy occurring.

**Art. 248** – In the event of a vacancy in the presidency, the municipal council shall meet to elect a president from among its members.

The council's election session shall be valid regardless of the number of members present.

If no candidate obtains an absolute majority of the votes of the council members in the first round of voting, a second round shall be held for the two candidates who obtained the most votes.

In the event of a tie in the second round, the youngest candidate shall be declared elected.

**Art. 249** – The presidents of municipal councils and their deputies shall exercise their functions for the duration of the term of office of said councils. In the event of the re-election of a new president, new deputies shall be re-elected.

**Art. 250** – The president of the municipality, his deputies, and the members of the municipal council undertake, in the context of managing municipal affairs and exercising their powers, to inform the council of anything that may give rise to suspicion or doubt about a possible conflict of interest.

If, in a specific case, the interests of the president conflict with those of the municipality, the municipal council shall appoint one of its members to follow up on the case and represent the municipality in court or in the conclusion of contracts. The same procedure shall be followed in the event of a conflict of interest between a member of the council and the interests of the municipality.

**Art. 251** – The resignation of the mayor or deputy mayors shall be addressed to the members of the municipal council, which shall meet within a period not exceeding fifteen days to deliberate on the resignation.

If the resignation is accepted, or if the resigning members have not withdrawn their resignation, the governor and the regional treasurer with territorial jurisdiction shall be informed of the vacancy.

The resigning persons shall continue to perform their duties until their successors are sworn in.

In the event of an emergency or if the resigning president refuses to continue managing municipal affairs, the oldest member of the municipal council shall undertake, with the assistance of the secretary general, to manage municipal affairs.

**Art. 252** – The resignation of any member of the municipal council shall be sent to the president of the municipality by registered letter with acknowledgment of receipt.

**Art. 253** – The president or one of his deputies may be suspended from office by reasoned order of the minister responsible for local authorities for a period not exceeding three months after consultation with the bureau of the High Council of Local Authorities. The decision to suspend shall be taken after hearing the parties concerned or after summoning them to provide written explanations for the serious misconduct attributed to them in violation of the law and seriously compromising the public interest.

Presidents and deputies, after due consultation, may be dismissed by government decree, with reasons given, after consultation with the bureau of the High Council of Local Authorities, when their responsibility for the acts referred to in the first paragraph has been established.

The bureau of the High Council of Local Authorities shall issue its reasoned opinion within ten days of the date of receipt of the notification sent to it by the Presidency of the Government.

Decisions to suspend or revoke may be appealed before the competent administrative court of first instance. The parties concerned may request a stay of execution of the above decisions within five days of notification of the decisions. The president of the competent administrative court shall rule on the request for a stay within a period not exceeding ten days from the date of submission of the request.

Suspension or revocation decisions shall only become enforceable after the president of the competent administrative court has refused the request for a stay of execution or after the expiry of the period for requesting a stay provided for in the previous paragraph of this article.

Dismissal shall result in automatic ineligibility for the remainder of the term of office, unless the dismissal decree is overturned by the administrative court.

**Art. 254** – In the event of the absence, suspension, or dismissal of the mayor, or in the event of any other circumstance constituting a temporary vacancy, the mayor shall be temporarily replaced in all his or her duties by an interim deputy, according to the order of appointment.

If it is impossible to replace the president with a deputy, the interim position shall be filled by a member of the municipal council elected by a majority of the members present at the council meeting. The governor and regional treasurer with territorial jurisdiction shall be kept informed.

A temporary vacancy is considered to be the absence of the president of the municipality for health or travel reasons for a period exceeding one month, or the suspension of his or her duties.

The interim period shall not exceed six months.

Upon expiry of the aforementioned period, the provisions of Article 247 of this Act shall apply.

**Art. 255** – On the basis of a petition signed by at least half of the members of the municipal council, the council may decide to withdraw confidence from its president by a three-quarters majority of its members. It may also withdraw confidence from the president's deputies following the same procedures.

No more than one petition for withdrawal of confidence may be submitted during the session.

Nor may a vote of no confidence be taken during the six months following the election of the municipal council.

A vote of no confidence may also not be held during the last year of the term of office.

## **Section 5 – Powers of the mayor**

**Art. 256** – The mayor is responsible, within the framework of the law, for the interests of the municipality. He is its legal representative.

**Art. 257** – The president of the municipality is responsible, under the supervision of the municipal council and in accordance with the terms and conditions provided for by the laws and regulations in force, for the tasks entrusted to him by law and for the implementation of the council's decisions, in particular those relating to:

- the administration of municipal property and the adoption of measures for its preservation and enhancement, in order to avoid administrative delays and provide services under the best possible conditions,
- the alignment of roads and measures to regularize their heights after deliberation by the municipal council and consultation with the departments of the ministry responsible for urban planning,
  - the issuance of individual alignment orders in relation to roads belonging to the municipal public domain and other authorizations in accordance with alignment orders and the regularization of road heights,
- management of the administration and preservation of the municipality's accounting documents and archives,
- the recruitment and appointment of civil servants, within the limits authorized by law and the municipal budget,
- taking all protective or interruptive measures in the event of forfeiture,
- managing the management of municipal revenues and the control of municipal enterprises in accordance with the law,
- supervising the preparation of the municipality's budget in accordance with the financial regime, authorizing expenditure and controlling the accounts of the municipality and its entities,
- communication with the municipal public accountant regarding debt collection,
- the appointment of public officials or service providers to carry out the census or verify the accuracy of the census of built and unbuilt properties, as well as activities subject to local taxes,
- managing works and taking urgent measures relating to municipal roads and their maintenance,
- bringing legal proceedings before the courts to defend the interests of the municipality and representing it in administrative, financial, and judicial disputes,
- signing all decisions relating to the preparation, conclusion, execution, and settlement of public contracts that may be entered into in accordance with the legislation in force, taking into account their amount and nature. The municipal council may decide not to sign the contract only after its approval by a new deliberation,
- concluding contracts of sale, lease, exchange, sharing, transaction, and their revisions, as well as accepting donations and gifts authorized in accordance with this law,
- representing the municipality in all civil and administrative acts,
- the defense of the interests of the municipality by all legal means,
- ensuring, with the assistance of the secretary general, the proper functioning of administrative and service provision departments,
- listening to the grievances of residents and members of civil society and responding to questions asked,
- assigning municipal regulatory officers the task of recording violations, drawing up reports, entering them in a numbered register, and forwarding them to the relevant departments for the adoption of measures required by law,
- where applicable, assigning officers responsible by law for economic, health, social, and environmental control functions to record violations of municipal regulations,
- communicating with the representative of the central authority with territorial jurisdiction regarding the enforcement of all municipal decisions, resorting to law enforcement where necessary.

**Art. 258** – The mayor of the municipality is responsible for granting land use permits, including subdivision decisions, building permits, and demolition permits, in accordance with the procedures provided for by the legislation in force.

The president of the municipality issues building, subdivision, and demolition permits on the advice of the relevant technical committees and in accordance with the legislation on land use planning and urban development, subject to compliance with the principle of free administration.

The technical committee responsible for reviewing building, subdivision, and demolition permit applications is composed as follows:

- the mayor of the municipality or his or her representative, as chairperson,
- five members appointed by the municipal council, including an architect or urban planning specialist,
- five members representing the ministries of infrastructure, the environment, state property, transport, and culture, and a representative of civil protection, appointed by the territorially competent governor, including an urban planning specialist,
- an architect representing the professional association of architects,

Representatives of any ministry or public enterprise concerned by the authorization shall be convened.

The mayor of the municipality shall take a decision within one month of receiving the commission's opinion. Reasons shall be given for any decision to refuse authorization.

Decisions regarding subdivision, construction, and demolition, accompanied by the opinion of the technical commission, shall be published on the municipality's website.

**Art. 259** – The mayor of the municipality must issue demolition orders for unauthorized buildings or buildings that do not comply with the permit issued, after formal notice and on the basis of legally established reports.

The head of the public security entity with territorial jurisdiction shall send a report to the mayor of the municipality concerning the execution of the demolition decisions referred to in the first paragraph of this article within two months of the date of receipt of the said decision.

Urban planning violations may only be regularized in accordance with the conditions and procedures determined by the legislation relating to construction and urban planning.

**Art. 260** – The application for a certificate of completion and compliance of the works shall be submitted to the president of the municipality. The applicant may attach a certificate issued by an architect certifying that the works carried out comply with the authorized plans.

The mayor of the municipality shall instruct the competent municipal officials, or request the territorially competent department to designate officials from the State services to check the conformity of the works with the authorized plans within one month of the date of submission of the application for a certificate of completion and conformity of the works.

Silence on the part of the municipality for two months from the date of submission of the application for certification of completion and compliance of the works shall be deemed a refusal.

**Art. 261** – The president of the municipality may delegate, by order published in the official journal of local authorities, to his deputies, his substitutes and, in exceptional cases, to members of the municipal council, part of his powers, with the exception of the signing of regulatory acts.

The delegations shall remain in force until they are terminated.

**Art. 262** – The president of the municipality may delegate, by decree, under his control and responsibility and within the limits of his powers, his signature:

- to the municipal secretary general in the following areas:
  - the implementation of the decrees of the president of the municipality,

- preparing the preliminary draft budget for the municipality, monitoring the implementation of the budget, preparing tender documents, public service delegation contracts, partnership contracts, municipal concessions, establishing the roles relating to the municipality's rights and fees and the various contracts,
  - the formulation of proposals for expenditure commitments, purchase orders, payment authorizations, and supporting documents,
  - assisting with human resources management and coordination between the various municipal departments,
  - maintaining and keeping various municipal registers, as well as administrative documents and archives.
- to employees occupying one of the functional positions within the municipality, within the limits of the powers conferred on them by their jobs,
  - other employees not holding functional positions in the event of a vacancy in the position of secretary general, his or her absence, or in the absence of employees holding functional positions within the municipality.

The mayor may not delegate the signing of regulatory acts. Delegation may not be granted to the officials referred to in this article if they have a direct or indirect interest in the enactment of any decision.

**Art. 263** – The municipal council may delegate, by an absolute majority of its members, to the mayor, during his term of office, powers relating to:

- the determination and change of use of municipal property managed by municipal services in accordance with council decisions,
- the negotiation of loans and the completion of the legal and regulatory procedures required for this purpose within the limits set by the municipal council,
- accepting gifts and donations that are not subject to any charges or conditions,
- exercising all rights granted by law to the municipality in various areas, including the right of preemption,
- the conclusion of draft transactions, subject to submission for approval by the municipal office,
- negotiating with foreign partners to establish partnership and cooperation relationships in accordance with the provisions of Article 42 of this law.

The mayor must present a report to the municipal council during its regular sessions on the actions and operations carried out pursuant to this article.

The mayor may, under his or her responsibility, sub-delegate the powers provided for in this article to one of his or her deputies.

**Art. 264** – The mayor and the persons he designates for this purpose shall be responsible for enforcing the laws and regulations in force in the municipal area, exercising the functions conferred on the mayor by law, and granting authorizations in matters of urban planning, with the exception of powers conferred by law on other authorities.

**Art. 265** – The mayor, his deputies, his substitutes, and the council members appointed by him shall act as civil registrars. They shall be authorized to authenticate signatures and certify that copies are true copies of the original in accordance with the legislation in force.

The mayor delegates to municipal officials the legalization of signatures, the certification of copies as true copies of the original, and the signing of civil status documents, with the exception of the conclusion of marriage contracts.

**Art. 266** – The mayor is responsible for municipal regulations, the functioning of the environmental police, and the execution of municipal council decisions.

The mayor issues regulations concerning traffic, hygiene, safety, peace and quiet, the appearance of the town, and environmental protection within the entire municipal area, including public land owned by the state.

Officers responsible for recording violations undertake to inform the mayor of the municipality of the reports within a period not exceeding three days from the date of their recording.

Municipal officers responsible for environmental policing shall, under the responsibility of the mayor, ensure the performance of the duties assigned to them by law.

In the event of non-compliance with the decisions taken by the mayor, the governor undertakes to order the enforcement of the decisions taken within the framework of municipal regulations. He shall inform the mayor in writing of the action taken on the above-mentioned decisions within a period not exceeding two months. Where applicable, reasons must be given for non-enforcement.

The central authority shall designate a contact person responsible for public safety for each municipal president.

The mayor may appeal to the administrative court against the central authority's refusal to implement municipal decisions.

Failure by the competent authority to take demolition decisions or failure to implement such decisions constitutes gross negligence and engages its liability.

**Art. 267** – The purpose of police regulations is to ensure public peace, health, and the preservation of a peaceful living environment.

Police measures focus in particular on:

- facilitating traffic flow on roads, squares, and public thoroughfares, cleaning, lighting, and removing obstacles, prohibiting the display of any objects in windows or other parts of buildings that pose a risk of falling, prohibiting the throwing of anything that could cause harm to passersby or produce unpleasant odors, and prohibiting the disposal of solid, liquid, and gaseous waste,
- the enforcement of offences relating to construction, illegal occupation of public land, and the protection of the public from the dangers of construction sites and public works, the demolition and maintenance of buildings in danger of collapse ordered by the mayor on the basis of an assessment carried out by an expert appointed by the competent court,
- preventing disturbances to public peace, in particular noise, nuisances to neighbors and the public, and pollution from industrial, professional, and commercial activities and establishments located within the municipal district, through appropriate measures,
- ensuring the control of weights and measures, and the safety of consumable products,
- the transport and burial of deceased persons, exhumations, and the preservation of the decency and protection of cemeteries,
- the prevention of accidents, disasters, and calamities by any appropriate means, and the necessary measures to deal with fires, floods, disasters, epidemics, contagious diseases, and epizootics, requesting, where necessary, the emergency intervention of the competent authorities,
- taking measures to prevent or remedy unfortunate events that could result from the wandering of harmful or ferocious animals, or to prevent the breeding and wandering of herds of animals in residential areas,
- measures necessary to preserve the urban aesthetics of streets, squares, roads, and public and private spaces, while respecting the urban, architectural, historical, and environmental characteristics of the municipality.

The ministry responsible for local affairs shall ensure the training and accreditation of municipal officials responsible for environmental policing.

**Art. 268** – If the mayor of the municipality refrains from or refuses to perform any of the acts required of him by law and regulations, the governor shall issue him with a written formal notice. In the event of the mayor's failure to act or obvious inability to perform the said acts despite a clear danger, the governor may, by reasoned decision, proceed ex officio in person or through a person designated for that purpose.

The governor's intervention shall cease once the aforementioned causes have ceased to exist.

### **Section 6 – The municipal office**

**Art. 269** – The president of the municipal council is assisted in the management of municipal affairs by a municipal office composed of, in addition to the president, the vice presidents, the committee chairs, and, where applicable, the district chairs.

The municipal executive committee meets at least once a month. It is chaired by the president of the municipal council or, if he or she is unable to attend, by his or her representative in accordance with the provisions of this law.

The secretary general of the municipality keeps the minutes of the bureau's deliberations under the same conditions as those applicable to the secretariat of the municipal council.

The minutes of the bureau's deliberations shall be recorded in a numbered register and initialled by the president of the municipality. These minutes may be consulted by the other members of the municipal council.

### **Section 7 – Municipal administration**

**Art. 270** – The municipal administration shall act in the service of all residents in accordance with the law and in accordance with the principles of neutrality, equality, sincerity, transparency, accountability, continuity of public service, and efficiency. It shall ensure the protection of the interests of the municipality and its property.

The municipal administration must apply the law in accordance with the general interest. It contributes to the implementation of projects and ensures that services are provided on time.

Any unjustified delay in the provision of legally required services may constitute gross negligence, rendering the perpetrator liable under the law.

**Art. 271** – Municipal employees are subject to the provisions of the general civil service regulations and to the specific provisions applicable to them.

The municipal council approves the organizational chart of the municipal administration.

A government decree, issued after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court, establishes a standard organizational chart for the municipal administration.

**Art. 272** – The secretary general, or the person acting in that capacity, is responsible, under the authority of the president of the municipality, for overseeing the functioning of the municipal administration and providing advisory opinions to municipal councils and their subordinate bodies.

The secretary general shall attend the meetings of the municipal council, give his opinion and make proposals on the issues discussed, without the right to vote.

The categories and conditions for appointment to the position of municipal secretary general are set by government decree issued on the advice of the High Administrative Court.

**Art. 273** – Municipal employees are paid from the municipal budget.

The central authority may make public officials available to municipalities. In this case, their remuneration is payable by their original administration.

The central authority may, at the request of the municipalities, second public officials or employees of public institutions and public enterprises.

**Art. 274** – In accordance with the legal procedures in force, the president of the municipality shall appoint civil servants and workers to jobs, grades, and categories, within the limits of the number of posts provided for in the organizational chart approved by decision of the municipal council.

The municipality shall hold a competitive examination to recruit civil servants and workers, within the limits of the number of vacant posts, in accordance with the procedures in force and in compliance with the principles of equality and transparency.

**Art. 275** – The conditions and procedures for appointment to functional positions in municipalities and their withdrawal shall be determined by government decree after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court.

### **Section 8 – The legal regime governing the acts of municipal authorities and the control to which they are subject**

**Art. 276** – Municipal regulatory decrees shall enter into force five days after their publication on the website of the official journal of local authorities.

The municipality is required to display an extract of the deliberations and a copy of the regulatory decrees at its main headquarters and at the headquarters of its districts.

The regional treasurer shall be informed of decisions with financial implications and contracts entered into by the municipality within a period not exceeding ten days from the date of their adoption.

Contrary to the provisions of Article 46 of this law, in urgent cases, the council may, by a three-fifths majority of its members, decide to bring a regulatory decree into force as soon as it is posted, filed with the governorate, and communicated to the public by any available means, provided that it is subsequently published on the website of the official journal of local authorities.

**Art. 277** – Individual decrees issued by municipal authorities must be justified. Subject to taking into account the right of judicial appeal exercised by any person with an interest in taking action, such decrees shall enter into force as soon as they are notified to the persons concerned or as soon as the latter become aware of them.

**Art. 278** – The governor may, on his own initiative or at the request of any person with a legitimate interest, challenge municipal decrees before the competent court.

The governor shall notify the president of the municipality of a copy of the appeal against the contested order three days before it is filed with the court registry.

In urgent cases, the governor may request a stay of execution of the municipal decree.

If the municipal decree is likely to infringe upon a public or individual freedom, the president of the administrative court of first instance shall order a stay of execution within five days at the request of the governor or the persons concerned.

The provisions of this article shall not preclude any natural or legal person from bringing an action directly before the administrative court of first instance against municipal decrees that adversely affect them.

**Art. 279** – Municipal deliberations and decrees in which members of municipal councils have participated and in which said members have a personal interest or have acted on behalf of a third party shall be null and void.

The competent administrative court of first instance shall declare the annulment by a judgment taken on the initiative of the governor or at the request of any person with a justified interest, in accordance with the procedures provided for in this law.

**Art. 280** – No member of a municipal council may enter into contracts or conduct business with the council of which he or she is a member if he or she is in a situation of conflict of interest of any kind within the meaning of the legislation on conflicts of interest.

Violation of the provisions of the first paragraph of this article shall render the contract or transaction null and void.

### **Section 9 – Intermunicipal cooperation**

**Art. 281** – Two or more municipalities may cooperate to prepare or carry out joint projects or to provide services of common interest out of solidarity with each other or for reasons of cost savings and efficiency, or to carry out technical works.

The district or region may cooperate with municipalities to carry out projects or provide the above-mentioned services.

Inter-municipal cooperation takes the various forms provided for in the provisions of this law.

**Art. 282** – Municipalities belonging to the same region may set up a joint cooperation committee responsible for preparing an inter-municipal cooperation program and proposing the creation of joint cooperation establishments or projects in the various areas falling within their remit.

**Art. 283** – Two or more municipalities may enter into a cooperation agreement to achieve the objectives set out in this law.

Two or more municipalities may, by means of an agreement concluded for this purpose, entrust the operation of public economic services of common interest to a single municipality, which acts as a concessionaire for the other municipalities.

Two or more municipalities may operate one or more public services of common economic interest through a public enterprise that they create and organize for this purpose in accordance with the provisions of this law.

Two or more municipalities may, in agreement with one or more regions, create an urban development agency at the level of one or more regions to ensure the synchronization of plans, operations, and urban spaces covering their territorial perimeter and the monitoring of the completion of works.

Two or more municipalities may, by virtue of an agreement concluded for this purpose, create service groups in accordance with a model statute established by government decree on the proposal of the High Council of Local Authorities and on the advice of the High Administrative Court.

**Art. 284** – The provisions of this law relating to the functioning of the municipal council and the ex post control of municipalities shall apply to inter-municipal cooperation establishments, provided that they do not contradict the provisions of this chapter. The administrative acts of inter-municipal cooperation establishments are subject to the control of the administrative judge.

**Art. 285** – The State shall endeavor to encourage intermunicipal cooperation by granting intermunicipal cooperation establishments specific tax and financial advantages as determined by law.

**Art. 286** – The resources of the budget of the inter-municipal cooperation institution shall consist of:

- contributions from member municipalities in any form whatsoever,
- the income from the institution's own domain and from the domain transferred to it by the municipalities,
- income from various public administrations, associations, and individuals in return for services rendered,
- the grants allocated to it by the State,
- donations and bequests, subject to compliance with the legislation in force.

**Art. 287** – Intermunicipal cooperation establishments created by a joint decree of the municipal councils concerned are deemed to be legally constituted for a mutually agreed period.

**Art. 288** – Local elected officials are prohibited from managing inter-municipal cooperation establishments or from being employed by them as salaried employees.

The council of the institution shall draw up its own rules of procedure.

The president of the intermunicipal cooperation institution is its legal representative.

**Art. 289** – The board of directors of the intermunicipal cooperation institution shall exercise the powers conferred upon it in accordance with the law on public enterprises and the institution's statutes.

**Art. 290** – Member municipalities may entrust additional tasks to the intermunicipal cooperation institution.

**Art. 291** – New members may be admitted to the cooperative establishment in accordance with an amendment to the agreement establishing said establishment.

**Art. 292** – Each member municipality may, after deliberation by its council, withdraw from the intermunicipal cooperation body.

The decision to withdraw shall be notified to the governor and regional treasurer with territorial jurisdiction in accordance with the provisions of this law.

An agreement shall be concluded to regularize the effects of the withdrawal, in accordance with the procedures provided for in the statutes of the cooperative body.

Disputes relating to the withdrawal and its effects shall be brought before the administrative courts.

## **Chapter II – The region**

**Art. 293** – The region is a local authority with legal personality and administrative and financial autonomy. It shall manage regional affairs in accordance with the principle of free administration and shall work, within the limits of its territorial perimeter, to achieve comprehensive and inclusive development and the complementarity of various development projects and public services, as well as their consolidation, with the assistance and in consultation with the central authority and other local authorities.

**Art. 294** – The law creates the region and sets its territorial boundaries in accordance with the provisions of Article 3 of this law.

This law approves the regions listed in Annex "B" attached to this law, which were created before the date of its entry into force, within their territorial boundaries.

Any change in the name, seat, or territorial boundaries of the region shall be effected by law and shall be subject to the same procedures as those relating to its creation, based on a decision by the regional council by a two-thirds majority of its members.

### **Section 1 – Powers of the region**

**Art. 295** – The region has its own powers, powers shared with the central authority, and powers transferred to it.

#### **Subsection One – Own powers**

**Art. 296** – The region is authorized, in particular, to:

- establish plans to promote the development of the region using participatory democracy processes and taking into account the requirements of sustainable development and the green economy,
- overseeing the management of various regional public services and facilities relating mainly to distribution networks, the environment, culture, sport, youth, social affairs, employment, and senior citizens for the benefit of the region's residents, businesses, and associations, and maintaining the facilities assigned to them;
- Organize and support non-urban transport in the region and work to improve its services.

#### **Subsection 2 - Shared powers**

**Art. 297** – The powers shared with the central authority consist in particular of the following:

- ting the implementation of regional land use plans in accordance with the law in force and using appropriate participatory democracy processes,
- the creation of regional public facilities relating mainly to distribution networks, the environment, culture, sport, youth, social affairs, employment, and the elderly,
- the development of industrial, craft, commercial, and tourist areas in coordination with the relevant public companies,
- the supervision of investors established in the region and support for project developers,
- the preservation of natural and archaeological areas and their cultural and economic development,
- ting support for cultural, sporting, and social activities in the region,
- establishing, with the assistance of educational institutions and economic enterprises, vocational training programs tailored to the specific characteristics of the region and supporting them in order to ensure the employability of young people,
- the organization of regional urban transport,
- supporting the opening of educational and vocational training institutions, universities, and research centers on the region's economic and cultural environment,
- monitoring the labor market situation in the region and taking initiatives to encourage job creation,
- ing the promotion of social dialogue and actively participating in the resolution of social conflicts at the regional level,
- establishing plans relating to migration and Tunisians abroad.

Shared powers are exercised in accordance with the provisions of the law referred to in paragraph 2 of Article 13 of this law.

### **SUBSECTION 3 – TRANSFERRED POWERS**

**Art. 298** – The region shall exercise the powers that may be transferred to it by the central authority, particularly in the following areas:

- maintenance and development of infrastructure, buildings, public facilities, and regional services,
- support for economic, agricultural, industrial, and commercial activity, as well as investment in the region.

Any transfer of powers must be accompanied by a transfer of the financial and human resources necessary for their exercise.

## **Section 2 – The regional council**

**Art. 299** – The region is managed by a regional council elected in accordance with electoral law.

At its first meeting, the regional council shall elect, within a period not exceeding eight working days from the announcement of the final election results, the president of the region and the vice presidents, upon convocation by the president whose term of office has expired or, failing that, by the oldest elected member of the council, taking into account the provisions of Article 7 of this law and the electoral law.

**Art. 300** – The first meeting of the elected regional council shall take place within a period not exceeding eight working days from the date of the announcement of the final results of the elections by the independent higher electoral authority, upon convocation by the president of the regional council whose term of office has expired or, failing that, by the oldest elected member of the council.

At its first meetings, the council shall set the schedule for its regular sessions and inform the public thereof.

**Art. 301** – At the first meeting of the regional council, the members shall take the following oath in the presence of the chief justice of the court of appeals with territorial jurisdiction or his or her representative:

"I swear by Almighty God to serve the affairs of the region and the interests of all its inhabitants without discrimination or favoritism, in accordance with the Constitution, the laws, the values of democracy, and the unity of the Tunisian State."

**Art. 302** – Except in cases provided for by law, the regional council may only be dissolved if no other solutions are possible, by reasoned government decree, after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court. Such dissolution may only take place on grounds relating to a serious breach of the law or a clear impediment to the interests of the inhabitants, after the members of the council have been heard and their right of defense has been guaranteed.

In urgent cases, the minister responsible for local authorities may suspend the activities of the regional council on the basis of a reasoned report from the governor and after consultation with the bureau of the High Council of Local Authorities, for a period not exceeding two months.

The president of the local authority or one-third of the council members may appeal against suspension or dissolution orders before the competent local administrative court. The parties concerned may also file a request for a stay of execution within a period not exceeding five days from the date of notification of these orders. The president of the administrative court of first instance shall rule within ten days from the date of filing of the request for a stay of execution.

Suspension or dissolution orders shall only become enforceable after the president of the competent administrative court has issued a decision refusing the request for a stay of execution or upon expiry of the deadline for filing such a request.

During the period of suspension, the executive director of the region shall manage the administration of the region and, with the authorization of the governor, shall order, on an exceptional basis, any expenditure that cannot be postponed.

**Art. 303** – A regional councilor may submit his or her resignation to the president of the region, who shall submit it to the regional council at its next meeting to confirm the vacancy. The territorially competent governor shall be informed thereof.

Except in cases where vacancies cannot be filled in accordance with the electoral law, the Regional Council shall be dissolved automatically by the collective resignation or the simultaneous resignation of the majority of its members. The governor with territorial jurisdiction shall be informed of such resignation.

The Council shall be dissolved automatically upon expiry of a period of 15 days from the date of notification by the governor.

The governor shall inform the Independent High Authority for Elections and the High Council of Local Authorities of any vacancies and automatic dissolutions.

**Art. 304** – Any member of the Regional Council who, without legal reason, fails to perform the duties prescribed by laws and regulations shall be formally notified by the President of the region to fulfill their obligations. If the formal notice remains unheeded, the Regional Council may, by a three-fifths majority of its members, terminate their functions after hearing them. The person concerned may appeal to the territorially competent administrative court.

Any member of the regional council who loses their right to vote or finds themselves in a situation of incompatibility in accordance with the provisions of the electoral law shall automatically lose their mandate. The regional council shall make a declaration to this effect at its next meeting.

**Art. 305** – A provisional committee for the management of the region's affairs and its chair shall be appointed by government decree on the proposal of the minister responsible for local affairs and after consultation with the president of the High Council of Local Authorities in the following cases:

- the dissolution of the regional council,
- the collective resignation or resignation of the majority of the members of the regional council,
- death or loss of capacity,
- the annulment of the regional council election,
- the creation of a new region.

**Art. 306** – The provisional management committee shall be composed of between twenty and thirty members, depending on the size of the region's population, in accordance with a table established by government decree after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court. Gender parity and youth representation shall be taken into account in the composition of the committee.

The members of the provisional management committee shall perform their duties on a voluntary basis, with the region being responsible for reimbursing their expenses in accordance with the provisions of Article 6 of this law.

The provisional management committee is responsible for managing the region's day-to-day affairs. With the exception of the creation of a new region, the provisional management committee is not authorized to recruit permanent staff. The chair of the provisional management committee exercises the powers of the president of the region.

The provisional management committee shall exercise its powers for a period not exceeding six months, renewable once only and, in any event, until the election of the new regional council.

The chair of the provisional management committee may, by order, delegate part of his or her powers to one of the committee members.

**Art. 307** – The dissolved regional council shall continue to manage regional affairs until a provisional management committee is appointed. In the event of refusal, the executive director of the region shall be responsible for managing regional interests. He may, with the authorization of the governor, order expenditures that cannot be postponed.

**Art. 308** – The regional council shall form the following standing committees:

- the committee responsible for financial and economic affairs and management oversight,
- the committee responsible for cleanliness, hygiene, and the environment,
- the committee responsible for social affairs and social dialogue,
- the committee responsible for family, children, and people without family support,
- the committee responsible for infrastructure and land use planning,
- the committee responsible for administrative affairs, services and transport,
- the committee responsible for arts, culture, heritage, education, and teaching,
- the committee responsible for youth, sports, and volunteer work,
- the commission responsible for equality between persons and equal opportunities between the sexes,
- the commission responsible for participatory democracy and open governance,
- the committee responsible for decentralized cooperation.

The regional council may form non-permanent committees to which it entrusts the examination of specific issues. Representatives of civil society and professional groups participate in the work of these committees.

The composition of the various committees is based on proportional representation of the different lists that won the council elections. Except where this is impossible, the composition of the committees takes into account the principle of gender parity, the representation of young people, and the correlation between the specialization and skills of council members and the committee's area of activity.

Except in cases where no other electoral lists exist, the chairmanship of the committee responsible for financial and economic affairs and management oversight shall be assigned to a member of the regional council who does not belong to the lists of candidates from which the president and his or her first deputy were elected.

**Art. 309** – The regional council appoints the chairpersons of the committees and their rapporteurs on the basis of proportional representation.

In the event of the resignation or absence of the chair of a committee or its rapporteur, the president of the regional council shall appoint a substitute. Vacancies shall be submitted to the regional council at its next meeting.

The regional council shall fill any vacancies that arise within the committees.

**Art. 310** – Committees shall meet when convened by their chairpersons within a period not exceeding ten days from their formation. They shall set their own meeting schedules and agendas.

Committees prepare reports on matters they have taken up on their own initiative or that have been submitted to them by the regional council or the president of the region.

In carrying out their duties, committees shall adopt participatory democratic procedures. Any committee may invite government officials or representatives of public institutions or public enterprises selected on the basis of their experience to attend its meetings. It may invite residents and members of civil society or any other persons whose activities or experience are deemed useful to provide their opinions.

The minutes of committee meetings shall be recorded in a special numbered register. Committees may adopt a secure electronic register system.

Committees have no decision-making power. They may not exercise any of the powers of the regional council, even by delegation.

**Art. 311** – The regional council must hold a session every three months. It also holds meetings whenever necessary at the request of its president, one-third of its members, or one-tenth of the voters registered in the region's electoral register.

Except in exceptional circumstances or on public holidays, the board holds its meetings at the end of the week.

Notices of meetings are sent at least fifteen days before the date of the council meeting. In urgent cases, the notice period may be reduced to two days. In cases of extreme urgency, the meeting may be held immediately. The notice of meeting must mention the items on the agenda.

The notice of meeting shall be recorded in the minutes register, posted at the entrance to the regional headquarters, published on the region's website, and sent in writing to the members of the regional council. Notices of meeting sent electronically and for which proof of receipt is provided shall be deemed authentic.

**Art. 312** – The regional council shall adopt its rules of procedure within a period not exceeding three months from its establishment.

The rules of procedure shall determine the organization of the regional council and its operating procedures.

The rules of procedure shall determine the distribution of responsibilities within the committees on the basis of proportional representation.

**Art. 313** – Explanatory notes relating to the matters to be discussed shall be attached to the notices convening the meetings of the regional council.

Draft contracts or other agreements must be sent to the members of the regional council at least five days before the meeting is held.

In the exercise of their duties, all members of the regional council may examine all documents and data relating to regional issues under deliberation.

**Art. 314** – The president of the region or, in his absence, his substitute from among the deputies, shall chair the regional council.

When discussing the region's financial statements, the regional council elects a chair for the meeting. In this case, the president of the region may, even if no longer in office, attend the deliberations, provided that he or she leaves the meeting when the vote is taken.

Regional council hearings are public. The date of the hearings is announced by posting notices and through the various media available. However, at the request of one-third of its members or its chair, the regional council may decide, by a two-thirds majority of its members present, to deliberate in camera.

The chair of the Regional Council meeting shall ensure order during the session. He or she may order anyone who disturbs the order to leave the meeting room. He or she may call on the police to protect the meetings and ensure that they proceed normally.

The executive director of the region keeps the minutes of the deliberations. However, in the event of the latter's absence, the council shall appoint one of its members at the beginning of each session to perform the duties of the secretariat. He or she shall be assisted by one of the region's officials.

**Art. 315** – At Regional Council meetings, seats shall be reserved for observers, namely members of the Assembly of People's Representatives elected in the electoral districts located in the region and the presidents of the municipalities in the region.

Other seats shall be reserved for representatives of workers' and employers' unions, national organizations, chambers of industry and commerce concerned, located in the region, as well as for the media and civil society organizations interested in the region's activities and registered in a special register kept by the executive director of the region.

**Art. 316** – The regional council holds its meetings in the presence of a majority of its members.

If the quorum is not reached, the council shall be reconvened to meet after at least three days, regardless of the number of members present.

**Art. 317** – Subject to the specific provisions governing voting on certain issues, decisions shall be taken by an absolute majority of the members present, provided that this majority is not less than one-third of the members of the regional council.

Proxy voting is prohibited.

Voting shall be public. In the event of a tie, the chair shall have the casting vote. The names of those voting shall be recorded in the minutes of the meeting.

A secret ballot shall be held in either of the following two cases:

- if at least one-third of the board members present request it and the board has adopted this proposal by a two-thirds majority of the members present,
- if the board is convened to hold an election, decide on an appointment, or present candidates. In this case, if none of the candidates obtains a majority of the votes of the members present in the first round, a second round is held. The two candidates who obtained the highest number of votes in the first round stand in the second round.

In the event of a tie in the second round, the election shall be won by the youngest candidate.

**Art. 318** – The internal rules of procedure of the regional council shall lay down the conditions and procedures governing oral questions relating to regional affairs and the organization of hearings of the president, his deputies, or the chairpersons of the committees.

The internal rules of procedure of the regional council shall determine the procedures for the annual sessions devoted by the council to the discussion of committee reports.

**Art. 319** – Employers shall be required to grant public officials and employees who are members of regional councils facilities enabling them to attend and participate in council sessions or committee meetings of which they are members, in accordance with the provisions of this law.

Except in the case of emergency meetings, regional elected officials are required to inform their employer of the date of meetings at least three days in advance and to submit a copy of the notice of meeting.

When a member of the regional council complies with the provisions of the second paragraph of this article, the absence of staff and employees from official regional meetings to which they are summoned cannot constitute grounds for dismissal, termination of employment, disciplinary action, or deprivation of professional promotion or any social benefits.

The directors of educational and training establishments are required to facilitate the attendance of pupils and students elected to regional councils in accordance with the same procedures and conditions.

**Art. 320** – The deliberations of the regional council shall be recorded and classified according to their date in the register of deliberations. They shall be signed by the members of the council present or, where applicable, the reasons preventing signature shall be noted.

An extract from the minutes of the deliberations shall be posted for two months at the entrance to the regional headquarters within a period not exceeding eight days following the date on which they were held. It shall also be posted on the region's website.

**Art. 321** – The regional council manages regional affairs and takes decisions relating thereto. It shall, in particular, consider and deliberate on:

- financial matters, including the disposal, exchange, leasing, and allocation of property use rights, and participation in local public enterprises and other economic projects,
  - social and economic issues, the promotion of trades, and the approval of regional public projects and monitoring of their implementation,
  - issues relating to the region's headquarters and its property,
  - matters relating to arts and culture and their enrichment in the region,
  - matters relating to youth, children, sports, families, and individuals without family support,
  - matters relating to environmental protection and urban aesthetics,
  - measures contributing to the prompt provision of services and the optimal functioning of public services,
  - issues relating to cooperation with local authorities and central government,
  - issues relating to partnerships with foreign countries,
  - matters relating to transport and the organization of the sector in the region,
  - investment in projects that guarantee the region regular and permanent income,
  - matters relating to migration and Tunisians abroad.

And all matters and issues relating to areas of competence that are specific to, shared with, or transferred by the State to the region.

The council shall decide, by a two-thirds majority of its members, on the change of use of agricultural land for the implementation of economic projects on the basis of an environmental impact assessment and economic opportunity assessment in accordance with the legislation and regulations in force.

### **Section 3 – The president of the region and his deputies**

**Art. 322** – The regional council shall elect, from among its members, the president of the region and his deputies for the entire term of office.

The regional council determines the number of deputies to the president of the region, which may not exceed four.

**Art. 323** – The regional council shall be convened for the election of the president and vice presidents by the outgoing president or the acting president, in accordance with the procedures and deadlines laid down by law. Failing this, the governor shall issue the convocations. The scheduled election shall be mentioned in the convocation.

The oldest member of the regional council, assisted by the youngest, shall chair the meeting at which the president of the region is elected.

The president of the regional council and his deputies shall be elected by secret ballot and by an absolute majority of the members, in accordance with the provisions of the electoral law and the provisions of Article 7 of this law.

If no candidate obtains an absolute majority, a second round of voting shall be held to elect the president of the council from among the two candidates who obtained the most votes. In the event of a tie, the youngest candidate shall be declared elected.

The president's deputies shall be ranked in order of election by the members of the regional council.

The minutes of the elections shall be drawn up by the executive director of the region, who shall send a copy to the governor.

The results of the elections for the president and deputies shall be announced within twenty-four hours of the elections, by posting them at the entrance to the regional headquarters and by any other available means.

An appeal against the validity of the elections of the president and deputies may be lodged in accordance with the conditions, procedures, and time limits applicable to appeals against regional council elections before the administrative courts within fifteen days of the date of the elections.

**Art. 324** – If the election is annulled or if the president or deputies have resigned from their posts, the regional council shall be convened by the president of the region or, where applicable, by the governor with territorial jurisdiction to fill the vacancy.

The election meeting shall be chaired by the oldest member of the regional council, assisted by the youngest.

The election meeting must take place within fifteen days of the vacancy.

**Art. 325** – In the event of a vacancy in the presidency, the regional council shall meet to elect a president from among its members.

The election is valid regardless of the number of members present.

If no candidate obtains an absolute majority of the votes of the council members in the first round of voting, a second round is held for the two candidates who obtained the most votes.

In the event of a tie in the second round, the youngest candidate shall be declared elected.

**Art. 326** – The resignation of the regional president or his deputies shall be addressed to the members of the regional council, which shall meet within a period not exceeding fifteen days to deliberate on the said resignation.

If the resignation is accepted, or if the resigning parties have not withdrawn their resignation, the governor and regional treasurer with territorial jurisdiction shall be informed of the vacancy.

Resigning members shall continue to perform their duties until their successors are sworn in.

In the event of an emergency or if the resigning president refuses to continue managing regional affairs, the oldest member of the regional council shall undertake, with the assistance of the executive director, to manage the affairs of the region.

**Art. 327** – The resignation of any member of the regional council shall be sent to the president of the region by registered letter with acknowledgment of receipt.

**Art. 328** – The president or one of his deputies may be suspended by reasoned order of the minister responsible for local authorities for a maximum period of three months after consultation with the bureau of the High Council of Local Authorities. The suspension order shall be issued after hearing the parties concerned or after summoning them to provide written explanations of the facts alleged against them, which constitute serious misconduct due to a violation of the law that seriously compromises the public interest.

The presidents or deputies, after being duly heard, may be dismissed by reasoned government decree after consultation with the bureau of the High Council of Local Authorities, when their responsibility for the acts referred to in the first paragraph is established.

The bureau of the High Council of Local Authorities shall issue its reasoned opinion within ten days of the date of receipt of the consultation issued by the Presidency of the Government.

Suspension or dismissal orders may be appealed before the competent administrative court of first instance. The parties concerned may request a stay of execution of the above-mentioned orders within five days of the date of their notification. The president of the competent administrative court shall rule on the request for a stay within a period not exceeding ten days from the date of submission of the request.

Suspension or dismissal orders shall only be enforceable after the president of the competent administrative court has refused the request for a stay of execution, or after the expiry of the period for submitting the request for a stay provided for in the previous paragraph of this article.

Dismissal shall result in automatic ineligibility for the remainder of the term of office, unless the dismissal decree is overturned by the administrative court.

**Art. 329** – In the event of the absence, suspension, or dismissal of the president of the region, or in the event of any other circumstance constituting a temporary vacancy, he or she shall be temporarily replaced in all his or her duties by an interim deputy, according to the order of ranking.

If it is impossible to replace the president with a deputy, the interim position shall be filled by a member of the regional council elected by a majority of the members present. The governor and regional treasurer with territorial jurisdiction shall be kept informed.

A temporary vacancy is considered to be the absence of the regional president for health or travel reasons for a period exceeding one month, or the suspension of his or her duties.

The interim period shall not exceed six months.

Beyond the above-mentioned period, the provisions of Article 324 of this law shall apply.

**Art. 330** – On the basis of a petition signed by at least half of the members of the regional council, the council may decide to withdraw confidence from its president by a three-quarters majority of its members. It may also withdraw confidence from the president's deputies following the same procedures.

No more than one petition for withdrawal of confidence may be submitted during the session.

No vote of no confidence may be held during the six months following the election of the regional council.

No vote of no confidence may be held during the last year of the term of office.

#### **Section 4 – Powers of the regional president**

**Art. 331** – The regional president is responsible, within the framework of the law, for managing the affairs of the region. He or she is its legal representative.

The president of the region may delegate, by order published in the Official Journal of Local Authorities, some of his powers to his deputies and members of the regional council, with the exception of the signing of regulatory orders.

The delegations remain in force until they are terminated.

**Art. 332** – The president of the region, his deputies, and the members of the regional council undertake to inform the regional council of anything that may constitute a suspicion or suspicion of a conflict of interest in the management of the region or in the exercise of their powers.

If, in a specific case, the interests of the president conflict with those of the region, the regional council appoints one of its members to monitor the case and represent the region in court

or the conclusion of contracts. The same procedure shall be followed in the event of a conflict of interest between a member of the council and the interests of the region.

**Art. 333** – The president of the region may delegate, by order, under his control and responsibility and within the limits of his powers, his signature:

- to the executive director of the region,
- to officials holding one of the functional positions within the administration of the region.

The president of the region may not delegate the signing of regulatory acts. Delegation may not be granted to the persons referred to in this article if they have a direct or indirect interest in the adoption of any act. Nevertheless, the acting president of the region may sign regulatory decrees.

**Art. 334** – The president of the region is responsible, under the supervision of the regional council and in accordance with the terms and conditions provided for by the laws and regulations in force, for the functions and implementation of the council's decisions, in particular those relating to:

- the administration of property and the taking of measures for its preservation and enhancement,
- the preservation of the region's accounting documents and archives,
- recruitment of staff within the limits authorized by law and the region's budget,
- taking all protective or interruptive measures to prevent forfeiture,
- managing the region's revenues and supervising businesses in accordance with the law,
- supervising the preparation of the region's draft budget in accordance with the financial regime, authorizing expenditure, and controlling regional accounting,
- communicating with the regional finance collector regarding debt collection,
- managing works and monitoring completion deadlines,
- bringing legal proceedings before the courts to defend the region's interests and representing it in administrative and judicial disputes before the various courts,
- s all decisions and measures relating to the drafting, conclusion, execution, and settlement of contracts that may be entered into in accordance with the regulations in force, taking into account their amount and nature. The regional council may make the signing of a contract subject to its approval by a new deliberation.
- the conclusion and revision of contracts of sale, lease, exchange, sharing, transaction and their revisions, as well as the acceptance of donations and gifts authorized in accordance with this law,
- the representation of the region in all civil and administrative acts,
- the defense of the region's interests by all legal means,
- ensuring the smooth running of administrative services and monitoring the provision of services as quickly as possible, as well as presenting reports and responses to complaints from any person with an interest in the performance of the various services within the region,
- Investigating complaints and, where appropriate, taking legal action against anyone who has intentionally harmed the interests of the region's citizens by delaying the provision of a service or refusing to provide it without legal grounds,
- Listening to the grievances of residents and civil society groups and responding to questions raised.
- Communicating with the representative of the central authority with territorial jurisdiction concerning the implementation of all regional decisions,
- r mediating to resolve social conflicts and appointing a mediator to settle them, and supporting social dialogue at the regional level,
- s the chairmanship of the regional transport commission and the signing of transport authorizations in accordance with its deliberations.

**Art. 335** – The regional council may delegate, by an absolute majority of its members, to the president of the region during his term of office, the powers relating to:

- determining and changing the allocation of assets managed by the region in accordance with the decisions of the council and on the basis of reports providing reasons for this purpose,

- the negotiation of loans and the completion of the legal and regulatory procedures required for this purpose within the limits set by the regional council,
- accepting gifts and donations that are not subject to any charges or conditions,
- exercising all rights granted by law to the region in various areas, including the right of preemption,
- the conclusion of draft transactions subject to submission to the regional council for approval,
- negotiating with foreign parties to establish partnership and cooperation relations in accordance with Article 42 of this law.

The president of the region must submit a report to the Regional Council during its regular meetings detailing the actions taken in accordance with the provisions of this article.

The president of the region may, under his or her responsibility, sub-delegate the powers provided for in this article to one of his or her deputies.

**Art. 336** – The president of the region and the persons he designates for this purpose shall be responsible for enforcing the laws and regulations in force in the region and for performing the functions assigned to him by law.

**Art. 337** – The president of the region is responsible for regional regulations and the enforcement of regional council decisions.

The president of the region shall adopt the special regulations required for the management of regional affairs.

The governor orders the implementation of decisions taken under regional regulations. He informs the president of the region in writing of the action taken on the above-mentioned regional decisions within a period not exceeding two months. Where applicable, failure to implement a regional decision must be justified.

The president of the region may bring an action before the administrative court against the central authority's refusal to implement regional decisions.

**Art. 338** – If the president of the region refrains from or fails to perform any of the acts required of him by law and regulations, the governor shall give him written notice to do so. In the event of the president of the region's failure or manifest inability to perform the said acts, despite a clear danger, the governor may, by reasoned decision, proceed to do so himself or through an agent appointed for that purpose.

The governor's intervention shall cease as soon as the aforementioned reasons no longer apply.

### **Section 5 – The regional office**

**Art. 339** – The president of the regional council shall be assisted in the management of regional affairs by a regional office composed of the president, deputies, and committee chairpersons.

The bureau shall meet at least once a month. It shall be chaired by the president of the regional council or, in his absence, by his deputy in accordance with the provisions of this law.

The executive director of the region keeps the minutes of the bureau's deliberations under the same conditions as those applicable to the secretariat of the regional council.

The minutes of the bureau's deliberations shall be recorded in a numbered register and initialled by the president of the region. These minutes may be consulted by the other members of the regional council.

### **Section 6 – Administration of the region**

**Art. 340** – The administration of the region shall ensure that all residents are served in accordance with the law, in accordance with the principles of neutrality, equality, sincerity, transparency, accountability, continuity of public service, and efficiency. It shall work to protect the interests of the region and its property.

The regional administration is required to apply the law in accordance with objectives of general interest. It contributes to the implementation of projects and ensures that services are provided on time.

Any unjustified delay in the provision of legally required services may constitute gross negligence, rendering the perpetrator liable in accordance with the law.

**Art. 341** – Regional officials are subject to the provisions of the general civil service regulations and to the specific provisions applicable to them.

The regional council approves the organizational chart of the regional administration.

A standard organizational chart for the regional administration shall be established by government decree after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court.

**Art. 342** – The executive director or the person acting as executive director shall be responsible, under the authority of the president of the region, for overseeing the functioning of the regional administration and providing advice to the regional council and its subordinate structures.

The executive director attends regional council meetings, gives his opinion, and makes proposals on the issues discussed, but does not have the right to vote.

The conditions and procedures for appointing the executive director of the region, as well as his or her remuneration, transfer, and dismissal, are determined by government decree issued on the advice of the High Administrative Court.

**Art. 343** – Regional officials are remunerated from the regional budget.

The central authority may make public officials available to the regions. In this case, their remuneration shall be paid by their original administrations.

The central authority may, at the request of the regions, second civil servants or employees of public institutions and public enterprises to the regions.

**Art. 344** – In accordance with the legal procedures in force, the president of the region shall appoint civil servants and workers to posts, grades, and categories, within the limits of the number of posts provided for in the organizational chart approved by the regional council.

The region shall hold a competition to recruit civil servants and workers, within the limits of the number of vacant positions, in accordance with the terms and procedures in force and in compliance with the principles of equality and transparency.

**Art. 345** – The conditions and procedures for appointment to regional civil service positions and their removal shall be determined by government decree after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court.

#### **Section 7 – Legal regime governing acts taken by regional authorities and the control to which they are subject**

**Art. 346** – Regional regulatory decrees shall enter into force five days after their publication on the website of the official journal of local authorities.

The region undertakes to display an extract of the deliberations and a copy of the regulatory decrees at its headquarters.

The regional treasurer shall be informed of decisions with financial implications and contracts concluded by the region within a period not exceeding ten days from the date of their adoption.

Contrary to the provisions of Article 46 of this law, in urgent cases, the regional council may, by a three-fifths majority of its members, decide to bring a regulatory order into force as soon as it is posted, filed with the governor, and communicated to the public by any available means, provided that it is subsequently published on the website of the official journal of local authorities.

**Art. 347** – Individual orders issued by regional authorities must be justified. Subject to taking into account the right of judicial appeal exercised by those with an interest in taking action, such orders shall enter into force as soon as they are notified to the persons concerned or as soon as the latter become aware of them.

**Art. 348** – The governor may, on his own initiative or at the request of any person with an interest, challenge regional decrees before the competent court.

The governor shall notify the president of the region of a copy of the appeal against the contested regional decree three days before it is filed with the court registry.

In urgent cases, the governor may request a stay of execution of the order.

If the regional decree is likely to infringe upon a public or individual freedom, the president of the administrative court of first instance may, at the request of the governor or the persons concerned, order a stay of execution within five days.

The provisions of this article shall not preclude any natural or legal person from bringing an action directly before the administrative court of first instance with territorial jurisdiction against regional decrees that cause them harm.

**Art. 349** – Regional deliberations and decisions in which members of regional councils have participated and in which said members have a personal interest or have acted on behalf of a third party shall be null and void.

The administrative court of first instance with territorial jurisdiction shall declare the annulment by a judgment taken on the initiative of the governor or at the request of any person with a legitimate interest.

**Art. 350** – No member of the regional council may enter into contracts or conduct business with the council of which he or she is a member if he or she is in a situation of conflict of interest of any kind within the meaning of the legislation on conflicts of interest.

Violation of the provisions of the first paragraph of this article shall render the contract or transaction null and void.

## **Section 8 – Cooperation between the region, the central authority, and other local authorities**

**Art. 351** – The external services of the State shall assist the regional council in carrying out the tasks falling within its remit whenever it so requests and within the framework of agreements whose terms and conditions and procedures for conclusion are laid down by government decree issued after consultation with the High Council of Local Authorities and the High Administrative Court.

**Art. 352** – The region may conclude agreements with the central authority or other local authorities with a view to implementing economic and social development projects and programs.

**Art. 353** – The region may establish national or regional agencies responsible for urban services in cooperation with the municipalities of its capital or other municipalities or with the central authority.

### **Section 9 – The regional commission for economic and social dialogue**

**Art. 354** – The regional council shall establish a regional commission for economic and social dialogue, chaired by the president of the region. It shall be composed as follows:

- six members from among the regional councilors,
- six members representing, in equal numbers, workers' unions, employers' unions, and farmers' unions,
- six members representing the central administrations responsible for social affairs, investment, agriculture, trade, the environment, and infrastructure, appointed by the governor with territorial jurisdiction,
- one representative of the structures responsible for the unemployed and one representative of the most representative body for the unemployed, appointed by the regional council on the basis of the applications or data at its disposal.

The commission may invite any person whose testimony is deemed useful.

The regional council shall appoint one of its members, from among those mentioned in the first indent of this article, to monitor social dialogue matters and, where necessary, to deputize for the president of the region in chairing the regional social and economic dialogue committee.

**Art. 355** – The commission shall examine economic, social, labor, and environmental issues either on its own initiative or at the request of one of the presidents of the local authorities or the territorially competent governor.

The commission shall periodically review the employment situation in the region and submit reports to the regional council for this purpose.

At the request of the parties concerned, the commission shall examine the conditions for the implementation of economic and social projects and recommend measures to ensure that they are carried out under the best possible conditions.

The commission shall appoint a rapporteur from among its members. It shall draw up reports on its work and proposals for the attention of the regional council, which may authorize their publication on the region's website.

The documents relating to the commission's work are kept at the regional headquarters.

## **CHAPTER III – THE DISTRICT**

**Art. 356** – The district is a local authority with legal personality and administrative and financial autonomy, which works to promote the integration and complementarity of overall, balanced, and fair economic development among all the areas that comprise it.

**Art. 357** – The district is governed by a district council elected by the members of the municipal and regional councils in accordance with the law.

The District Council meets periodically once every three months, and whenever necessary, upon convocation by its president.

The District Council shall meet validly when a majority of its members are present.

The district council meets at the district headquarters. However, it may decide to meet at any other location within or, exceptionally, outside its territorial boundaries.

District Council meetings are open to the public. However, at the request of at least one-third of its members present, the District Council may decide, by a two-thirds majority of its members present, to deliberate in camera.

The district council may invite any person whose testimony is deemed useful.

**Art. 358** – The district council is responsible for:

- deliberating on all matters of interest, by virtue of their scope, to the district and relating to economic and social development, the complementarity and integrated development of the regions that comprise it, and solidarity between inhabitants and areas,
- establishing plans for the sustainable development and planning of the district's territory, in collaboration and consultation with the municipalities and regions and in coordination with the central authorities,
- proposing development projects within the district's territory, including those relating to transport, telecommunications, water, electricity, and sanitation networks, and submitting them to central and local authorities for funding and implementation,
- establish district territorial development policies and develop territorial plans and projects in coordination with local authorities and the relevant decentralized administrations, propose a financing plan to central and local authorities, and monitor their implementation,
- develop plans to improve the return on and attractiveness of investments by granting preferential advantages to the district's territorial area,
- deliberate on the district's budget and all matters relating to the management of its assets,
- monitor the environmental situation,
- monitor the functioning of public services affecting the district.

The district council may delegate some of its powers to the district president.

**Art. 359** – The district council shall ensure the coordination of its activities with those of the other districts.

It may establish cooperative relations in the field of development with its counterparts in countries that have diplomatic relations with Tunisia, in accordance with Article 42 of this law.

**Art. 360** – The district shall participate, together with the central authority, in the preparation of national development plans.

The State shall provide district councils with all statistical data and resources necessary to enable them to carry out their duties under the best possible conditions.

**Art. 361** – The district works, with the assistance of central authorities, regions, and municipalities, to improve citizens' standard of living. It takes initiatives to reduce economic and social disparities between the areas that comprise it and to strengthen integration and solidarity between them.

**Art. 362** – At its first meeting after its election, the district council shall elect, from among its members and in the presence of a representative of the Independent High Authority for Elections, the district president and his deputies for the entire term of office.

**Art. 363** – The outgoing president or acting president shall convene the members of the district council for the election of the president and vice presidents in accordance with the procedures and deadlines provided for by law. If the outgoing president or acting president is unable to do so, the executive director of the district shall send the notices of meeting. The scheduled election shall be mentioned in the notice of meeting.

The oldest member of the district council, assisted by the youngest, shall chair the meeting at which the district president is elected.

The election meeting is valid regardless of the number of members present.

The district president and vice presidents are elected by secret ballot and by an absolute majority of the members.

If no candidate obtains an absolute majority in the first round of voting, a second round shall be held between the two candidates who obtained the most votes. The candidate who obtains the most votes shall be declared elected. In the event of a tie, the youngest candidate shall be declared elected.

The vice presidents of the council shall be elected in the same manner and in order of ranking.

The district executive director shall keep the minutes of the elections and send a copy to the governor of the district in which the district headquarters is located.

**Art. 364** – If the election is canceled or if the president or vice presidents have resigned from their positions, the district council shall be convened by its president or, where applicable, by the governor of the district in which the district headquarters is located, to fill the vacancy.

The election meeting shall be chaired by the oldest member, assisted by the youngest.

The election meeting must take place within 15 days of the date of the vacancy.

**Art. 365** – The resignation of the district president or his deputies shall be addressed to the members of the district council, which shall meet within a period not exceeding fifteen days to deliberate on the matter.

If the resignation is accepted, or if the resigning members have not withdrawn their resignation, the governor and regional treasurer in whose district the district headquarters is located shall be informed of the vacancy.

Resigning officers shall continue to perform their duties until their successors are sworn in.

In case of emergency or refusal by the resigning president to continue to manage the affairs of the district, the oldest member of the district council shall, with the assistance of the executive director, manage the affairs of the district.

**Art. 366** – The president or one of his deputies may be suspended by reasoned order of the minister responsible for local authorities for a period not exceeding three months after consultation with the bureau of the High Council of Local Authorities. The suspension order shall be issued after hearing the parties concerned or after summoning them to provide written explanations for the serious misconduct attributed to them, consisting of a violation of the law and seriously compromising the public interest.

Presidents and deputies, after due consultation, may be dismissed by government decree, with reasons given, after consultation with the bureau of the High Council of Local Authorities, when their responsibility for the acts referred to in the first paragraph of this article has been established.

The bureau of the High Council of Local Authorities shall issue its reasoned opinion within ten days of the date of receipt of the consultation issued by the Presidency of the Government.

Suspension or dismissal orders may be appealed before the competent administrative court of first instance. The parties concerned may request a stay of execution of the above-mentioned orders within five days of the date of their notification. The president of the competent administrative court shall rule on the request for a stay within a period not exceeding ten days from the date of submission of the request.

Suspension or dismissal orders shall only be enforceable after the president of the competent administrative court has refused the request for a stay of execution, or after the expiry of the period for submitting the request for a stay provided for in the previous paragraph of this article.

Dismissal shall result in automatic ineligibility for the remainder of the term of office, unless the dismissal decree is overturned by the administrative court.

**Art. 367** – In the event of the absence, suspension, or dismissal of the district president, or in the event of any other circumstance constituting a temporary vacancy, he or she shall be temporarily replaced in all his or her duties by an interim deputy, according to the order of ranking.

In the event of the absence, suspension, or removal of the district president, or in the event of any other circumstance constituting a temporary vacancy, he or she shall be replaced by a deputy as interim president, in order of appointment, to exercise the fullness of his or her functions. If it is impossible to replace the president with a deputy, the interim position shall be filled by a member of the district council elected by a majority of the members present at the council meeting.

A temporary vacancy is considered to be the absence of the district president for health or travel reasons for a period exceeding one month or suspension from office.

The interim period shall not exceed six months.

Beyond the above-mentioned period, the provisions of Article 364 of this law shall apply.

**Art. 368** – The district president is responsible, within the framework of the law, for managing the affairs of the district. He or she is its legal representative. He or she may delegate, by order published in the Official Journal of Local Authorities, some of his or her powers to his or her deputies or to one of the members of the district council, with the exception of the signing of regulatory acts.

Delegations shall remain in force until terminated.

**Art. 369** – The district president, vice presidents, and district council members undertake to inform the district council of anything that may give rise to suspicion or suspicion of a conflict of interest in the management of the district or in the exercise of their duties.

If, in a specific case, the interests of the president conflict with those of the district, the district council shall appoint one of its members to follow up on the case and represent the district in court or in the conclusion of contracts. The same procedure shall be followed in the event of a conflict of interest between a member of the council and the interests of the district.

**Art. 370** – The district president may delegate, by order, under his or her control and responsibility and within the limits of his or her powers, his or her signature:

- To the District Executive Director,
- to agents occupying one of the functional positions within the district administration.

The district president may not delegate the signing of regulatory acts. Delegation may not be granted to the officials referred to in this article if they have a direct or indirect interest in the decision-making process.

**Art. 371** – Under the supervision of the district council and in accordance with the terms and conditions set forth in the laws and regulations in force, the district president shall carry out his duties and implement the decisions of the council, in particular those relating to:

- the administration of property and the taking of measures for its preservation and enhancement,
- the recruitment of staff within the limits set by law and the district budget,
- the preservation of the district's accounting documents and archives,
- taking all protective or interruptive measures to prevent forfeiture,
- managing the district's revenues in accordance with the law,
- supervising the preparation of the district budget in accordance with the financial regime, authorizing expenditure, and controlling the district's accounts,
- communicating with the district public accountant regarding the collection of receivables,
- managing district works,

- exercising legal remedies before the courts to defend the interests of the district and representing it in administrative and judicial disputes before the courts,
- s all decisions relating to the preparation, conclusion, execution, and settlement of contracts that may be awarded in accordance with the regulations in force, taking into account their amount and nature. The board may make the signing of a contract subject to its approval by a new deliberation,
- requesting advisory opinions from the competent procurement committee on draft contracts,
- concluding sales, rental, exchange, sharing, and transaction contracts and their revisions, as well as accepting donations and gifts authorized in accordance with this law,
- representing the district in all civil and administrative acts,
- fending the interests of the district by all legal means,
- s the proper functioning of administrative services and the provision of services.

**Art. 372** – The district council may delegate the following powers to the district president during his or her term of office:

- determining and changing the allocation of district property in accordance with the council's decisions,
- accepting gifts and donations that are not subject to any charges or conditions,
- defending all rights granted by law to the district in various areas, including the right of first refusal,
- the conclusion of draft transactions subject to submission to the district council for approval,
- negotiating with foreign parties to establish cooperative relations in accordance with Article 42 of this law.

The district president shall submit to the district council during its regular sessions a report on all actions taken pursuant to this article.

The district president may, under his or her responsibility, subdelegate the powers provided for in this article to one of his or her deputies.

**Art. 373** – The district president and the persons he designates for this purpose shall be responsible for enforcing the laws and regulations in force within the district and for performing the duties assigned to the president by law.

**Art. 374** – If the district president refrains from, refuses, or neglects to perform any of the acts required of him by law and regulations, the central authority shall, in coordination with the High Council of Local Authorities, perform the acts and actions required by law.

**Art. 375** – The district council shall adopt its rules of procedure within a period not exceeding three months from its establishment.

The internal regulations determine the organization of the district council and its operating procedures.

**Art. 376** – The district administration shall serve all residents in accordance with the law and in accordance with the principles of neutrality, equality, sincerity, transparency, accountability, continuity of public service, efficiency, and preservation of the interests of the district and its property.

District services must apply the law in accordance with the objectives of the general interest. They must contribute to the implementation of projects and ensure the provision of services within the prescribed time limits.

Any unjustified delay in the provision of legally required services may constitute gross negligence, rendering the perpetrator liable under the law.

**Art. 377** – District officials are subject to the provisions of the general civil service regulations and to the specific provisions applicable to them.

The district council approves the organizational chart of the district administration.

A government decree issued after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court shall establish a standard organizational chart for the district administration.

**Art. 378** – The executive director or the person acting in that capacity shall be responsible, under the authority of the district president, for overseeing the functioning of the district administration and providing advice to the district council and its subordinate structures.

The executive director shall attend the meetings of the district council, give his opinion and make proposals on the issues discussed, without the right to vote.

The procedures and conditions for appointment to the position of district executive director, as well as his or her remuneration, transfer, and dismissal, shall be determined by government decree issued on the advice of the High Administrative Court.

**Art. 379** – District officials shall be remunerated from their respective budgets.

The central authority may make civil servants available to the districts. In this case, their remuneration shall be paid by their original administrations.

The central authority may, at the request of the districts, second civil servants or employees of public institutions and public enterprises.

**Art. 380** – In accordance with the legal procedures in force, the district president shall appoint civil servants and workers to jobs, grades, and categories, within the limits of the number of positions provided for in the organizational chart approved by the council.

The district shall hold a competition to recruit civil servants and workers, within the limits of the number of vacant positions, in accordance with the terms and procedures in force and in compliance with the principles of equality and transparency.

**Art. 381** – The conditions and procedures for appointment to district civil service positions and their removal shall be determined by government decree after consultation with the High Council of Local Authorities and on the advice of the High Administrative Court.

**Art. 382** – The district shall prepare an annual report on its activities, which it shall make public by any means and post on its website.

### **Book III – Transitional provisions**

**Art. 383** – The provisions of this organic law relating to each category of local authority shall enter into force gradually, after the final results of the elections specific to each category have been announced.

The provisions relating to the preparation and approval of the budget shall only enter into force on January 1 following the announcement of the final results of the elections for each category of local authority.

Until the establishment of the fund to support decentralization, equalization, and solidarity among local authorities, the central authority shall, starting in the fiscal year following that in which the elections are held, allocate an annual financial subsidy to local authorities in an amount equal to that allocated to them for the year 2018, plus a general increase rate set by the Finance Act.

**Art. 384** – Until the establishment of elected regional councils, the powers of the region shall be exercised by the regional councils in accordance with the provisions and procedures of [Organic Law No. 89-11 of February 4, 1989, relating to regional councils](#) and all other related legislative and regulatory texts, provided that they do not conflict with this Organic Law.

**Art. 385** – Within a maximum period of nine months from the date of promulgation of this law and until the establishment of the High Administrative Court, the High Council of Local Authorities, and the High Authority for Local Finance, the government decrees provided for in this law shall be issued on the advice of the administrative court. These decrees shall remain in force until they are replaced by other government decrees issued in accordance with the provisions of this law.

**Art. 386** – Until the creation of administrative courts of first instance and administrative courts of appeal in accordance with the provisions of Article 116 of the Constitution, the chambers of first instance of the administrative court shall hear disputes falling, under this law, within the jurisdiction of the administrative courts of first instance. The appeal chambers of the administrative court shall have jurisdiction to rule on disputes falling within the jurisdiction of the administrative courts of appeal.

**Art. 387** – Until the creation of the High Administrative Court, the Administrative Court shall be consulted in the areas provided for by this law, in accordance with [the provisions of Law No. 72-40 of June 1, 1972, relating to the Administrative Court](#).

**Art. 388** – Until the enactment of the law relating to the organization of the Court of Auditors and its assumption of duties, the chambers of the Court of Auditors shall exercise the powers and functions assigned to the Court of Auditors by this organic law. Appeals against judgments of first instance handed down by the Court of Auditors shall be brought before the plenary assembly in accordance with Article 40 of [Law No. 68-8 of March 8, 1968, on the organization of the Court of Auditors](#).

**Art. 389** – The High Council of Local Authorities shall be composed without representatives of the districts until such districts are established.

**Art. 390** – Local authorities undertake to adopt the double-entry accounting system provided for in Article 191 of this Act within a period not exceeding four years from the entry into force of the provisions relating to the budget and its adoption.

**Art. 391** – The provisions of Articles 46 to 95 of the Local Taxation Code, promulgated by [Law No. 97-11 of February 3, 1997, and its implementing texts](#), shall cease to apply upon the entry into force of the decrees of each local authority relating to the determination of the fees, taxes, and duties provided for in the aforementioned articles, regardless of their name.

On an exceptional basis, and for a period not exceeding five years from the entry into force of the provisions relating to the budget, government decrees shall be issued, on the advice of the High Authority for Local Finance, to set:

- licensing fees for drinking establishments,
- the fee for signature legalization,
- the fee for certifying that copies are true copies of the original,
- the fee for issuing certificates and various documents.

**Art. 392** – The provisions of Articles 13, 14, and 15 of the [Finance Act for 2013](#) relating to the creation of the fund for cooperation between local authorities shall cease to apply upon the creation of the fund to support decentralization, equalization, and solidarity between local authorities.

**Art. 393** – Municipal districts existing on the date of promulgation of this organic law shall remain in place until, where applicable, they are deliberated upon by municipal councils.

**Art. 394** – Until the creation of districts, the share of the district of the financial product provided for in Article 148 of this law shall accrue to the municipalities. Until the election of regional councils, the share of the region, provided for

by the same Article 148, shall accrue to the governorate as a local authority within the meaning of Organic Law No. 89-11 of February 4, 1989, on regional councils.

**Art. 395** – The High Council of Local Authorities shall exercise its functions within a period not exceeding one year from the date of proclamation of the final results of the regional elections.

Until the High Council of Local Authorities is established in accordance with the provisions of this law, the president and members of the national commission for the training of local authority members shall be appointed by government decree on the proposal of the minister responsible for local affairs.

**Art. 396** – Model rules of procedure for municipal councils and model rules of procedure for regional councils shall be approved by government decree on the advice of the High Administrative Court.

**Art. 397** – Assets belonging to the governorate as a local authority within the meaning of Organic Law No. 89-11 of February 4, 1989, relating to regional councils, shall be transferred to the region as soon as the final results of the first regional elections are announced.

**Art. 398** – Until the government decree provided for in Article 102 of this law is issued, the conclusion, execution, and control of public contracts by local authorities shall be subject to the legislation in force, subject to compliance with the principle of free administration.

**Art. 399** – Until the establishment of the High Council of Local Authorities, the members of the High Authority for Local Finance shall be appointed by government decree, with the exception of the representatives of the aforementioned High Council.

The appointed members shall perform the functions of the High Authority for Local Finance until its formation, in accordance with the provisions of this law.

**Art. 400** – The Office of Topography and Cadastre and the National Center for Cartography and Remote Sensing shall, whenever necessary and at the expense of the central authority, demarcate the boundaries of the territorial perimeter of municipalities by government decree.

This organic law shall be published in the Official Journal of the Republic of Tunisia and enforced as a law of the State.

**Tunis, May 9, 2018.**

### Appendix A – List of municipalities –

TUNIS	MENZEL TEMIM	AOUSJA	MENZEL SALEM	AIN KHEMAISEYA
LA GOULETTE	KELIBIA	MATEUR	TOUIREF	KHMOUDA
CARTHAGE	HAMMAM LAGHZEZ	MENZEL JEMIL	ZAAFRAN DIR KEF	BOUZGEM
SIDI BOU SAID	EL HAOUARIA	MENZEL ABDERRAHMEN	BOHRA	SIDI BOUZID
LA MARSA	SOLIMAN	TINJA	MARJA	JELMA
THE BARDO	KORBUS	GHEZALA	SILIANA	REGUEB
LE KRAM	MENZEL BOUZELFA	UTIQUE	BOU ARADA	EL MEKNASSI
SIDI HASSINE	SOMAA	DJOUMINE	GAAFOUR	BIR EL HAFEY
ARIANA	KORBA	HACHECHNA	EL KRIB	CEBALET
LA SOUKRA	TAZARKA	BEJA	BARGOU	SIDI ALI BEN AOUN
RAOUED	MENZEL TEMIM	NEFZA	MAKTHAR	MAZOUNA

KALAAAT EL ANDALOUS	KELIBIA	MEJEZ EL BAB	ROUHIA	OULED HAFFOUZ
SIDI THABET	HAMMAM LAGHZEZ	TESTOUR	EL AROUSSA	MENZEL BOUZAIENE
ETTADHAMEN	EL HAOUARIA	TEBOURSOUK	KESRA	ESSAIDA
EL MNIHLA	SOLIMAN	ZAHRET MEDIEN	SIDI BOUROUIS	SOUK JEDID
MANOUBA	KORBUS	GBOLLAT	SIDI MERCHED	EL FAIEDH BENNOUR
JEDEIDA	MENZEL BOUZELFA	EL MAAGOULA	HABEBSA	BATAN GHZAL
TEBOURBA	DAR CHAABANE EL FEHRI	TIBAR	KAIROUAN	RAHAL
BORJ EL AMRI	BENI KHIAR	OUECHTETA JMILA	SBIKHA	MANSOURA
MORNAGUIA	EL MAAMOURA	SIDI ISMAIL	OUESLATIA	EL ASSOUADA
DENDEN	BENI KHALLED	SLOUGUEYA	AIN JALOULA	SOUSSE
OUED ELLIL	GROMBALIA	JENDOUBA	HAFFOUZ	KSIBA THRAYET
EL BATTANE	BOU ARGOUB	BOU SALEM	EL ALAA	MSAKEN
DOUAR HICHER	HAMMAMET	GHARDIMAOU	BOUHAJLA	HAMMAM SOUSSE
BASSATINE	EL MIDA	OUED MLIZ	NASRALLAH	EL KALAA SGHIRA
BEN AROUS	AZEMMOUR	TABARKA	HAJEB AYOUN	AKOUDA
RADES	MENZEL HORR	AIN DRAHAM	CHRARDA	EL KALAA EL KOBRA
MEGRINE	TAKELSA	FERNANA	ECHEBIKA	HERGLA
HAMMAM LIF	ZAQUIET JEDIDI	BENI MTIR	MENZEL EMHIRI	SIDI BOU ALI
EZZAHRA	DAR ALLOUCH	BALTA - BOUAOUANE	SISEB DRIAT	ENFIDHA
MORNAG	FONDOK JDID SELTEN	SOUK ESSEBT	JEHINA	BOUFICHA
MOHAMEDIA	TEZGHRAN	JOUAOUDA	RAGUEDA	ZAQUIA SOUSSE
KHELIDIA	SIDI JDIDI	KALAA EL MAADEN-FERKSAN	ABIDA	EZZOUHOUR
BOU MHEL EL BASSATINE	CHERIFET BOUCHARAY	AIN SOBH NADHOUR	CHRAATEYA-KSOUR	MESSADINE
Hammam Chott	ZAGHOUAN	KHMAIREYA	AIN BIDHA	SIDI EL HENI
EL MOUROUJ	EZ-ZERIBA	EL KEF	CHOUACHI	KONDAR
FOUCHANA	EL FAHS	SAKIET SIDI YOUSSEF	EL KASSERINE	KRIMET HICHER
NAASSEN	EN-NADHOUR	TAJEROUINE	SBEITLA	CHAT MARIAM
NABEUL	BIR MCHERGUA	KALAAAT SENAN	SBIBA	MONASTIR

TEBOULBA	JBEL ELOUST	KALAAAT KHASBA	THALA	KHENIS
BEKALTA	SAOUAF	DJERISSA	FERIANA	ZERAMDINE
LAMTA	AMAYEM	DAHMANI	TALABET	BENI HASSEN
BOU-HJAR	BIZERTE	EL KSOUR	MAJEL BEL ABBES	KSIBET EL MEDIOUNI
SIDI AMEUR MASJED AISSA	EL ALIA	SERS	JEDELIENNE	BENEN BODHER
ZAOUIET KONTOCH	RAS JEBEL	NEBEUR	FOUSSANA	TOUZA
MENZEL FARSI	METLINE	SEJNANE	HIDRA	SAYADA
SIDI BENNOUR	RAFRAF	G HAR EL MELEH	ENNOUR	KSAR HELAL
GHNEDA	MENZEL BOURGUIBA		EZZOUHOUR	MOKNINE
CHERAHIL	MENZEL ENNOUR	MENZEL KAMEL	EL AYOUN	BOUKRIM ZEWIYET MGAYEZ
EL MASDOUR MENZEL HARB	CHRAYAA MACHRAK SHAMS	RAKHMAT	HASSI FERID	
BEMBLA EL MNARA	OUERDANINE	SAHLINE MOOTMAR	JAMMEL	

### APPENDIX "B" – List of Regions –

TUNIS	SIDI BOUZID
ARIANA	SOUSSE
BEN AROUS	MONASTIR
MANNOUBA	MAHDIA
NABEUL	SFAX
BIZERTE	GAFSA
ZAGHOUAN	TOZEUR
BEJA	KEBELI
KEF	GABES
JENDOUBA	MEDENINE
SILIANA	TATAOUINE
KAIROUAN	KASSERINE