

# **City Proclamation No. \_\_\_\_ /2002 of the Tigray National Regional State**

## **A Proclamation to Provide for the Organization and Definition of Powers and Responsibilities of Cities in the Tigray National Regional State**

WHEREAS cities could play a critical role in enhancing democracy, good governance local development and nation building in Ethiopia and in ensuring the provision of services in response to the needs of their residents.

WHEREAS however, due mainly to the legacies of the past policies, cities in Tigray have not been able to play such a role

WHEREAS at present, as a result of the Federal and Regional constitutions, which guarantee the right of people to self-rule, a new and an enabling climate has been created for cities to progress, to play their roles as centers of growth and development and to contribute to the advancement of the State and the nation as a whole,

WHEREAS a new and comprehensive city law needs to be enacted recognizing cities as corporate entities and detailing the application of the principle of self- rule to cities

NOW THEREFORE, the Council of the Tigray National Regional State by virtue of the power vested in it by art.49 /3/a of the Regional Constitution hereby proclaims as follows:

### **CHAPTER ONE**

#### **GENERAL**

##### **1. Short Title**

This Proclamation may be cited as: “the City Proclamation of the Tigray National Regional State No.\_\_\_\_ /2002

## **2. Definitions**

In this Proclamation unless the context otherwise requires,

- 1/ “City” means a community of people incorporated as a city by the Regional Executive Council in accordance with art. 5 hereof
- 2/ “ City Council” means a council constituted in a city in accordance with arts. 15 (1) hereof.
- 3/ “City Court” means a court established in accordance with art.39 hereof to decide on city-related cases over which it has exclusive jurisdiction.
- 4/ “Constitution" means the constitution of Tigray National Regional State
- 5/ “Incorporation” means the act of bestowing a city status upon a community of people in accordance with art. 5 hereof
- 6/ "Mayor" means the Chief Executive Officer (CEO) of a city appointed in accordance with Art. 16 (1) hereof.
- 7/ "Mayor's Committee" means an executive body established in accordance with Art. 16 (3) hereof.
- 8/ “Manager of municipal Services” means the executive who is in charge of all municipal services in a city and appointed by the Mayor in accordance with Art.17(1) hereof.
- 9/ “Tigray Urban Development Office” means a government office responsible for city affairs established in accordance with Proclamation No\_\_\_\_ 2002.

## **3. Gender Reference**

Provisions of this proclamation set out in the masculine gender shall also apply to the feminine gender.

## **4. Scope of Application**

This Proclamation shall apply to all cities in Tigray.

## 5. Acquisition of a city status

- 1/ A community of people, which meets the criteria for incorporation, prescribed by the Tigray Urban Development Office covering areas under sub art.2 hereof may through its representatives apply to the Regional Executive Council or to the body that it designates for a city status.
- 2/ The application for incorporation shall be in writing and shall include the following:
  - a/ A document issued by an appropriate government organ defining the boundaries of the area inhabited by the community
  - b/ size of the area and the population
  - c/ The population density of the area
  - d/ indication that the majority of the residents is engaged in industrial and commercial activities and in the provision of services
  - e/estimated annual revenue and per capita income of the area if and when incorporated
  - f/ A documented indication that more than 25% of the voting population endorses the application
  - g/ other factors that the Tigray Urban Development Office may provide for
- 3/ The Regional Executive Council or the body that it designates shall within a period of six months consider the application and objections if any and decide whether or not to grant the request for incorporation
- 4/ Where the Regional Executive Council or the body that it designates, for good reason, decides to decline the request it shall set forth the reasons in writing and deliver same to the applicant

A community aggrieved by the decision of the Executive Council may appeal to the Regional Council whose decision shall be final.

- 5/ Where the Regional Executive Council or the body that it designates decides to grant the request, it shall issue the community with a certificate of incorporation
- 6/ Incorporation may depending on the level of development of cities be effected either by a general law or by a charter.

## **6. Effect of Incorporation**

A city incorporated in accordance with this proclamation shall constitute a city body corporate in perpetuity under the name born by that city and shall by virtue of such name have the legal capacity to exercise powers and perform functions provided in this proclamation, make contracts, own and manage property and sue and be sued.

The capacity to make contracts shall include the capacity to borrow from accredited financial institutions.

## **7. De-incorporation**

The Regional Executive Council may de-incorporate a city where it ceases to meet the criteria for incorporation.

## **8. Typology and Grading of cities**

### **1) Typology**

For purposes of governance and management, cities shall be classified into the following three typologies:

- a) Emerging Municipal Cities
- b) Municipal Cities
- c) Metropolitan Municipal Cities

### **a) Emerging Municipal City**

- i. An emerging city shall have a population of 5,000 or above. It shall have the right to be incorporated as a city in accordance with art. 4 hereof
- ii. An emerging city shall have all the governance organs stipulated under art.12 hereof; provided however it may introduce a simple and flexible management system that best suits its level of development.

- iii. It shall have a full time mayor but may use volunteers and seconded staffs; share professionals with other cities or organize peoples committees to perform certain municipal functions.
- iv. In exceptional cases, a community of 3,000 or more people may apply for a city status where it demonstrates a capacity to manage the affairs of an emerging city. The Regional Executive Council may either grant the request or place the community under the apprenticeship of the Tigray Urban Development Office until the community qualifies for the status.

**b) Municipal City**

A municipal city shall have a population of 20,001 and above, a relatively higher level of economic development, a relatively more complex commercial activity and a better-developed service infrastructure. Its governance and management system shall be as provided for under Chapter Three hereof. Details shall be provided by directives of the Tigray Urban Development Office.

**c) Metropolitan Municipal City**

- i. Where the area covered by a city becomes too large, the size of its population is too big and its economic and social activities and the delivery of services get too complex for a single tiered city to manage, such a city may apply to the state government for a metropolitan city status.
- ii. The state government may grant a metropolitan city status to a city where it establishes that such an arrangement would enhance the management efficiency of the city.
- iii. A metropolitan city shall have a metropolitan city government and under it separate municipal governments. The metropolitan city government and the municipal governments shall each establish its own governance system in accordance with Chapter Three hereof
- iv. The manner of establishment of the governance systems and the relationship and the division of powers and responsibilities between the metropolitan and the municipal governments shall be detailed in the instrument which establishes the metropolitan city

## **2) Grading of Cities**

- a/ The Tigray Urban Development Office may, for other purposes, recommend to the Regional Executive Council the classification of cities on the basis of their per capita income, level of development and other relevant criteria
  
- b/ The number of grades shall be determined in such a way as to make the whole arrangement manageable and efficient.

## **3) Changes in Typologies or Grades of Cities**

The Tigray Urban Development Office may at either its own initiative or at the request of an interested city recommend to the Regional Executive Council an adjustment of a typology or a grade where developments so justify.

## **CHAPTER TWO**

### **AIMS, POWERS AND FUNCTIONS OF CITIES**

#### **9. Aims of Cities**

Cities shall have the following principal aims:

- a/ promote the exercise of democratic self government at the grassroots levels
- b/ promote the social and economic development of their local community
- c/ provide or ensure the provision of services in response to the needs of their residents.
- d/ promote good relations and understanding between the people and governments at all levels.
- e/ serve as a forum for the articulation and accommodation of interests and for the formulation of a common vision

## **10. Powers of a City**

- 1/ A city shall have power over its local affairs. This provision shall include all powers that are either allowed or not prohibited by law. No enumeration of powers herein shall be deemed exclusive or restrictive thereof.
  
- 2/ Without limiting the generality of sub. art 1 hereof, a city shall have the following specific powers:
  - a/ to determine and put into effect its vision, aims and functions as well as appropriate norms and operational systems
  - b/ to make local policies and decisions and pass ordinances necessary for the implementation of the same
  - c/ introduce, adjust and collect taxes and service charges in accordance with the law
  - d/ manage its personnel in accordance with the law
  - e/ engage in agreements with all levels of government, the private sector and the voluntary sector
  - f/ without prejudice to art. 44(2) of the constitution expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property.

## **11. Functions of Cities**

- 1/ Subject to arts. 20 & 21 hereof, cities shall have the responsibility to perform or to ensure the performance of all functions necessary for the realization of their aims.
  
- 2/ Without limiting the generality of sub. art. 1 hereof cities shall, inter alia, have the following functions according to the guidelines of the Regional state:

**a) Services**

To the extent capacity or circumstances allow, provide or ensure the provision of:

- (a) **Environmental Services** including the construction and management of city roads, sewerage and drainage lines, parks, gardens and recreation areas; waste disposal, prevention and control of floods and pollution
- (b) **Social Services** including education, medical and health care services; anti-HIV campaign, gender-focus programs, ambulance services, housing; care for the aged, the handicapped, the abandoned and the orphan; maintenance of vital statistics; certification and public notary services; provision of cemeteries and abattoir services,
- (c) **Cultural Services** including the promotion of sports and theatres and the establishment of public libraries and museums;
- (d) **Public Utility** including water, electricity telephone and transport service
- (e) **Protective Services** including public security, city court services, fire prevention and control; inspection of weights and measures and foods and drugs

**b) Enhance Development of the City and Residents** by promoting and facilitating investment, income and employment generating schemes and poverty reduction programs;

**c) Regulatory Functions** including the enforcement of Government laws and standards, control of certain activities like liquor trade, the operation of public houses and the like through licensing;

**d) Planning and coordination** including the preparation and implementation of detailed development plan

**e) Representation** through the expression of local opinion on matters which fall outside its jurisdiction

### **3. Manner of Provision of Services**

- a) To ensure an efficient delivery of services, a city may make an arrangement with the Government, engage Non-Government Organizations, cooperate with the public, establish public agencies, privatize services or take other measures that circumstances may justify. .
- b) A city shall have the authority to determine which options to use for which services and when.
- c) The Council shall determine the principles which guide the provision of services

## **CHAPTER THREE GOVERNANCE**

### **12. Governance**

Every city shall use the Council-Mayor System of governance.

### **13. The Council-Mayor System**

The Council-Mayor system is a governance arrangement whereby the City Council makes all policies and major decisions and enacts pursuant to powers vested by the City Proclamation; and the highest executive powers are vested in the Mayor and the Mayor's Committee.

### **14. Governance Organs**

The Council-Mayor system of governance shall have the following organs:

- a. The City Council and the Speaker of the Council
- b. The Mayor and the Mayor's Committee
- c. The Manager of Municipal Services
- d. The City Court

## **15. The City Council and the Speaker of the Council**

### **1) The City Council**

#### **1.1. Composition, Election and Terms**

- a. The Council shall be composed of odd numbered members elected by the city residents in a free direct and secret election
- b. The Regional Executive Council or the competent body that it may designate shall on the basis of the size of the population of each city determine the size of membership of the city council.
- c. Save in single kebele cities where councilors are elected on at large basis, the members of council shall be elected using a combination of representation from at large and kebele elections. The size of the representation shall be determined by the Regional Executive Council in such a way that each kebele has a minimum of one representative and those elected at large constitute up to a third of the seats of the council.
- d. The regular election of members of the City Council shall be held once every five years. Election date shall be fixed by the National Electoral Board in consultation with the Council of the Tigray National Regional State.
- e. All City Council elections shall be conducted in accordance with the National Electoral Law. By-elections may be conducted in accordance with regulations to be issued by the National Electoral Board.

#### **1.2. Powers and Responsibilities of the Council**

- a/ All powers of the city shall be vested in the City Council and the Council shall provide for the exercise of the powers and the performance of the functions of the city.

- b/ Without prejudice to sub art.(a) hereof, the City Council shall have the following powers and responsibilities:
- i. make local policies and decisions; approve basic organizational and operational documents and ensure their enforcement. To that end follow up and supervise the policy implementation process
  - ii. enhance women's participation in all spheres,
  - iii. pass ordinances which shall take effect upon their publication in the local Gazette,
  - iv. introduce, adjust and ensure the collection of taxes and service charges according to law.
  - v administer the land within the city boundary in accordance with the law.
  - vi. determine the basic organizational structure of the city government; approve the establishment or annulment of departments, offices, boards, commissions and service delivery options based on the recommendation of the mayor.
  - vii. establish committees, boards and commissions as deemed necessary, define their functions.
  - viii. establish standing and/or ad-hoc committees to advise the council. Every city shall have in particular Legal Committee, Budget and Finance Committee and Urban Development Committee. The membership of the committees may consist of council and non-council members with the latter being non-voting.
  - ix. Elect the mayor and, if deemed necessary, a vice mayor from among its members and determine the terms of their services.
  - x. Elect the Speaker and, if deemed necessary, deputy speaker of the council from among its members.
  - xi. Based on the proposal of the mayor, approve the size and the members of the Mayor's Committee. The

size of the Committee shall be within a range of three to nine members.

xii. appoint the president and the judges of the city court

xiii. call public referendum to decide on matters of rare importance

xiv. initiate, oversee the preparation of and approve the city plan; ensure its implementation in consultation with the public.

xv. approve the annual work program and budget of the city and ensure the proper execution thereof.

xvi. Based on the recommendation of the mayor and the manager of municipal services, the council shall determine service districts geographically and by function apart from existing administrative boundaries. appoint an accredited external auditor and act on his report

xvii. issue a code of conduct for its members and other employees of the city and ensure its enforcement.

xviii. report periodically to the electorate

xix. set annual performance indicators and targets for the management and evaluate performance accordingly.

### **1.3. Working Procedure of the City Council**

a. The Council shall hold its regular meetings every two months; provided that extraordinary meetings may be called by the mayor or at the request of one-third of the Council members.

b. The presence of two-third of the members of the council shall constitute a quorum.

c. Decisions of the Council shall be taken by a majority vote of those members who constitute the quorum.

- d. All Council meetings shall be public; provided however the Council may decide to hold meetings in camera where considerations of local security, public morale or the rights of others so require.
- e. The Council shall provide for the keeping of a journal of its proceedings. The journal shall be public; except where the Council decides otherwise for considerations of local security, public morale or the rights of others.

#### **1.4 Accountability**

The City Council shall in all cases be accountable to the electorate.

#### **1.5. Dissolution of the Council**

The City Council may be dissolved only in accordance with art.24 hereof.

#### **1.6. Prohibitions**

##### a. Holding Other Office

- i. Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member is elected to the Council.

##### b. Employments and Removals of City Staff

Neither the city council nor any of its members shall interfere in matters relating to the employment or removal of any subordinate whom the mayor or the manager of municipal services are empowered to employ, provided that this provision may in no way

bar the council or its members from asking a pertinent body for necessary clarification.

- c. Except for purposes of necessary inquires and examinations the council or its members shall deal with city officers and employees solely through the mayor.
- d. No Council member shall be a member of contract awarding Committee where his interest conflicts with city interests.

## **2) The Speaker of the Council**

- a. The Speaker of the Council is accountable to the council.
- b. The term of office of the council shall be the term of office of the Speaker of the Council.
- c. The Speaker of the Council shall chair all council meetings and coordinate all committees that may be established by the council.
- d. The Speaker of the Council shall direct the administrative affairs of the council and enforce all disciplinary actions that the council may take on its members.
- e. Unless expressly decided by the council, the speaker or deputy speaker of the Council shall serve on a part-time basis with the terms and conditions of his/her services being determined by the Council.
- f. The Speaker of the Council vacates office during a term of office if he/she
  - i. resigns
  - ii. is removed from office by the council
  - iii. ceases to be a member of the council

Details shall be provided by the internal rules and regulations of the city Council.

## 16. The Mayor and the Mayor's Committee

### 1) The Mayor

a. The Mayor shall be elected by the Council from among its members. He shall be accountable to the City Council and the Governor of Tigray State.

b. The term of office of the Mayor shall be for the duration of the mandate of the City Council.

c. The mayor shall have the political, executive and managerial competence that the proper leadership of the concerned city requires

d. Unless expressly decided by the Council, the mayor shall serve on a full-time basis. The terms and conditions of his/her services shall be determined by the Council.

e. The Mayor vacates office during a term if s/he

- i. resigns as a mayor
- ii. is removed from office by the Council
- iii. ceases to be a member of the Council.

Details shall be provided by the internal rules and regulations of the City Council

f. The mayor shall have the following duties and responsibilities

- i. serve as the chief executive officer of the city
- ii. initiate and propose policies to the council and ensure their implementation upon approval.
- iii. serve as the head and ambassador of the city
- iv. take charge of all state functions in the city including security, law enforcement and emergency matters
- v. form and direct the operation of the mayor's committee in accordance with art.16(3) hereof.

- vi. with the consent of the council, appoint the manager of municipal services on the basis of executive, managerial and professional qualifications and on terms of a contract.
- vii. chair the mayor's committee
- viii. ensure that municipal services are provided through the manager of municipal services
- ix. represent the city in its official and ceremonial dealings with others
- x. in consultation with the concerned bodies organizes public forums where city work programmes, budget, performance, financial reports and other matters would be presented and the views of the public heard.
- xi. carry out such other duties as the council may assign.

## **2) Vice mayor**

1. Where a vice mayor is deemed necessary, the council may elect one from among its members.
2. The vice mayor represents the mayor in his/her absence.
3. The vice mayor may, by the mayor's proposal, and the consent of the council head one of the functions of the city.
4. The vice mayor shall perform other duties as assigned by the mayor and/or the council.
5. The vice mayor may be fulltime or part-time. The terms and conditions of service of the vice-mayor shall be decided by the council.

## **3) The Mayor's Committee**

### **3.1. Composition and Appointment**

- a) The membership of the mayor's committee shall consist of council and non-council members.

- b) The mayor, considering the city's financial capacity and scope of work, shall propose the size of members of the mayor's committee to the council for the latter's approval within the range of three to nine members.
- c) Based on the proposal of the Mayor, the City Council shall determine the membership of the mayor's committee.
- d) Depending on the capacity of a city, the members of the mayor's committee may work on a full time or a part-time basis. The council, following the mayor's proposal, shall determine the terms and conditions of service of the members.
- e) Each member of the mayor's committee shall have a defined executive role in one or more non-municipal functions.
- f) The term of service of the mayor's committee shall be for the duration of the mandate of the City Council.
- g) The mayor's committee is accountable to the mayor and to the council.

### **3.2 Powers and Functions**

- a) The Mayor's Committee ensures the implementation of laws, decisions and standards adopted by the State Government and City Council.
- b) The Mayor's Committee shall lead and co-ordinate all government functions within the city.
- c) The Mayor's Committee shall draw up annual city budget and, when approved by the City Council, it shall implement it.
- d) The Mayor's Committee shall formulate social, economic and development policies, strategies, programs and; when adopted by the City Council, it shall implement.
- e) It shall ensure the observance of law and order.
- f) It shall submit ordinances to the City Council on any matter falling within its competence.
- g) It shall carry out other responsibilities that may be entrusted to it by the City Council and the Mayor.

## **17. The Manager of Municipal Services**

## **1) The Manager of Municipal Services**

- a. The manager of municipal services shall be appointed by the mayor with the consent of the council on the basis of executive, managerial and professional qualifications.
- b. The manager of municipal services shall be accountable to the Mayor only.
- c. The manager is fully mandated to manage the municipal services and all municipal services may be organized as one self-managing enterprise or entity.
- d. The Mayor and members of the Mayors committee shall deal with municipal service officers and employees solely through the Manager of Municipal service.
- e. The Manager of municipal services shall have the following duties and responsibilities:
  1. lead, coordinate, inspire and motivate the management of municipal services
  2. develop and propose service delivery standards, performance indicators to the mayor and ensure proper observance upon approval by the council.
  3. ensure the implementation of council decisions pertaining to municipal services and the enforcement and observance of government laws, policies and standards
  4. establish and chair a management team constituted of the department or unit heads of the municipal services under him/her to facilitate coordination, exchange of information, spirit de corps, better performance, evaluation and advice.
  5. appoint heads of municipal service departments, agencies and offices
  6. Hire, determine the salaries and benefits of, promote and manage all employees under municipal services and take disciplinary measures

including dismissal against any employee within the municipal service category.

7. Propose to the mayor agencies, city enterprises, innovative and improved options of service delivery, the organization and structuring of municipal line departments, support services, offices and units and upon approval by the council, implement accordingly.
8. establish periodic performance targets with the mayor as well as with the heads of the departments, agencies and offices under him/her and get evaluated and evaluate achievements accordingly.
9. head the preparatory process for, prepare and submit to the mayor the annual work program and budget of the municipal services of the city and implement the same upon approval by the council.
10. Attend council meetings and offer explanations on the state of municipal services when so requested.
11. In consultation with the mayor, take measures to improve the revenue of the city, advise and inform the mayor and the city council on all matters, which have a bearing on the well being of the city and its residents, and propose policy ideas to the mayor for the council's decision.
12. Present periodic activity and financial reports to the mayor.
13. Cultivate and maintain harmonious relationship with the community, address the petitions of residents with care, and attention and act without delay, offer explanations to queries promptly, keep systems and documents open and transparent.
14. If deemed necessary, recommend to the mayor for his/her approval the employment of a deputy manager of municipal services.

## **2) Deputy Manager of Municipal Services**

- i. Where deemed necessary the mayor may on the recommendation of the manager of municipal services appoint a deputy manager of municipal services

- ii. The deputy manager of municipal services shall be accountable to the manager of municipal services and shall have the following duties and responsibilities:
  - a. assist the manager of municipal services
  - b. act in place of the manager of municipal services where he/she is absent or unable to carry out his/her functions

**18. City Departments, Agencies, Support Services and Offices**

- 1/ The City Council may on the recommendation of the mayor determine the departments, agencies, boards, commissions and offices to be established in the city.
- 2/ the heads of departments, agencies, support services and offices shall be accountable either to the mayor if engaged in non-municipal services or to the manager of municipal services if engaged in municipal services and shall perform their functions under their respective direction.
- 3/ the internal organization and the manner of operation of the departments, agencies, support services and offices shall be detailed in the administrative guideline of the city.

**CHAPTER FOUR  
INTERGOVERNMENTAL RELATIONS**

**19. Principle**

- 1. The relationship between and among cities and between cities and the government at all levels shall be guided by the spirit of cooperation, partnership and support between and among themselves, and by respect of law.
- 2. Intergovernmental relations shall seek to enhance cooperative decision-making, coordinated planning and smooth flow of information among the parties to the relationship.

## **20. City-Government Partnership**

- 1 A city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with the Regional or Federal governments or with any of their departments or agencies or with other cities.
- 2 Where the capacity of the city warrants, it may apply for and perform functions of Government at all levels by agreement with the concerned level or unit of Government. Cost arrangements shall be detailed in the agreement

## **21. Enactment and Enforcement of Laws and Standards**

1. Federal and Regional governments have the authority to issue laws and standards setting the general framework within which cities may exercise powers and perform functions guaranteed by the Constitution. Cities have the responsibility to ensure the enforcement of the laws and the observance of the standards
- 2 All policies, decisions, regulations and directives of cities shall be compatible with the policies, decisions, regulations and directives of the federal and regional governments.

## **22. Government Assistance to Cities**

1. Without prejudice to specific grants that the State Government may make to cities it shall to the extent capacity allows extend to them development assistance on the basis of a combination of the principles of equity and competitiveness.
2. The State Government shall create a suitable environment within which cities can develop and grow.

## **23. Joint committee**

1. Cities and the adjoining Woreda may form a Joint Committee to identify areas of mutual interest and to set strategies to jointly address same. Boundary issues shall be settled amicably or decisions of the regional executive council
2. Mekelle may also form such a committee with the Regional State

## **24 Government Intervention**

1. No government may intervene in the operation of a city unless a city's operation poses a threat to the Constitution or where it is prejudicial to public interest,
2. An intervention involving the dissolution of the City Council shall be subject to review by the Regional Council.
3. The Council of the Tigray National Regional state may dissolve a City Council only with the prior consent of the city residents.
4. Where the City Council dissolves under sub art.3 hereof, the Regional Council shall install a provisional city government and make arrangements to hold fresh elections within a period of six months

## **25. The City and the Urban Kebele**

1. The urban Kebele shall be the administrative sub unit of the concerned city. The City Council alone shall determine the functions and the internal organization of the urban Kebele
2. The urban Kebele shall be accountable to the electorate within it and to the city government.
3. The urban Kebele shall have a popularly elected council. The composition, manner of election, term and working procedure of the Kebele Council shall be determined by the city ordinance as per the Election Law.

4. The Kebele Council shall serve as an advisor to the City Government. It shall also exercise powers and perform functions specified in the city ordinance.
5. The Urban Kebele shall have a Social Court whose judges shall be appointed by the Kebele Council. The establishment, powers and operation of such a court shall be as provided by law.
6. Federal or Regional Government functions that used to be performed by the Kebele prior to the enactment of this proclamation may be performed in accordance with the agreement that the concerned government may make with the city or by that government itself.

## **CHAPTER FIVE**

### **COMMUNITY RELATIONS**

#### **26. Principle**

The relationship between the city government and the residents shall be governed by the principle that all local power emanates from the people. Residents alone shall elect and recall councilors.

The conditions and procedure for the recall of councilors shall be according to law.

#### **27. Participation**

1. Residents, civic organizations and the private sector shall discuss, debate and express their views on city annual work programme, budget proposals, project ideas and performance, financial and audit reports.
2. The city government shall organize public forums at least once every three months to enable the residents, civic organizations and the private sector to discuss and debate on public business indicated under sub.art.1 hereof. A public meeting may also be called by the council where circumstances so require.

3. With the view to identifying the needs and views of people, the Mayor and the Manager of Municipal Services shall visit residents periodically. They shall also fix programs for residents to visit them
4. The city government shall invite and encourage residents to serve on boards and committees established for city business purposes.
5. The city government shall by using all suitable means advise and inform its residents on situations, problems and new developments in and about the city.
6. The city government has the duty to give prompt and helpful response to questions and complaints brought by the people.

## **28 Right to Initiate and Propose Agenda**

Ten percent or more of the residents shall have the right to initiate and propose one or more agendas for the council to deliberate and decide on. The time for the deliberation shall be determined following the working procedure of the council.

## **CHAPTER SIX**

### **CITY FINANCE**

#### **29. Fiscal Year**

The fiscal year of every city shall correspond with that of the Regional State.

#### **30 Revenue Sources of the City**

1. A city government may in close consultation with its residents introduce and collect new taxes not assigned to other levels of government, rentals and service charges and adjust existing ones,
2. A city may raise funds from own income generating schemes, voluntary contributions, donations and grants

3. The Regional government may adopt a revenue sharing arrangement whereby a city would be entitled to receive a defined portion of the revenue collected within its boundaries. This government transfer shall be effected in such a manner as to enhance competitive performance among cities and to discourage malpractices. Details shall be provided by law.
4. A city shall receive funds from the government for works it carries out on behalf of the government
5. Within the limits of macro economic stability set by the federal government, city shall have the legal competence to borrow from the Federal and Regional governments and from accredited private financial institutions for capital expenditure provided that loans from internal and external sources shall require the prior approval of the Regional Government. It may also borrow through the sale of stocks and floating bonds. However a city may not take any loan without the prior consent of its residents where due to the loan sought, the annual loan repayment size would exceed 25% of its annual revenue. Details shall be provided by law.
6. The Federal and Regional Governments, cities and the donor community may together form a city fund from which cities may borrow. Details shall be provided by the instrument, which establishes the fund
7. Based on the law of the Regional state, revenue collected from land and property tax shall be the income of the city.

### **31 Management of Finances**

1. Every city shall have the power and the responsibility to organize and manage its resources
2. Every city shall adopt a simple, transparent and result -oriented financial management system.
3. The Regional Government may issue financial regulations for cities

### **32 Accounts**

1. Every city shall maintain bank account(s) in its name into which shall be deposited all monies received in accordance with this proclamation or

other laws.

2. Every city shall maintain accurate and complete books of accounts.

### **33. Budget**

1. Every city shall have the authority to determine and administer its budget.
2. The mayor shall prepare the budget proposal, which shall first be presented to the public for discussion and then to the Council for consideration and final approval
3. The budget shall among other things indicate the following:
  - a/ The envisaged objectives, tasks and activities
  - b/ The proposed capital and recurrent expenditure
  - c/ The anticipated revenues and the sources thereof
  - d/ The impact indicators
4. The City Council may make budgetary adjustments where circumstances so require. It shall also determine the norms for fund transferability and variance of spending.

### **34. Financial Reports**

The mayor shall present financial reports to the council annually. The Reports shall be open to public

### **35. Audit**

1. Every city shall have an internal auditor. However in emerging cities, the terms of employment of the internal auditor may be determined in accordance with its needs and capacities.
2. The internal auditor who shall be accountable to the chief executive officer shall ensure on a day-by-day basis that the management of resources is in accordance with the approved financial regulations.
3. An accredited external auditor shall annually audit the financial system and check that city funds have been properly utilized and accounted for and that reports presented by the mayor are complete and accurate.

This review shall be conducted with a focus on relating inputs with results.

The external auditor shall report to the City Council.

4. An external auditor or a consultant shall make total performance audit of a city at least once every five years.

## **CHAPTER SEVEN**

### **CITY PERSONNEL MANAGEMENT**

#### **36 Principle**

- 1) Every city shall have the power to hire, post, determine the functions, salaries and benefits of, manage, promote, discipline and dismiss its staff in accordance with the city personnel service laws
- 2) All appointments, engagements and promotions of city officers and employees to be undertaken pursuant to sub-art. 1 hereof shall be carried out solely on the basis of merit and fitness of the candidate demonstrated by a valid or reliable examination or other evidence of competence.
- 3) Personnel policies for enhancing women's involvement shall be adopted.

#### **37 City Personnel Service Board**

1. A City Personnel Service Board is hereby established with the following powers and responsibilities.
  - a/ formulate, develop, lobby for the enactment and supervise the implementation of city personnel service laws,
  - b/ create and heighten the awareness of cities on city personnel service laws,
  - c/ develop personnel management standards suitable for cities at different levels of development
  - d/ assist cities in their endeavor to improve their personnel management systems especially in facilitating training and sharing of staffs.
  - e/ promote and help protect the merit system

f/ serve as a tribunal of appeal in disciplinary matters. Details shall be provided by law.

2. The City Personnel Service Board shall consist of the following seven members
  - a/ the chairperson and two other members to be appointed by the Regional Executive Council
  - b/ three members to be appointed by the cities at different levels of development
  - c/ one representative of the city employees
  - d/ the Tigray Urban Development Office shall serve as the secretary of the Board. It shall not vote.
5. The City Personnel Service Board is accountable to the Regional Executive Council.

### **38. Government Labour Policies and Standards**

In developing city personnel service laws, the City Personnel Service Board shall observe government labour and civil service policies and minimum standards which pertain to cities

## **CHAPTER EIGHT CITY COURT**

### **39 Establishment**

1. A city may, depending on its financial capacity and the volume of cases it may have establish a city court severally or in conjunction with other neighboring cities. Details shall be provided by law.
2. Where two or more cities jointly establish or use a city court, the manner of operation of the court shall be determined by the agreement between the partnering cities.

### **40 Organization of the Court**

1. The court shall have the following two tiers
  - a/ the court of first instance
  - b/ the court of appeal. The Court of appeal shall also have a cassation division. Details shall be provided by law.
2. The court shall have a president, the required number of judges and staff
3. The president and the judges shall, on the recommendation of the mayor, be appointed by the City Council.
4. Divisions shall be organized as many as necessary.
5. One or more judges may sit in every division. Details shall be provided by law.

#### **41 Jurisdiction of the Court**

The city court shall have exclusive jurisdiction over cases arising from the following:

- a/ implementation of urban planning laws
- b/ housing and urban land use
- c/ city taxes, rentals, service charges and other payments
- d/ environmental sanitation
- e/ municipal services
- f/ traffic violations

#### **42 Applicable Laws**

1. The court shall apply all government substantive and procedural laws and city ordinances pertaining to the subjects indicated under art. 41 hereof.
2. Regional laws governing judicial administration shall apply to city court judges *mutatis mutandis*.

### **CHAPTER NINE**

#### **CITY PLAN**

#### **43 Power to Prepare and Implement Plan**

- a. Every city shall have the authority to initiate the preparation of, have prepared, approve, revise and implement a city plan. In carrying out the planning and implementation process, the city shall observe Regional Government planning principles, guidelines, standards and parameters.
- b. The Tigray Urban Development Office shall have the authority to check and ascertain the legality of the plan.

#### **44 Participation of City Residents**

1. City residents shall have the right to participate in all phases of the plan preparation and implementation process.
2. The City Council shall provide for ways and means by which city residents could effectively express their views and opinions on the planning and plan implementation process.

### **CHAPTER TEN**

#### **CITY ASSOCIATION**

##### **45 Establishment**

1. Cities in the Tigray National Regional State may establish their own Regional association and actively participate in the operation thereof.
2. The association shall register with the appropriate Regional Government organ.
3. The structure and manner of operation of the Association shall be determined by its Memorandum of Association

##### **46 Functions of the City Association**

The city Association may among other things perform the following functions:

- a/ promote inter-city cooperation through the exchange of resources, experiences and ideas

- b/ represent cities collectively and express their views on matters of common interest; lobby the government for improvements on the law
- c/ assist build the capacity of their members through such inputs as training and material and financial support.
- d/ issue a code of conduct for its members and ensure its observance.
- e/ in consultation with the Tigray Urban Development Office cultivate and promote good working relations with local and overseas city associations
- f/ carry out such other activities as would enhance the development of cities in the region

## **CHAPTER ELEVEN**

### **MISCELLANEOUS PROVISIONS**

#### **47. Implementing Body**

1. There shall be established a separate Regional Government office responsible for city affairs.
2. The Office shall facilitate government support for cities, ensure the proper observance of government laws and standards and advise the government on city affairs.

#### **48. Experimentation**

1. A city may in consultation with the Tigray Urban Development Office innovate and experiment new ways of organizing its governance and management, exercising its powers or performing its functions.
2. The Tigray Urban Development Office shall set the time frame for the experiment, conduct periodic evaluation of the progress of the experiment and help the city in its endeavor.

#### **49. Transitory Provisions**

1. Where circumstances require, the Regional Executive Council may provide for the implementation of the proclamation by phase
2. The Regional Executive Council shall provide provisional directives for cities that are unable to readily qualify for the full implementation of the City Proclamation.
3. The Regional Government or its organs shall transfer to the concerned city all staff and property municipal by origin or nature that they managed prior to the enactment of this proclamation.

#### **50. Power to Issue Regulations and Directives**

1. The Regional Executive Council may issue regulations necessary for the proper implementation of this proclamation
2. The Tigray Urban Development Office shall, following the regulations, issue directives necessary for the implementation of the proclamation and the regulations.

#### **51. Inapplicable Laws**

1. All laws, directives and practices that are inconsistent with this proclamation shall have no effect in a city as regards matters provided for herein.
2. In particular, the Municipalities Proclamation No. 21/1997 and the proclamation to Establish Mekelle as a Special Zone No. \_\_\_\_/2002 are hereby repealed

#### **52. Effective Date**

This proclamation shall come into effect as of the day of its publication in the Negarit Gazette Tigray

Done in Mekelle

this \_\_\_\_ day of the month of \_\_\_\_\_ of the year 2002  
Council of the Tigray National Regional State