

**National Transitional Council (NTC) Resolution  
No. (176) of 2011  
on the adoption of bylaws of local councils**

**Upon review of:**

- The Victory Statement of the 17 February Revolution issued on 22 February 2011;
- The decree to form the interim NTC and determine its powers;
- The statute of the NTC and its bylaws;
- And based on what the NTC concluded in its session on Monday 14/11/2011;

**It was decided:**

**Article (1)**

The bylaws for local councils appended to this decree shall be adopted.

**Article (2)**

This decree **shall enter into force** starting from the date of its issuance. Any contrary article shall be abolished and each person concerned shall implement this decree within his mandate. The interim prime minister and local councils shall be notified of this decree and it shall be published in media outlets.

**National Transitional Council – Libya**

**Local Council of the city of Baida**

**Bylaws for Local Councils**  
**Appended to NTC Resolution**  
**No. (175/2011)**

**Article (1)**

The provisions of these bylaws shall apply to local councils in Libya.

**Article (2)**

**Objectives and Functions of the Local Council**

1. Oversee the implementation of the decrees of the interim NTC and the interim government with regards to the functioning of the essential sectors within the territorial area of the local council.
2. Supervise and oversee development plan projects within the territorial area of the local council.
3. Maintain security and public order within the territorial area of the local council by supervising and overseeing the implementation of security plans and programs.
4. Propose development plans and their annual budgets and operating budgets and submit them to the authorities concerned.
5. Collect, verify and analyse information and data on the economic, administrative and organizational situation; follow what the media publishes about the local council.
6. Review the minutes of the meetings of the various sectors of the local council and the steering committees and take the necessary steps for their implementation.
7. Work to increase the production capacity and the level of services provided to citizens within the territorial area of the council, in accordance with the intended methods and objectives.
8. Develop the necessary and appropriate solutions for the difficulties that may obstruct the implementation of projects or the performance of services and follow up on the implementation of such solutions.
9. Work to benefit from and develop local resources within the territorial area of the council.
10. Oversee plans of study and training internally and coordinate in this regard with the competent authorities.
11. Issue decrees related to administrative and financial affairs that fall within its competence.
12. Take all measures to ensure that spending is within the approved budget.
13. Form investigation committees with any of the steering councils within its area or any of the heads and members of sectors and refer whomever necessary to the Disciplinary Board, without prejudice to the competence of the supervisory and judicial authorities.
14. Carry out any other functions assigned to it by the interim NTC.

**Article (3)**

The local council shall consist of a chairman, deputy chairman, a number of members and an executive body of officials representing the ministries of the transitional government.

## Conditions for Membership in the Council

Whoever is appointed a member of a local council shall meet the following conditions:

1. Be a Libyan citizen possessing his full civil rights.
2. Be fully competent and not under the age of twenty-five years.
3. Not combine his membership in the Council with a membership in the interim NTC or any other official profession or position.
4. Before being appointed, submit a personal financial disclosure and a financial disclosure for his wife and children, including a comprehensive statement of their movable and immovable property.
5. He should not have been dismissed from the public sector by a *final and legitimate disciplinary decision*.
6. Be commendable and of a good reputation and believe in the principles and objectives of the 17 February Revolution and the interim NTC.
7. He should not have been previously convicted of a felony or misdemeanour involving moral turpitude or morality, unless he has been exonerated.
8. He should not be a former member in the Revolutionary Guard formations, the revolutionary committees, the internal security apparatus or the External Security Organisation. Not among those who tortured, killed or hurt the opponents of the so-called regime Gaddafi regime. He should not have held a senior leadership position in that regime, unless he had done so jointly with the command of the 17 February Revolution or had joined the latter's ranks after its establishment and accepted the appointment therefrom.
9. He should not have obtained any state money through illegal means or money from anyone through bribery or for exercising professional functions entrusted to him within the institutions of the so-called rule of Gaddafi.

### Article (4)

Officials in the executive body of the local council shall be directly subordinate to the transitional government.

### Article (5)

The local council shall choose the appropriate number of its representatives to the interim NTC according to the proportion determined by the latter, based on the population density within the territorial area of the local council and its subordinate geographic areas and regions. This council shall fill any vacancy in its membership following the appointment of representatives to the NTC from among its members, in accordance with the conditions and regulations set forth in this bylaw.

## Selection of the Council's Chairman, Deputy Chairman, Secretary and their Powers

### Article (6)

The members of the Council shall elect its chairman by a simple majority (half the number of members + one). The chairman of the council shall be responsible for adopting the minutes of

its meetings, signing its decisions, following up their implementation and overseeing their enforcement, as well as adopting the minutes of the meetings of the Personnel Affairs Committee and the Disciplinary Committee and issuing the decisions relating to personnel affairs. He shall, in particular, be responsible for the following:

1. Chairing and representing the council, and formally speaking on its behalf.
2. Generally overseeing all the work of the council and its subsidiary organs and the application of the bylaws of the council.
3. Overseeing the preparation of the agenda submitted to the Council and determining the issues that need to be presented for approval and ratification.
4. Exercising chairmanship and disciplinary powers over all the staff of the council and appointing them and overseeing all administrative and financial matters related to the smooth functioning of the council.
5. Signing all financial and banking transactions related to the activities and work of the council.
6. Calling the meetings of the local council, moderating them and taking the necessary measures to implement the resolutions.
7. Following up the work of the executive body and coordinating between its officials.
8. Presiding over the sessions of the council, inaugurating them, managing them and announcing their conclusion.
9. Submitting to the council a comprehensive report on the functions he carries out abroad.
10. Signing all the orders and resolutions issued by the council and following up on their implementation after issuance.
11. Delegating some of his powers to any of the members of the council.
12. Signing disciplinary penalties for all workers in the local council, in accordance with the provisions of the legislation in force that are not inconsistent with the principles of the 17 February Revolution and the objectives and principles of the interim NTC.
13. Any other functions that the interim NTC delegates to him.

#### **Article (7)**

The council shall elect from among its members a deputy chairman to assume the chairman's powers in the event that the latter is absent or incapable of exercising them.

#### **Article (8)**

The council shall elect a secretary from non-members, and he shall be responsible for:

1. Receiving the topics sent to the chairman and presenting them to him.
2. Preparing the issues to be presented to the chairman.
3. Preparing a program to schedule the chairman's interviews.
4. Overseeing visits by guests of the council.

5. Contacting all parties as assigned by the chairman to inquire about topics and issues and collect information and data about them.
6. Following up the implementation of the chairman's instructions as required by the latter.
7. Taking precautions and committing to confidentiality with respect to the work of the council.
8. Preparing memos, correspondence and reports on topics requested by the chairman.
9. Preparing the agenda of the meetings of the council, determining their place and time and overseeing them.
10. Writing the minutes of meetings of the council and submitting them to the Legal Affairs Office of the council to formulate the resolutions resulting therefrom.
11. Helping the chairman of the session record the names of the members who requested the floor.
12. Following up on the implementation of the resolutions of the council.
13. Sending the council's resolutions to public bodies and institutions and the people concerned with such resolutions.
14. Archiving, classifying and keeping the minutes of the meetings of the Council and its resolutions.
15. Any other similar functions assigned to him.

### **Termination of Membership**

The membership of the chairman, his deputy or any of the members of the council shall be terminated in the following cases:

1. If the chairman, his deputy or one of the members violates one of the council's objectives.
2. If his dishonesty and disloyalty are proven.
3. If confidence in the chairman, his deputy or one of the members is withdrawn by a decision of the council issued by a two-thirds majority of the members.
4. If the chairman, his deputy or one of the members was absent for three consecutive regular meetings without an excuse acceptable to the council. In all cases, the decision to terminate the membership shall only be valid and effective once adopted by the interim NTC.

### **The Council's Meetings, Quorum, Decision-Making and Order of the Sessions**

#### **Article (9)**

The council **shall hold** its ordinary meetings at the invitation of the chairman or at the request of two-thirds of the members. The council may hold extraordinary meetings if necessary, at the invitation of the chairman or his substitute.

#### **Article (10)**

The preparation and discussion of the agenda of ordinary sessions shall follow the following order:

1. Review and approval of the minutes of the previous meeting.
2. Urgent issues and taking decisions thereon according to their importance.
3. Issues postponed from the previous meetings, in the order according to the date postponed.
4. Follow-up of the council's previous resolutions and recommendations.
5. Ordinary matters prepared and presented to the meeting.
6. New business.

The members shall be committed to follow the order set in the agenda and not move to discuss other issues until after fully finishing with the previous issue. In the event the discussion of the issue at hand cannot be completed, the chairman of the session shall have the right to postpone its discussion to another session.

#### **Article (11)**

Each meeting shall have its own minutes, in which the secretary shall note the following data:

1. The date, time and place of the opening of the session and the name of its chairman.
2. The names of the members present and the names of the absent members (with or without an excuse).
3. Attaining the legal quorum to hold the session or not, and its consequences.
4. The items on the agenda, in the order adopted by the council.
5. An adequate summary of the discussions that took place during the session for each topic that was discussed, and the resolutions or recommendations issued regarding such matter, showing the number of votes approving, opposing or abstaining in this regard.
6. The noting of the issues that were not discussed and whose discussion was postponed to the next meeting.
7. Issues that may have been raised during the session which were not on the agenda.

If the secretary of the session is absent, the chairman shall mandate whomever he finds suitable to carry out the functions of the secretary, in accordance with the stipulations of Article 8 of this bylaw.

#### **Article (12)**

The council's meetings shall be chaired by the chairman or his deputy in the event that the former is absent or unable to carry out his functions. If they both cannot chair the meeting, a member of the council shall be selected to chair the meeting. The council's meetings shall be convened in the presence of two-thirds of its members. If a quorum is not reached, the session shall be opened with the number of members present. In this case, the council's resolutions shall not be valid unless they obtain the support of an absolute majority that would be equal to the majority occurring in the presence of two-thirds of the members.

### **Article (13)**

The chairman of the session shall moderate the council's meetings and organize their discussions. Members may not have the floor at the meeting unless the chairman grants them permission.

### **Article (14)**

Subject to the provisions of Article 15 of this bylaw, the chairman shall authorize the members to have the floor in the order of their requests for such. The speaker shall avoid repeating what other members said and digressing from the subject under discussion. The chairman may determine the time for each member when he has the floor.

### **Article (15)**

The chairman shall authorize the member to have the floor at any time without taking into account the order of requests in the following cases:

1. If the member requests to take into account the provisions of the bylaws of the council.
2. If the member requests to respond to an allegation related to himself.
3. If the member requests to correct the account of a particular incident.
4. If the member moves to end or postpone discussion.

### **Article (16)**

The member who has the floor shall be prohibited from using hurtful words that attack the council or the dignity of one of its members. Moreover, he shall not have the right to delve into personal matters without appropriate reason.

### **Article (17)**

In the event the speaker violates the order of the session by words or by action, the chairman shall have the right to stop him from doing so and record everything he does in the minutes of the session.

### **Article (18)**

No member of the council shall have the right to interrupt the member authorized to speak. Only the chairman shall have the right to alert the speaker if he believes that he has digressed or he did not respect the rules he must follow.

### **Article (19)**

No member of the council shall have the right to leave during the session except with the permission of the chairman.

### **Article (20)**

No member of the council shall have the right not to attend the meetings of the council, unless it is with an acceptable excuse. Any member who is unable to attend shall inform the secretary of the session or his substitute. Otherwise, he shall be considered absent without an excuse. In all cases, no member shall have the right to be absent from attending the meetings of the council for more than three consecutive sessions without the permission of the chairman.

#### **Article (21)**

A member who suggested an item on the agenda, a topic or a question shall have the right to withdraw it prior to or during the session.

#### **Article (22)**

Each member of the council shall have the right to object on what was stated in the minutes of the session and give the reasons for the objection. In this case, the secretary of the session shall express the necessary clarifications. In the event the objection is sustained, the matter shall be submitted to the council.

#### **Article (23)**

After starting discussion on a particular issue, the council may postpone the decision thereon to another session if it needs some data or information. It may also refer the issue to a committee of specialists to collect the required data and information about it. In the event of urgent matters, the council may appoint one of its members to provide it with the necessary data to discuss them before the end of the session.

#### **Article (24)**

In the event the order of the session is disturbed and the chairman is no longer able to moderate the session, he shall have the right to adjourn it and postpone it to a later date.

#### **Article (25)**

The chairman of the session shall declare the end of the discussion of the subject submitted to the council after the members who had requested to have the floor finish speaking. At the proposal of one of the members and after the approval of the council, the chairman may end the discussion before that if he believes that the subject was discussed enough. If the council decides to end the discussion of any subject, it shall not be permissible to continue discussing it in the same session.

#### **Article (26)**

Decisions of the council shall be taken by the absolute majority of the members present during the vote. In the event of a tie, the side with which the chairman voted shall prevail. If the draft resolution includes a vote between more than two views, decisions shall be taken by relative majority, provided that the view that received the lowest number of votes is dropped so the vote remains between two opinions. Then the view that received the votes of the absolute majority of the number of attendees shall prevail.

In all cases, the vote shall be public by show of hands, unless the council decides otherwise.

#### **Article (27)**

The quorum shall be necessary when voting and shall not be required for the continuation of the meeting.

#### **Article (28)**

Upon the conclusion of the session, the chairman shall announce that it has ended and set the date of the next session and its agenda, if possible.



### **Article (29)**

Discussions, deliberations or the content of the documents put forward during the meeting shall not be disclosed in any way and no data shall be given except in ways determined by the council.

### **Article (30)**

The council shall have the right to ask any member for clarifications, explanations or reports relating to any matters it believes it is important for it to know about. It may also assign to one or several of its members the follow-up of these matters, determining their mission and their period of use.

Any member of the council may ask any questions or ask for additional clarifications from any member of the council to verify any facts he was aware of and the actions that have been taken. In all cases, the member's questions or his request shall be submitted written, clear, specific and without any comment.

The concerned council member shall respond in writing or verbally before the council within 14 days from the date of his notification of the request or question. The council member shall have the right to comment on the answer of this member and the chairman shall allow the relevant committee or any other member to make their remarks in brief.

### **Article (31)**

The council may have recourse to qualified translators or specialised experts and rely on them when needed.

## **Budgets and Accounts of the Council**

### **Article (32)**

The council shall have a special budget within the general budget of the state in coordination with the competent authorities. The financial department of the council shall prepare its final accounts and the Audit Office shall adopt them. The council shall also open an account under its name and assign two of its members to sign on its behalf in the management of this account.

## **Formation of Specialised Committees**

### **Article (33)**

The council may form among its members specialised committees as needed in order to provide advice and counsel, taking the following into account:

1. The member's desire, competence and experience.
2. No member may be the head of more than one specialised committee. He shall have the right to attend the meetings of other committees after their approval, and these committees shall have the right to invite any member of the council to participate in its meetings.
3. The chairman shall select a chairman for each committee.
4. These committees shall be committed to submit a report within 14 days of their formation, indicating its functions, mechanism of action and budget for approval by the council.

5. The council shall assign to the said committees any subject within the scope of their specialisation and these committees shall provide opinion and counsel when required by the council.
6. Each of the committees formed by the council shall submit monthly or at a time determined by the council a comprehensive report on its overall activity, the number of its meetings, its decisions and recommendations and the results of its work.

#### **Article (34)**

During the period when they exercise their duties in the council, the chairman and members of the local council may not carry out any business or professional activities, conclude any business deals, establish any company or carry out any contracting works. The financial and criminal laws in force shall be applied to violators.

#### **Article (35)**

The chairman or any member of the council may not attend a session of the council's sessions or the sessions of the executive body if he or one of his relatives or in-laws, up to the fourth degree, has a personal interest in the subject matter to be discussed in this session or if he has a personal interest in his capacity as a trustee, caretaker or agent. Otherwise, the decision issued shall be void.

#### **Article (36)**

The chairman of the council or any of its members shall not be a party to a dispute or case against the council, either as a lawyer, expert or otherwise. The chairman of the council or any of its members shall not himself or any of his relatives or in-laws to the fourth degree buy or come into the possession of anything or of any a right disputed with the council in any way. Otherwise, such action shall be void.

#### **Article (37)**

After being selected, the chairman and members of the local council shall swear in front of the interim NTC in the following formula:

"I swear by Almighty God that I will perform my functions honestly and faithfully, remain faithful to the objectives and principles of the 17 February Revolution and the Libyan interim NTC, respect the statute and bylaws of the council, safeguard the interests of the Libyan people in full and preserve the independence, security and territorial integrity of Libya".

**Interim National Transitional Council – Libya**

**05/12/2011**