

STANDING CONFERENCE OF TOWNS AND MUNICIPALITIES

- **XXXVIII Assembly**
Belgrade, 7 December 2010



Item 2.3

STATUTE
STANDING CONFERENCE OF TOWNS AND MUNICIPALITIES

Belgrade, December 2010

In accordance with the provisions of Art. 78 and 12 Law on Associations ("Official Gazette of RS", num. 51/09), Article 89 of the Law on Local Self-Government (Official Gazette of RS ", num. 129/2007), on its 38th Meeting held on 7 December 2010, in Belgrade, the Standing Conference of Towns and Municipalities has adopted this

STATUTE
STANDING CONFERENCE OF TOWNS AND MUNICIPALITIES - THE ASSOCIATION
OF TOWNS AND MUNICIPALITIES OF SERBIA

Field of Target Achievement

Article 1

The Standing Conference of Towns and Municipalities – Association of Towns and Municipalities of Serbia (hereinafter referred to as SCTM) is an independent, non-partisan, non-governmental and non-profit association, in which towns and municipalities from the Republic of Serbia are gathered on a free-will basis, on indefinite period of time, with the purpose of development and improvement of local self-government, its protection and realization of common interests.

Goals and Principles of the SCTM

Article 2

SCTM goals are: development, promotion and protection of the local self-government in Serbia, in accordance with the principles of the European Charter of Local Self-Government, realization of common interests of municipalities and towns and improvement of their capacities to exercise authority and provide services to citizens. As an association of local self-governments in Serbia, SCTM represents common interests that its members have agreed upon, particularly in the legislative procedure and the process of passing of other acts relevant for the protection, promotion and funding of local self-government and representing of the interests of towns and municipalities as employers with special consent of a majority of its members.

The principles underlying the organization and operation of the SCTM:

- Voluntariness
- Equality of members
- Non-partisan character
- Transparency
- Solidarity and respect for diversity
- Independence

Activities

Article 3

To achieve its goals, SCTM shall act so as to improve the legal framework and general conditions for the development of local self-government in Serbia, represents common interests that its members have agreed upon, and provides them with services aimed to improve their work, in accordance with European standards.

SCTM activities particularly include:

- Joint formulation of opinions, proposals and initiatives aimed to improve the legal framework for the functioning of local self-government, through the work of the SCTM bodies and through various forms of gathering of representatives of local authorities;
- Advocating jointly adopted attitudes on national and international level, especially in relations with national and provincial authorities;
- Cooperation with state authorities in all matters of importance for the development of local self-government;
- Cooperation with institutions and partner organizations from the country and abroad with the aim to improve conditions for the development of local self-government;
- Providing support to towns and municipalities in capacity-building, defining and implementing strategic goals, developing and implementing plans and projects and providing access to funding;
- Providing support to towns and municipalities in exercising their authorities, through exchange and dissemination of information, training, counselling and support, exchange of good practices, as well as through various other activities according to their needs;
- Organizing various forms of exchange and cooperation among towns and municipalities in the country and internationally;
- Supporting participation of representatives of towns and municipalities in the field of international cooperation, at international conferences and in international organizations;
- Monitoring, analysis and research in areas relevant to local self-government;
- Information and publishing activities and raising awareness among general public about issues of importance for the development of local self-government, and about overall importance and role of local self-government in citizens' daily lives;
- Work on projects and programs that contribute to the development of local self-government in Serbia.

Name, Emblem and Seat Article 4

Full name of the association shall be: Stalna konferencija gradova i opština – Savez gradova i opština Srbije [Standing Conference of Towns and Municipalities – Association of Towns and Municipalities of Serbia].

Full name of the association in English shall be: Standing Conference of Towns and Municipalities.

Abbreviated name of the association shall be SKGO, and in English SCTM.

SCTM shall have its emblem, which consists of two stylized doves whose wings are connected in a rectangular space, with the initial letters of the association at the bottom. Colours of the logo are dark red, gold and white.

SCTM shall be seated in Belgrade, 22, Makedonska Street.

SCTM shall perform its activities on the territory of the Republic of Serbia.

Membership Conditions Article 5

SCTM membership may be gained by any city or municipality on the territory of the Republic of Serbia that accepts the goals, principles and Statute of the SCTM and apply for membership.

Decisions on accession to the SCTM, as well as decisions on withdrawal from its membership, shall be taken by the body authorized by respective municipality's or town's statute, whereas in case that no other body has been authorized, such decision shall be made by respective municipality's or town's assembly.

Acceptance to Membership and Termination of Membership Article 6

Membership shall be confirmed by the SCTM Assembly, who shall promptly notify the applicant thereon.

A member may withdraw from membership by giving a written statement on withdrawal. Membership in the SCTM shall cease:

- By virtue of decision of the body stipulated under respective municipality's or town's statute;
- By way of termination of member's existence.

Membership shall cease on the day of receipt of the decision on withdrawal made by respective municipality/town, or the date of termination of member's existence.

Members' Rights, Obligations and Responsibilities Article 7

Through their representatives, SCTM members shall have the right:

- 1) To participate equally with other members in achievement of the goals of the SCTM;
- 2) To participate in decision-making at Assembly meetings and in other organs and bodies of the SCTM;
- 3) To elect and be elected to SCTM organs and bodies;
- 4) To be timely and fully informed about activities of the SCTM.

Members shall be under obligation:

- 1) To actively contribute to the achievement of the goals of the SCTM;
- 2) To participate, pursuant to his interests, in SCTM activities;
- 3) To ensure that his representatives duly perform the function of the SCTM body to which he was elected;
- 4) To pay the membership fee;
- 5) To perform other activities entrusted to him by the Assembly and the Presidency of the SCTM.

SCTM Bodies Article 8

Bodies of the SCTM shall be the Assembly, the Presidency and the Auditing Committee.

Assembly Article 9

The SCTM Assembly shall consist of all its members. Each member of the Assembly shall be represented by one representative with voting power.

The Assembly shall regularly meet once a year.

Extraordinary meetings may be scheduled on elaborated proposal of the Presidency, or at initiative of at least one third of the members.

The initiative mentioned in paragraph 3 shall be submitted to the Presidency in writing, wherein questions that are proposed for examination are to be stated.

Extraordinary Assemblies shall be celebrated no later than 30 days from the date of submission of the application for its convening.

Assembly sessions shall be convened by the President of the SCTM, in written notice on the time and place of the Assembly meeting, along with a draft agenda attached thereto.

Sessions shall be chaired by the President of the SCTM.

The Assembly shall:

- 1) Determine the SCTM platform and its guidelines for work;
- 2) Approve the Statute, as well as any amendments and annexes to the Statute;
- 3) Adopt other general acts adopted by SCTM as foreseen by this Statute;
- 4) Approve its program and other documents;
- 5) Appoint and dismiss members of the Presidency;
- 6) Elect president of the SCTM from among the elected members of the Presidency;
- 7) Consider and adopt, at least once a year, reports on work of the SCTM;
- 8) Consider and adopt annual financial reports of the SCTM;
- 9) Decide on status changes and termination of work of the SCTM;
- 10) Make decisions on calculation of membership fees in the SCTM;
- 11) Decide on joining unions and other associations in the country and abroad;
- 12) Adopt electoral rules for the SCTM;
- 13) Establish and dissolve SCTM boards, and appoint and dismiss their chairpersons;
- 14) Appoint and dismiss members of the Auditing Committee;
- 15) Appoint the Secretary General;
- 16) Found organizations and other entities of interest to the members;
- 17) Perform other duties stipulated by the law and the Statute.

Quorum for work of the Assembly shall be formed when at least half of the members' authorized representatives are present.

The Assembly shall make its decisions by a majority of votes of present members' representatives.

For a decision on amendments and annexes to the Statute, status changes and termination of work of the SCTM to be valid, it is necessary to have two-thirds majority vote of present members.

President **Article 10**

President of the SCTM shall be elected from among the members of the Presidency elected in the Assembly.

President's term in office shall be in the duration of two years, whereupon he/she may be re-elected.

President shall represent the SCTM and advocate its views and initiatives in the country and abroad.

President of the SCTM shall chair its Assembly and its Presidency.

President of the SCTM shall have a Deputy elected by the Presidency, on proposal of the President, from among the members of the Presidency.

In the event of incapacity, the President shall be replaced by the Deputy who shall be authorized on behalf of the President to perform all duties within his competence.

Presidency

Article 11

Presidency shall be the executive body of the SCTM, which takes care of implementation of the goals set forth in this Statute and its program objectives, decisions and conclusions of the Assembly.

The Presidency shall have 23 members.

Twenty-two members of the Presidency shall be elected and dismissed by the Assembly from among the members, in accordance with the SCTM Election Rules.

Secretary General shall ex officio be a member of the Presidency.

Members of the Presidency shall have a mandate in the duration of two years, whereupon they may be re-elected to the same office.

Article 12

The Presidency shall:

- 1) Manage work of the SCTM in between two sessions of its Assembly, and make decisions to achieve the goals of the SCTM;
- 2) Monitor and direct regular activities of the SCTM, review and approve reports made by the Secretary General on the work of the SCTM;
- 3) Adopt plans and programs for work of the SCTM;
- 4) Adopt SCTM financial plans and its annual account;
- 5) Prepare proposals: set the agenda for other documents for consideration and adoption by the SCTM Assembly;
- 6) Entrust specific tasks to individual members;
- 7) Decide to initiate the procedure for amendments and annexes to the Statute, on its own initiative or on proposal of at least one fifth of the members, and prepare drafts of amendment and annexes, which shall be submitted to the Assembly for adoption;
- 8) Decide to initiate the procedure for compensation for damages, in accordance with the law;
- 9) Ensure that decisions and other acts of the Assembly are executed;
- 10) Make initiatives before state authorities and other bodies and organizations on behalf of the members of the SCTM;
- 11) Appoint SCTM board members – check whether it is in accordance with the Election Rules;
- 12) On proposal of the Secretary General, appoint Deputy Secretary General;

- 13) Decide on other matters which other organs and bodies of the SCTM are not authorized for, in virtue of the law or this Statute;
- 14) Exceptionally, decide on the issues for which it is authorized by the Assembly.

Decisions of the Presidency shall be valid if at least one half of members' representatives are present, while decisions shall be made by a majority vote of present members.

The Presidency may hold electronic meetings.

Auditing Committee **Article 13**

The Auditing Committee shall control financial operations of the SCTM, and inform the Presidency, without delay, on any irregularities observed.

The Auditing Committee shall have five members elected by the Assembly from among SCTM members, in accordance with the SCTM Election Rules. Chairperson of the Auditing Committee shall be elected by the Assembly from among the elected members of the Auditing Committee.

Members of the Auditing Committee shall have a mandate in the duration of two years, whereupon they may be re-elected to the same office.

The Auditing Committee shall review SCTM financial reports and its financial plans and submit them for approval.

SCTM Committees and Working Bodies **Article 14**

Committees shall be permanent working bodies of the SCTM formed to consider issues in the areas of relevance for local self-government.

The number and scope of committees, as well as their functioning, shall be determined pursuant to decisions made by the Assembly.

Exceptionally, in between two sessions of the Assembly, the Presidency may establish or abolish the committees and inform the Assembly thereof.

The Assembly and the Presidency may decide to also form other permanent or temporary working bodies.

Decision pursuant to which a working body stipulated under paragraph 4 hereof has been established shall also serve to determine the way for electing its members, its scope, mandate duration and the mode of its financing.

General Secretary **Article 15**

Secretary General shall represent the SCTM in any legal transactions and have the rights and obligations of the financial principal.

Secretary General shall manage the SCTM Expert Service, and represent the SCTM in its relations with partner organizations and institutions.

Secretary General shall be held responsible for the achievement of plans and programs of work and other tasks entrusted to the Expert Service by the Assembly and the Presidency of the SCTM.

Secretary General shall pass decisions and other general acts of importance for the functioning of the SCTM as a legal entity and take care of lawfulness of work of the SCTM.

Secretary General shall be appointed by the Assembly, on elaborated proposal of the Presidency, for a term of four years, whereupon he may be reappointed.

Secretary General shall have a Deputy, who shall be appointed by the Presidency, for a period of four years, whereupon he may be reappointed.

Deputy Secretary General Article 16

Deputy Secretary General shall be authorized, in absence of or under authority of the Secretary General, to represent the SCTM, to sign all financial acts on behalf of the SCTM, and to perform other duties within competence of the Secretary General.

Expert Service Article 17

Expert Service shall perform expert, organizational, technical and other duties within the framework of activities of the SCTM.

Organization and functioning of the Expert Service shall be regulated by the Secretary General.

Secretary General shall make decisions and deeds regarding legal employment status of the employees in the Expert Service, in accordance with labor regulations and SCTM by-laws.

Transparency of Work Article 18

SCTM work shall be transparent.

The President, the Presidency and the Secretary General shall take care of keeping the members, state authorities and the general public notified, on regular basis, about the SCTM work and its activities, directly or through electronic, print and other media, or through press releases or in other appropriate manner.

Annual reports on SCTM activities shall be submitted to the members at SCTM Assembly meetings.

Cooperation and Association Article 19

In order to achieve its goals, SCTM shall contact and cooperate with other associations and organizations in the country and abroad.

SCTM may access international associations, whereof decisions shall be made by the Assembly.

Way of Acquiring Resources for the Achievement of Goals and Disposing of Resources

Article 20

SCTM shall raise funds from membership fees, voluntary contributions, donations and grants, sponsorships, advertisements and in other legally permitted ways.

Decisions on membership fees shall be made by the Assembly.

SCTM may also acquire funds from registration fees for seminars and other forms of training in the field of local self-government, provision of consultancy services in the field of local self-government, sale of publications, realization of projects, as well as in other ways that are consistent with the goals of the SCTM and the interests of its members.

Economic Activities for the Generation of Profit

Article 21

SCTM may acquire funds by way of performing a commercial activity, namely:

70.22 Consultancy activities related to business and other management.

SCTM may begin its direct performance of these activities only upon its registration into the Register of Economic Entities.

Profit earned in the manner specified under paragraph 1 of this article may be used solely to achieve the goals of the SCTM, including costs of SCTM regular work and its own participation in the financing of specific projects.

Decisions on the ways in which profit is to be used shall be made by the Presidency.

Foundation of Economic Companies

Article 22

SCTM may establish a company either independently or together with other persons or entities, in order to perform the activities for the generation of profit, in accordance with the law.

Decision on the foundation of the company shall be made by the Assembly, in accordance with the law.

SCTM Termination

Article 23

SCTM shall cease to exist upon decision made by the Assembly or when conditions for the achievement of goals of the SCTM lapse, as well as in other cases stipulated by the law.

Managing SCTM Property in the Event of its Termination

Article 24

In the event that SCTM is terminated, its property and funds shall be conferred to the City of Belgrade for their safekeeping.

The property and funds thus saved shall be handed over by the City of Belgrade to a subsequently

formed association in which at least half of the municipalities and towns in Serbia are to be brought together.

Appearance and Content of the Seal
Article 25

SCTM shall have a rounded seal with the inscription: "Standing Conference of Towns and Municipalities – Association of Towns and Municipalities of Serbia, Belgrade".

Application of the Law on Associations
Article 26

All matters not regulated under this Statute shall be subject to the provisions of the Law on Associations.

Entry into Force
Article 27

This Statute shall enter into force on the day of its adoption.

On the date of entry into force of this Statute, the provisions of the Statute of the Standing Conference of Towns and Municipalities passed on the 31st Meeting of the Standing Conference of Towns and Municipalities, held on 30 October 1992, as well as amendments and annexes to the Statute num. 533/6 of 10 December 2002, 981/2 of 10 December 2003, 1060/4 of 8 December 2005 and 1028/2 of 4 December 2007, shall cease to be valid.

Assembly Chairman
SCTM

Saša Paunović

EXPLANATION

The Law on Associations ("Official Gazette of the RS", no. 51/2009) stipulates that all social organizations, citizens' associations and their federations, founded pursuant to the previous law, shall be required to harmonize their statutes and other bylaws with the provisions of this Law, within 18 months from the date of application of this Law on Associations.

In accordance with afore mentioned, the Standing Conference of Towns and Municipalities, as an association of towns and municipalities of the Republic of Serbia, has prepared a draft statute of the SCTM which is in full compliance with the provisions of the Law on Associations, and has been adopted at the 8th SCTM Presidency meeting held on 14 September 2010.

Once the draft statute of the SCTM was considered and adopted, the SCTM Presidency put this draft by to public debate, which was held from 20 September to 22 October 2010. During public debate, various proposals were received for amendments and annexes to the draft statute, whereupon the following proposals have been incorporated in the text:

1st Proposal refers to the additional name of the association, so that the new proposed name of the association reads: "Standing Conference of Towns and Municipalities – Association of Towns and Municipalities of Serbia", hence words "– Association of Towns and Municipalities of Serbia" are added in the title and in articles 1, 4 and 25 after the word "Municipality".

2nd Proposal refers to a possibility of the association to set up a company, so that after Article 21 new Article 22 has been inserted, which reads: " SCTM may establish a company either independently or together with other persons or entities, in order to perform the activities for the generation of profit, in accordance with the law. Decision on the foundation of the company shall be made by the Assembly, in accordance with the law. "

In accordance with the provisions of the Law on Associations, in addition to the possibility to directly perform related economic activity, association with the status of a legal person may also establish a limited liability company, either independently or jointly with other persons, or to be a co-founder of other types of companies (joint stock company, limited liability company, partnership or limited company). The possibility for associations of local authorities to establish companies is a European legacy, which generally contributes to a more flexible (profit) engagement in the country and abroad, knowledge transfer, as well as creation of a more stable financial viability of the organization itself.

3rd Proposal refers to the definition and achievement of goals of the SCTM, in the sense that with special consent of its members, SCTM may represent the interests of towns and municipalities as employers, so that words "with special consent of a majority of its members" have been added in the article 2 after the words "representing of the interests of towns and municipalities as employers". This proposal was outlined in accordance with Article 245, paragraph 2 of the Labor Law, which stipulates that "A special collective agreement for a territory of a unit of territorial autonomy and local self-government may be concluded between the representative association of employers and representative trade union set up for the territorial unit for which the collective agreement is concluded." In accordance with afore mentioned, the Committee for the Local Self-Government System, on its third session held on 4 October 2010, adopted the comments on the working text of the Draft Law on Labor Relations in Local Self-Government Bodies, which among other things, proposes that at the conclusion of a special collective agreement for the employees in local self-government units, representative employers associations are to be included along with the Government and representative trade unions. In the adopted comments it was also suggested that the role of the representative employers association may be performed by the SCTM, upon prior fulfillment of

conditions stipulated by the law, considering that in the Republic of Serbia at this moment there is no organization that would protect the interests of local self-government in this sphere.

4th Proposal refers to the introduction of a new function, which is Deputy President of the SCTM, so that after paragraph 4 in the Article 10 paragraph 5 has been inserted, which reads: "President of the SCTM shall have a Deputy elected by the Presidency, on proposal of the President, from among the members of the Presidency", as well as paragraph 6, which reads: "In the event of incapacity, the President shall be replaced by the Deputy, who shall be authorized on behalf of the President to perform all duties within his competence".

In addition to the adopted proposals, legal revision made by the SCTM introduced appropriate amendments and annexes in the text of the Draft, in accordance with legally stipulated content of the Statute.