Royal Government of Cambodia

National Committee

for Sub-National Democratic Development

(NCDD)

DRAFT

Technical Document

on

Inter-Governmental and Intra-Governmental Relations

For Municipal Councils

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PREFACE

Councils of sub-national administrations are legal entities that represent citizens and have the purpose to establish, promote and sustain democratic development at sub-national level. The Capital, provincial, municipal, district and khan councils cannot operate well in isolation without networking and additional contacts. In order to be effective and efficient in performing their tasks and exercising their authority, the councils must interact with all relevant stakeholders, including other councils, with line Ministries, line departments, and other government institutions in all levels. Beside, each council has to set up clear mechanism of relation with their administration.

In order to provide support to municipal, administrations in developing productive inter-governmental and intra-governmental relations, the National Committee for Sub-National Democratic Development Secretariat (NCDD-S) has developed a Technical Document on inter-governmental relations, and intra-governmental relations for councils to strengthen the implementation of their roles and responsibilities.

This TD is not a legal framework for the councils of capital, provinces, municipalities, districts and Khans to strictly follow. This means the councils can be

flexible based on the real situations and needs of each administration.

This TD was developed with cooperation and support by EU-SPACE.

NCDD-S would like to sincerely thanks to the contributions from all councils, ministries, institutions, units, and all relevant stakeholders who have contributed resources and ideas in preparing this TD and we also warmly welcome all constructive criticisms to improve this TD.

Thanks

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INTRODUCTION

This TD has been prepared in order to support municipal councils to set up inter-governmental and intra-governmental relations; however, this TD is not a guideline.

This TD aims at assisting councils in understanding the importance, benefits and mechanisms of relations among councils of the same category, councils of the different categories, relations of councils with ministries, institutions, departments and other government agencies as well as intra-governmental relations. Strengthening these relations will improve the performance of the councils through sharing of experiences and information, coordinating and cooperating more effectively the local development and in providing better services to the citizens.

This TD mentions some ***options*** that councils can follow such as preparation of mechanisms and strategies ***to effectively communicate with relevant stakeholder***. Councils can implement all or some of the ***options*** which have been mentioned in this document. Councils have the autonomy to develop their own options as long it is in line with the guidelines of a transparent and democratic unified administration.

NCDD strongly hopes that this TD will become an important supporting document for municipal councils

in establishing their relations effectively and efficiently to response to the local development needs and contribute to poverty reduction of Cambodian citizens aligning with visions of Royal government.

The Capital, provincial, municipal, district, commune and sangkat councils implement their roles to promote and sustain democratic development in their areas by identifying and responding to local needs in order to benefit their citizens. This means that all councils have the same goals in developing their areas for common citizens in their competence. Therefore all councils have to cooperate and coordinate their work together.

Part I: Overview on Councils' Relations

1.1. Definition

1.1.1. Inter-governmental Relation

Inter-governmental relation is an interaction between councils and other councils and ministries, governmental institutions, line departments.

Inter-governmental relations include relations between:

- Councils of the same category (e.g. municipal council with other municipal councils or municipal council with district councils);
- Councils of different categories (e.g.: municipal council and provincial council or municipal council and sangkat council);
- Councils and Ministries and Ministry line departments/offices (e.g. between a municipal council and the municipal line office of education);
- Councils or other government institutions such as Forest Administration or the Apsara Authority, etc.

In establishing inter-governmental relations, board of governors must fulfil their tasks on behalf of their councils by implementing the instructions and decisions of the council.

1.1.2. Intra-governmental Relations

Intra-governmental relations are interaction between different actors in the same council administration. Intra-governmental relations include the relations

- Among the council;
- Between council and its committees;
- Between council and its administration.

The actors in intra-governmental relation of a municipal council are:

- Municipal council (chairperson of council and councillors);
- Committees of municipal council;
- Municipal board of governor (governor and deputy governors);
- Administration director and deputy administration director;
- Chief and deputy chiefs of offices;
- Other staffs.

1.2. Objectives

The objectives of inter-governmental relations and intra-governmental relations are to promote sharing of information, coordination, and cooperation in order to

- Increase effectiveness of service delivery;
- Maximize resource mobilization;
- Achieve efficiencies in resource utilization;
- Ensure accountability;
- Solve local conflicts;
- Prevent and mediate conflicts between municipal councils and relevant institutions.

1.3. Legal framework

The valid legal documents and policies related to inter-governmental and intra-governmental relation are:

1. The Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans;
2. Sub decree 215 on Roles, Duties and Working Relations of Councils, Board of Governors of Phnom Penh Capital and Councils and Board of Governors of Khans in Phnom Penh Capital;
3. Sub decree 216 on Roles, Duties and Working Relations of Councils and Board of Governors of Provinces and Councils and Board of Governors of Districts;

4. Sub decree 497 on the delegation of power to sub national administrations in appointing, changing and terminating civil servants at sub national level;
5. Sub decree 218 on establishment and implementation of technical facilitation committee of provincial, municipal, district councils;
6. Prakas 4275 on establishment and implementation of women's and children consultative committee in the Capital, Provincial, District, Khan councils;
7. The 10-years national program for democratic development of sub-national administrations raises the need of changes of roles and ways of communicating between various ministries, institutions, line departments and sub-national administrations as well as between councils of the same and different categories.

Some key principles of the above law, sub-decrees and policy documents are highlighted as follows:

- Sub-national councils are autonomous in thier jurisdiction but shall have close relation and cooperation with councils of the same category and of different categories in order to establish, promote and sustain democratic development in their jurisdictions;

- Sub-national council shall have close relations with ministries, institutions, line departments in their jurisdiction in order to achieve unified administration;
- The capital, provincial, municipal, district and khan council shall conduct dissemination and consultative forums in their jurisdiction;
- In the formulation and implementation of its development plan, the councils shall consult with other categories of councils within its jurisdiction;
- The commune and sangkat councils have a specific role to ensure that the capital council, provincial council, municipal council, district council and khan council are accountable to them and ensure that priority needs of local citizens are responded;
- The capital and provincial council shall receive delegation of power on behalf of the Royal Government to support and check legality on decisions of other councils in the capital and province include appointing, changing and terminating civil servant at sub national level.

Besides the legal documents and policy papers mentioned above, there are still some more relevant documents, which also determine the inter-governmental and intra-governmental relations like 3-

Year Implementation Plan. Although council of capital, provinces, municipalities, districts, khans and communes/ sangkats are autonomous in managing their own functions, tasks and resources, councils need to communicate with one another to implement those rights and power, so all councils must consult, coordinate, and promote the collaborations among relevant councils through the mechanism of interactive communications.

1.4. Some Key Requirements

For effective relations, the actors involved in inter- and intra-governmental relations must be open to working together formally and informally, to sharing and discussing information and to do so beyond what is explicitly stated in a legal instrument.

Therefore, every actor has to consider the following points:

Communication – to provide and receive information, to consult with and to learn from each other, such as a municipal council sharing with the provincial council and commune/sangkat councils a report regarding the impact of tourism on water supply.

Mutual autonomy respect – to respect the autonomy of other councils to make their own decisions. E.g. a municipal council must respect the autonomy of district councils, a provincial council must respect the autonomy of district councils and commune/sangkat councils.

Cooperation – to bring different actors to work together more effectively, efficiently and smoothly. In order to avoid overlapping the councils have to coordinate with other stakeholders, e.g. a municipal council coordinates with line office of education to promote the registration at primary level.

Collaboration – to work together and support each other to achieve a common goal, e.g. the municipal council prepares together with the sangkat councils measures to prevent illegal fishing.

To promote and increase the effectiveness of relations councils and relevant institutions have to consider the following points:

- Build trust and respect among council and relevant institutions by having clear roles, duties, responsibilities and expectations. Councils and relevant stockholders have to respect what have been agreed on and do it as promptly as possible;
- Ensure that council and relevant institutions understand her/his own roles, duties and responsibilities and how they relate to the roles and responsibilities of other councils and relevant institutions;
- Identify common goals and how each council and relevant institution is responsible to contribute to them;

- Be generous in sharing information, and share the information as far in advance as possible;
- Ensure that gender equity is considered, respect women's ideas and their participation, and respond to women issues as well as to issues of minorities, ethnic and vulnerable people.

PART 2: INTER-GOVERNMENTAL RELATIONS OF MUNICIPAL COUNCILS

Part 2 looks at the relationship of a municipal council with councils of the same and different categories, with ministries, governmental institutions, line departments, line offices and other government agencies.

2.1. Relations of Municipal Council with Councils of different categories

Inter-governmental relations between municipal council and councils of the different categories refer to the relations between municipal councils with provincial, and sangkat councils.

In order to ensure effective, sustainable, cooperative and respectful relationship between municipal council and councils of different categories, the municipal council should consider the following points:

- Municipal councils communicate, share information and consult with provincial, and sangkat councils;
- Municipal councils and sangkat councils work together to promote civic engagement;
- Municipal councils have to respond to local needs based on comments from sangkat councils;
- Municipal councils advocate to the provincial council for responsive provincial services;

- Municipal councils, sangkat councils and the provincial council coordinate, and collaborate;
- Municipal councils ensures support to sangkat councils (capacity development, functions and resources);
- Municipal councils can get support from provincial councils;
- Municipal councils are responsible for checking legal compliance for sangkat councils;
- Municipal councils submit Deika to the Provincial council for checking legal compliance;
- Municipal councils should seek support from the provincial councils for the transfer of functions and resources to municipal and sangkat councils;
- Municipal councils share certain revenues with sangkat councils;
- Municipal councils have other relations with sangkat councils that are set out in any legal instrument.

Notes:

Municipalities, districts, and communes/sangkats are in the territory of province, therefore, all these councils must interact with each other to seek for resource and technical support, sharing information, and solving issues.

In performing the service delivery and development activities, it is the duty of municipal councils to inform the provincial council about needs and issues of

citizens in the municipalities and to advocate for the provincial council to contribute to meeting those needs.

2.1.1. Relations of Municipal Councils with Provincial Councils

It is the duty of municipal councils to inform the provincial council about needs and issues of citizens in the municipality and to advocate for the provincial council to contribute to meeting those needs.

Municipal councils have various forms to interact with provincial councils and its administrations.

2.1.1.1 Participation in Provincial Council Meetings

Each municipal councillor is entitled to attend the meeting of the provincial council just like citizens are. A municipal council may assign one or more councillors to attend provincial council's meetings and to report back to the municipal council. Depending on the provincial council's internal rules, municipal councillors may also be entitled to raise issues and participate in the discussion, but municipal councillors do not have the right to vote on any matter.

Representatives of municipal council who participate in the meeting need to:

- Collect issues and needs from local citizens, which are beyond the capacity of the municipality or under the authority of the province and which need the support from the provincial council.
- Advocate to the provincial council on behalf of citizens by raising issues and concerns such as interventions to draught or flood, increase of animal diseases and insects destroying crop and so on.

When a municipal councillor raises any question or comment during a provincial council meeting and the provincial council cannot respond immediately, the municipal councillor should ask the provincial council to indicate where and when the information will be available.

Note:

- Municipal councils should submit in advance in writing any issues, questions or comments to provincial council or provincial board of governors so that provincial council or provincial board of governors can prepare to fully address them.
- Municipal council councillors have the right to attend and participate in public provincial council meetings, just as citizens may.

2.1.1.2 Participation in Provincial Council Committees

Currently, municipalities are only represented in the provincial Technical Facilitation Committee by the municipality governors. Therefore, in order to strengthen the inter-governmental relation between municipal and provincial council, municipal councils should propose to the provincial council to include representatives of the municipal council in committees, sub-committee and working groups of provincial councils. Participation of municipal councils in provincial council committees gives an opportunity for municipal administration to raise its opinions, requests, concerns, or issues to provincial council for consideration and support.

Examples of possible provincial council committees

- Provincial Women and Children Consultative Committee;
- Provincial Business Promotion Committee;
- Provincial Tourism Promotion Committee;
- Etc…

Municipal councils and municipal governors must follow up with the work of municipal representatives who are members in committees of the provincial council. They must try to propose ideas regarding the development needs of the municipalities in order for the provincial councils to consider integrating

requests, of the municipalities into provincial plans, programs and activities.

2.1.1.3 Participation in the Development Planning of the Province

Based on the procedures of development planning and investment program of the province, the provincial council must consult with the municipal council regarding these issues. For this purpose, the municipal councils must raise the issues and needs that are beyond their competences into the provincial development plan and investment program.

Apart from this, municipal governors are also members of provincial technical facilitation committee. The role of the committee is to discuss and advise on the drafts of the provincial development plan and three years investment program. Therefore, as a representative of the municipal administration, the municipal governor must:

- Understand vision, needs, and issues related to municipal development in order to be able to comment on the planning process or development activities of the province;
- Try to contribute ideas to propose the needs and priorities identified by municipal councils into the draft of development plan and investment program.

Municipal councils should discuss in advance how they can contribute to the provincial development planning process, and include their ideas about:

- Vision, objectives, and development strategy of provincial councils;
- Priority needs of citizen by sector;
- Proposals which are beyond municipal councils authority;
- Cooperation and collaboration between the provincial councils and municipal councils;
- Support from the provincial administration to municipal administration.

2.1.1.4 Participation in Dissemination and Consultative Forums at Provincial Level

Every year, the provincial council conducts dissemination and consultative forums in the municipality of the province. Members of Municipal councils, municipal board of governors, sangkat councils, citizens, and other relevant stakeholders are entitled to attend the forums.

Like the participation in the monthly council meetings or the participation in the development planning and investment program process of the provincial council, municipal council must:

- Collect issues and needs of citizens which are beyond the capacity of the municipality and which need the support from the provincial council;
- Collect issues and needs of citizens, which are under the authority of the province;
- Raise issues, proposals, and opinions to provincial councils and ask for support.

(See the *Technical Document on Dissemination and Consultative Forums*)

2.1.1.5. Mediation of Conflicts by Provincial Council

In the case of conflicts between municipal and district council or sangkat councils or between different sangkat councils on issues such as administration management, development issue, service delivery, or other resource utilities, the municipal councils should consider the following measures:

- Instruct the municipal governors and relevant officials to collect all detail information on the issue from the relevant documents, reports or minutes in order to study further on the issue;
- Instruct the municipal governors to communicate with all concerned councils in order to solve the problem;
- Bring the conflict to the provincial council through the provincial technical facilitation committee,

whose members are the district governors, in case the conflict cannot be mediated;

- Instruct the municipal governors to prepare reports on the process and the result of the mediation that is done by the technical facilitation committee of the provincial council;
- Report to the Ministry of Interior and request for mediation in case the concerned councils do not agree on the proposal of the technical committee of the provincial council.

2.1.1.6. Supporting the Implementation of Municipal Council Functions

Since the municipality is based in the provincial territory municipal councils need to discuss and coordinate the implementation of their functions with the provincial council. Together they mobilize resources and coordinate their measures in order to promote the quantity and quality of the public services ~~to be~~ delivered to citizens. In performing its functions, the municipal council should consider the following activities:

- Request for a regular meeting of technical facilitation committee of provincial council; it is an existing mechanism for the interaction between provincial council and municipal council. The technical facilitation committee provides the

opportunity to the municipal council to raise requests or needs;

- Request for financial and technical support from provincial councils for performing necessary functions and for functions, which are beyond the financial and technical capacity of municipal council.

2.1.1.7 Capacity Development Support of the Provincial Councils

The provincial council has been delegated the duty to develop and implement capacity development activities for municipal councils and municipal personnel. However, when providing support, all divisions of provincial councils must respect municipal council's autonomy and decision-making power.

Therefore, to strengthen the capacity of its administration, municipal councils need to consider the following points:

Instruct board of governors and relevant offices to update annual plan for organizational development of the municipal administration in accordance with the organizational development manual for sub-national administrations;

- Identify topics or skills, which are urgent or necessary for capacity development of the municipal administration;

- Seek support for capacity development from provincial administration and other stakeholders especially capacity development support for councillors and female staff;
- Collaborate with provincial administration in monitoring and evaluating the results of capacity development.

2.1.1.8. Legal Compliance Checking for Municipal Councils

Provincial councils have been delegated the task to conduct legal compliance checks of deikas and decisions of municipal councils. To make sure that the deika and decisions technically comply with the Constitution, laws and other legal instruments, municipal councils must do the following:

- Instruct municipal governors or the municipal office of administration and finance to send deikas or decisions of municipal councils to the provincial administration;
- Assign staff to follow up with the provincial administration on the duration of the legal compliance checking of provincial administration;
- Instruct the municipal governors to report to municipal councils on the result of legal compliance checking of provincial administration.

2.1.1.9. Sub National Civil Servants Management

Referring to sub degree 497 on delegation of power to sub national administration in appointing, changing and terminating civil servants who work at sub national level district governors have to implement this delegated power based on principles below:

- Effectiveness;
- Consultation;
- Transparency;
- Accountability;
- Equity;
- Neutrality of each civil servant.

And, the appointing, changing and terminating civil servants have to follow the procedure, criteria and propensity which set in legal documents.

District governors with agreement from board of governors have to propose the appointing, changing and terminating of civil servants in any position to district council to check and approve before proposing to respective provincial governor.

District councils have to approve the proposal on appointing, changing and terminating civil servants in any position through confidential voting. Every minutes of meeting on appointing, changing and terminating those civil servants do not disseminate to pubic. Councils can approve to take key contents of the

meeting to disseminate to public but ensure that there will not affect to reputation and value of those civil servants who have been appointed, changed their position and terminated.

2.1.2. Relation of Municipal Council with Sankgat Councils

There is a particularly close relationship between a municipal council and sangkat councils in the municipality. Sangkat councils are under the supervision and management of the municipal council in order to ensure that there is aunified urban development. Sangkat councils, therefore, receive functions and resources through delegation from the municipal council. Municipal councils are responsible to strengthen sangkat council performance.

The municiapl council is elected by sangkat councils; so the municipal council is accountable to sangkat councils and the citizens in the municipality. It is important, therefore, that the municipal councils understand and respond to the needs and priorities of sangkat councils and citizens. At the same time the municipal council must encourage the sangkat councils to inform the municipal council about needs in sangkats and to advocate for the municipal council to contribute to meeting those needs.

The day-to-day support to the sangkat councils is provided by the municipal administration especially by

the planning and sangkat support office**.** The main tasks of this office are:

- To support sangkat councils to prepare and implement development plans and investment programs;
- To support sangkat councils to implement obligatory and permissive functions;
- To monitor, evaluate and support capacity development and performance of sangkat councils;
- To conduct legal compliance checking of deikas and decisions of sangkat councils.

To ensure that the municipal planning and sangkat support office is accessible to sangkat councils when they need support, the municipal council shall arrange a regular communication between the office and sangkat councils. The municipal council shall ensure to provide means, materials and resources which include financial and human resources, training and capacity building to the Sangkat councils and personnel of these councils in order to implement the functions and duties delegated by the municipal council.

2.1.2.1 Municipal Council Meetings

A. Municipal Council Meeting

Sangkat councils may assign one or many councilors to attend municipal council meetings.

Since municipal council meetings are open to the public, any other sangkat councillor who has not been assigned by the sangkat council may also attend the meeting as citizen only.

Depending on the municipal council's internal rules sangkat councillors may also be entitled to raise issues and participate in the discussions but they do not have the right to vote on any matter.

To enable the municipal council to understand and respond to the needs of citizens in the sangkat, municipal council should do the following:

- Make decisions on how to consult with sangkat councils;
- Provide opportunity to sangkat council chiefs or representatives to inform or explain to the municipal council about particular issues faced by citizens, e.g. claims about the pollution from a garment factory;
- Allocate time for chiefs or representatives of sangkat councils to raise questions or issues during a municipal council meeting and let them know so that sangkat council chiefs or representatives can prepare themselves accordingly.

Ask sangkat council chiefs to submit the questions and issues they want to address during the municipal council meeting in advance either to the chairperson of the council or to a member of the board of governors. That allows the municipal council to be prepared for responding to sangkat councils' questions or issues. .When a question or issue is submitted in advance by a sangkat council chief, the municipal council chairperson should ask the board of governors to prepare a response for the next municipal council meeting.

- Instruct the municipal governor to respond immediately in case of urgent issues. The governor should report in the next municipal council meeting;
- Sangkat council chiefs or representatives could be encouraged to discuss in advance within their councils which issues should be raised during municipal council meetings. Especially female councillors should be encouraged to raise their concerns.

When a chief or representative of a sangkat council raises a question or issue during a municipal council meeting and the municipal council cannot respond immediately, the municipal council should clearly state when and where the information will be available.

B. Sangkat Council Meetings

Municipal councils may assign one or many

councillors to attend sangkat council meetings. Assigned municipal councillors may discuss, comment and make a request for the district council to consider.

Since sangkat council meetings are open to the public, any other municipal councillor who has not been assigned by the municipal council may also attend the meeting as citizen only.

Depending on the sangkats council's internal rules municipal councillors may also be entitled to raise issues and participate in the discussion but they do not have the right to vote on any matter.

Councillors assigned for this task should consider the following points:

- Attend the sangkat council meeting regularly.
- Prepare a short report for the commune/sangkat council along the following points:
    - Achievment of the municipal council in the previous month;
    - Decisions or Deikas of municipal council in the last month;
    - Events preparded by municipal councils in the last month;
    - New issues for the coordination and collaboration of the municipal council with sangkat councils;
    - Any other new issue the sangkat councils should know.

Note: The municipal council shall consider providing transportation and/or mission allowance for municipal councillors who attend sangkat councils' meetings.

During the sangkat council meeting, municipal councillors must:

- Report to the sangkat council about municipal council activities and decisions;
- Clarify issues raised by sangkat councilors;
- Collect requests and suggestions of sangkat councils and challenges that sangkat councils cannot resolve on their own;
- Respect the sangkat council's internal rules and the municipal council councillors have no right to vote on any matter;
- Avoid giving instructions and comments that may interrupt the meeting of sangkat councils.

After the meetings:

- Municipal councillors who participated in sangkat council meetings must prepare a written report and send to the chairperson of the municipal council and municipal board of governor.

  The report should include:

  - Date of the sangkat meeting;
  - Composition of the municipal councilor(s) who attended the meeting;

- Any questions asked by the sangkat council that the municipal councilor could not answer;
- Requests or challenges that require a response or action from the municipal council;
- Suggestions for consideration by the municipal council;
- Matters requiring coordination with the municipal council;
- Any other important information the municipal council should know;
- Any suggested items for the next municipal council meeting that relate to the sangkat council meeting (e.g. an agenda item 'primary school enrolment' is suggested to be included because primary school enrolment suddenly decreased significantly in a sankgat).

- The municipal council and board of governors must address sangkat council requests, suggestions and issues/challenges that are within their authority;
- The municipal council decides which issues the municipal board of governors should deal with;
- In urgent cases, the chairperson may ask the municipal board of governors to deal with an issue or the chairperson may call an extraordinary meeting to deal with the matter.

Note: The report must be made available to other councilors to review and copy.

2.1.2.2. Municipal Council Committees

A municipal council may appoint representatives of sangkat councils (councillors and sangkat council staff) to sit as members a municipal council committee, sub-committee or working group. Participation of sangkat councils in municipal council committees ensures that the voice of sangkat councils is heard and taken into account when committees make their recommendations to the municipal council.

Currently, in the municipal council technical facilitation committee, Sangkats are represented by all sangkat council chiefs; in the municipal council women's and children consultative committee, Sangkat are represented by focal persons responsible for women and children's affairs. All committees provide advices to municipal councils prior to decisions.

Beside the existing obligatory committees, municipal councils can establish other committees, sub-committees, special commission or special working groups based on the real needs. Examples:

- Local Economic Development Committee of working group;
- Municipal Environmental Sub Committee;
- Sangkat Council Capacity Development Working group.

When assigning sangkat council representatives to sit in municipal committees, sub-committees, special

commission or special working groups, municipal councils have to consider the following points:

- Which sangkats are most affected by the subject matter of the municipal council committee, sub-committee, special commission or special working groups;
- Which sangkats have experience and expertise on the subject matter of the municipal council committee, sub-committee, special commission or special working group;
- Relevant characteristics of sangkats such as well or less developed areas of the municipality, areas of ethnic minority groups or very poor areas.

Notes: A municipal council might adopt a policy that requires sangkat council representation on every municipal council committee, e.g. in the Local Economic Development Committee, the Health Services Committee or the Sangkat Council Capacity Development Committee.

When assigning sangkat council representatives to sit in a municipal committee, sub-committee, special commission or special working group, the municipal council has to consider about gender equity.

2.1.2.3. Development Planning of the Municipality

Based on the procedures of development planning and investment program, the municipal council must interact with sangkat councils in the following ways:

- Ask the sangkat council to provide information related to issues and needs of citizens;
- Ask the commune/sangkat council to raise project proposals that are beyond their capacity and that are the prioritized needs of citizens;
- Consult with the sangkat council with regard to development frameworks and development projects in the district.
- Inform the sangkat council about the possibility of the municipal council in responding to citizens need;
- Cooperate with sangkat councils in preparing municipal integration workshop.

For this purpose, the municipal council should use different means:

- A special consultative meeting that is attended by sangkat council chiefs and sangkat focal persons for women and children's affairs;
- A meeting for sangkat councils to discuss on a specific issue in the process of development plan and investment program preparation;
- Municipal development plan working group whose the role to coordinate the process of

preparation of municipal development plan and investment program;

- The municipal WCCC that consults with the sangkat committee of women and children to ensure that the municipal development plan and investment program are in response to the needs of women and children;
- Common outreach activities in the sangkats to improve the understanding of the local needs.

No matter which means the municipal council will choose, the sangkat councils should get a copy of the municipal council development plan in sufficient time. That provides the sangkat councils the possibility to consult on the development plan and investment program and to provide substantial input on the drafts to the municipal council.

Note: The municipal council shall discuss with sangkat councils on the following issues:

- Vision, objectives and development strategies of the municipal council;
- Priorities and needs of citizens in each sector
- Proposals that are beyond sangkat councils authority;
- Cooperation of municipal administration with sangkats;
- Support of the municipal council to the sangkats.

2.1.2.4. Municipal Dissemination and Consultative Forums

Every year, the municipal council conducts dissemination and consultative forums in the sangkats of the municipality. In preparing this forum the municipal council has the following relation with the commune/sangkat councils:

- Municipal council shall cooperate with sangkat council chiefs in identifying agenda items, venue, participants, date and time for the forum;
- Sangkat councillors are entitled to attend the forums;
- Sangkat council members should be prepared for questions from citizens on the request of the municipal council;
- Sangkat councils coordinate and deal with issues from citizens on the request of municipal council;
- The municipal council may ask sangkat councils to inform citizen about the response of the municipal council on issues that the municipal council could not answer during the forum;
- The municipal council provides the report on the dissemination and consultative forum to the relevant sangkat councils.

When an issue raised is outside the scope of duties of the municipal council, the municipality must consult the responsible councils or institutions so that they can address the issues. Some of those issues may be within the scope of duties of sangkat councils.

(See the Technical Document on Dissemination and Consultative Forums)

Besides the forum, a municipal council should establish further mechanisms for consultation with sangkat councils in order to ensure that municipal council decisions and activities are responsive to the priority needs of sangkat councils and citizens in the municipality.

- The municipal council could conduct quarterly coordination meetings with sangkat councils in order to discuss issues of common interest in the municipality and then to identify concrete measures to be taken for coordination and cooperation;
- Municipal council and sangkat councils share information such as studies, statistics, information about development partner projects and other relevant information;
- The municipal council invites sangkat councils to comment on municipal council draft deikas;
- Municipal council and sangkat councils together promote civic engagement in the municipality in addition to the annual dissemination and consultative forum, for example, doing outreach together;
- The municipal council could introduce a question and answer period during municipal council meetings so that sangkat councils have a dedicated time to raise issues *(*See the *Technical Document on Council Meetings);*

- A municipal council might establish a ad-hoc working group to look at a pressing issue (e.g. unemployment in the municipality) and include representatives of sangkat councils as members.

2.1.2.5. Mediating Conflicts of Sangkat Councils by Municipal council

In case there is a conflict or disagreement among sangkat councils in the municipality on issues such as priorities for the development plan, services delivery or resources allocation, the municipal council has to consider the following interventions:

- Ask the concerned sangkat councils to deal with the conflict by themselves with the support from municipal council representatives;
- In case the involved sangkat councils cannot cope the conflict the municipal council should inform the technical facilitation committee of the municipal council. If the technical facilitation committee takes the role as a mediator, the committee should do the following:
    - Invite for a meeting and provide detail information on the issue or suggestions to the conflicted sangkat councils;

- Listen carefully to the conflicted sangkat councils, seek for comments from participants and provide options or solutions to the conflicted councils for consideration;
- Report to the chief of the municipal council on process and result of conflict resolution.

In case the conflicted councils do not agree on conflict resolution of the technical facilitation committee of the municipal council, the conflicted sangkat councils or municipal council can ask Ministry of Interior for support.

2.1.2.6 Delegation of Functions to Sangkat Councils

The municipal council receives functions and corresponding resources from the national level (ministries and other institutions) to implement in the municipality. In consultation with sangkat councils, the municipal council must decide which of those functions should be delegated to sangkat councils.

The municipal council has the following options for the consultation process:

- The municipal council shall instruct the technical facilitation committee to consult with sangkat councils about functions and resources;

- The municipal council may decide to organize meetings with sangkat councils to consult on functions and resources that need to be delegated;
- The municipal council may decide to organize thematic forums to obtain views of councils about functions in specific sectors such as local economic development or the environment;
- The municipal council shall organize a council meeting to decide which functions shall be delegated to sangkats.

Once decisions are made by the municipal council, the municipal council must ensure that the implementation of delegated functions to sangkat is well coordinated.

In order to support the sangkat councils on the implementation of the functions, municipal councils should consider the following points:

- Instruct the municipal administration to organize regular meetings with sangkat councils;
- Discuss and decide on which functions the sangkat councils need technical support and resources from the municipal council;
- Coordinate with the sangkat council on time and means for the implementation of the delegated functions;
- Instruct the municipal board of governors to conduct studies or collect more information on how the municipal council could support sangkat councils in implementing their functions.

2.1.2.7 Capacity Development Support to Sangkat Councils

The municipal council is responsible for the capacity development of the sangkat councils. The municipal council shall regularly consult and evaluate the capacity development needs of sangkat councils (at least once a year) and provide trainings to the sangkat councils and their staff based on the results of the evaluation.

In order to support the capacity development of sangkat councils the planning and sangkat support office in the municipality should consider following perspectives:

- Capacity development needs of khan and sangkat councils for the implementation of new functions;
- Capacity development needs of khan and sangkat councils for implementing their roles and responsibilities and use of their resources to response to local needs;
- Capacity development needs of two or more commune/sangkat councils to enable them to share resources, assets and personnel in implementing functions;
- Encourage the sangkat councils inseeking support for capacity development from the municipal council and the municipal council

should try to be responsive within the resources available;

- Conduct regular workshops with sangkat councils with focus on capacity development, reflection on implementation of roles and responsibilities, democratic decision making processes, etc.

Examples: Sangkat councils may request for support on topics such as:

- How to conduct effective meetings;
- Computer skills;
- How to organize civic engagement activities;
- How to deal with issues such as youth violence;
- Implementing functions in priority sectors such as the promotion for vaccination and school registration.

If the planning and sangkat support office in the municipality does not have sufficient or qualified staff for this work, the planning and sangkat support office can raise this issue to municipal councils to find mechanism on how to develop the capacity of sangkat councils.

Establishment of a Working Group for Capacity Development of Sangkat Councils

Since there are different numbers of sangkat councils in each municipality, the capacity development needs

time, resources and the lead from the municipal management. Hence, the municipal council should consider establishing a working group or committee in charge of capacity development for sangkat councils. The working group or committee can be composed of

- Governor or deputy governor;
- Administration director or deputy administration director;
- Chief or deputy chief of the Planning and Sangkat Support Office and other offices in the municipality;
- Representatives of National League for Local Council Association;
- Chief or deputy chiefs of line offices in the municipality.

Note: When composing a working group or a committee the municipal council has to consider about gender equity.

2.1.2.8. Cooperation in Legal Compliance Checking for Sangkat Councils

According to Prakas 4274 - Art. 4 the local support office of the provincial planning and investment division has the task to support the muncipal administration to check the legal compliance of deikas and decisions of sangkat councils in the municipality..

In order to fulfil this task carefully municipal council has to advise the municipal governor to:

- Inform sangakt councils that deikas or decisions of sangkat must comply with laws and other legal instruments and must be submitted to the municipality with accuracy;
- Refer to some preliminary documents such as organic law, administration handbook of commune/sangkat and other documents related to provincial, municipal and district administrations,—in preparing recommendations regarding the legality of deikas and decision of sangkats.

2.2. Relation of Municipal Councils with Councils of the same Category

Inter-governmental relations between municipal council and councils of the same category refer to the relations between a municipal council to other municipal councils, to district councils and khan councils, which are within the boundary or across the boundary.

For instance, the municipal council of Kampong Chhnang may work with the municipality of Pursat or Kandal for creating a network of a handicrafts value chain for the tourism sector. The municipal council of Battambang may work with the district councils of Ek Phnom and other neighbouring districts on the

promotion of local tourism.

In case there is a demand for inter-governmental relations between municipal councils with other municipal councils, district councils or khan councils, municipal councils can implement the following processes:

- Municipal councils Instruct municipal governors to study issues and needs by discussing with other municipal or district governors;
- After agreement between municipal governor with other municipal, district or khan governors, municipal councils instruct municipal governor to organize meetings in order to find mechanisms of cooperation and consultation with the respective councils;
- Council chairperson shall call for a council meeting to review, discuss and approve on mechanisms of cooperation and consultation with other councils of the same category;
- After municipal council approved solutions or mechanisms, municipal board of governors must implement the decision;
- Municipal governors have to report on the result of decision's implementation to the municipal council in ordinary or extraordinary meetings or on request by chairperson of councils;
- If necessary a municipal council could discuss with other municipal, district councils or khan

councils to create a joint committee or working group for sharing information, learning from each other, regular consultation and cooperation;

- The municipal council and other councils of the same category can organize thematic forums (e.g. on issues such as local economic development) to develop ways how these councils can coordinate and cooperate;
- The municipal council and district councils consult on draft decisions and deikas that may affect the neighbouring areas;
- The municipal council and neighbouring district councils jointly monitor and evaluate certain activities or issues, such as school dropout rates in the area;
- The municipal council and neighbouring district councils agree to provide joint services, e.g. joint arrangements for disposal of garbage or a joint one window service office;
- The municipal council agrees to share resources, knowledge and skills with neighbouring district councils. Example: municipal council has hired an early childhood education expert who could train personnel of other councils. Therefore municipal council cooperates with other districts concil in sharing resources, knowledge and skills;
- The municipal council instructs its administration to share documents and other relevant

information to other councils such as study on local tourism;

- The municipal council ensures that its administration cooperates in terms of techniques with other councils of the same category, e.g. working together to identify the sources of transmitted diseases.

Note: Key issues that require the cooperation of councils are:

- Issues which have impact across municipal borders such as drug issue, insecurity issue, robbery issue, traffic issue, transmitted diseases of human and animal, environmental issue (storage place for hard and liquid waste…);
- Activities which improve living conditions and local economic development including developing natural tourism area, developing forest community, managing and distributing irrigation, coordinating service delivery, etc.

2.3. Inter-governmental Relations between Municipal Council and other Government Institutions

Municipal councils and ministries, line departments, line offices, units and other agencies of the government have common goals in serving the same citizens in their jurisdiction. Therefore they need to cooperate and coordinate in order to achieve the principles of unified administration and to establish, promote and sustain democratic development.

Note: Unified administration is an arrangement to have a council at a sub-national administration level that is in charge of the management of functions and resources, including its own finance, personnel and assets. Each council is responsible to effectively coordinate its service delivery activities and development within its jurisdiction, including services and development delivered by various ministries and institutions of the Royal Government aiming at responding to the needs of local residents.

2.3.1 Municipal Councils and Municipal Line Offices

A municipal council has the role to facilitate and promote in regard to governance and development activities in the municipality. The municipal council must ensure that there is communication, coordination, and cooperation with other government institutions in the Municipality.

The Municipal council is entitled to make requests and to provide feedback to the municipal line offices. For instance, a municipal council is entitled to inform health line office that its activities and budget do not reflect the most important needs in the municipality.

The health line office should then make adjustments on the activity plan and inform back to council.

In his/her capacity as representative of the Royal Government and ministries, the municipal governor is a link between the municipal council and municipal line offices, units and other agencies of the government. The governor supervises, coordinates and instructs those stakeholders to do the following tasks:

- Attend council meetings or meetings of council committees;
- Sit on a council committee or to provide technical assistance to the municipal administration;
- Respond to priority local needs, for instance to order the responsible office to cut down a tree interfering with safety on a road (if the office does not have the budget to comply with the council's direction, the office must inform the council and indicate when the request can be complied with in the future).

In addition the municipal governor has:

- To coordinate and direct line offices in the name of chair of council's technical facilitation committee to integrate their plans and budgets into the council's development plan, investment program and budget;

- To consult with the council and then provide suggestions for appointments of chiefs of line offices or responsible persons of other agencies if needed;
- To monitor and evaluate, assess, and scores chiefs of line offices, heads of units or responsible person of other agencies ;
- To review, comment and sign together with the head of the line office and head of units on monthly, quarterly, semi-annual and annual reports of line offices, units and other agencies of Royal Government based in the municipal;
- The authority to write request to provincial governor to take measure on changing or terminating chief of offices or head of units or responsible person from other agencies who commit illegal act and unable to do justification.

The municipal governor must report regularly to the municipal council at municipal council meetings about the governor's activities and results in his/her work. In this way, the council is kept well informed about key activities and plans of line offices, units, and other agencies in the area.

The municipal governor is also the chairperson of the municipal council's technical facilitation committee. The technical facilitation committee is an important mechanism for the municipal council and line offices to

integrate their plans and budgets and to coordinate their work.

To strengthen the relation between municipal council, line offices and other agencies the municipal council can

- Invite representatives of line offices, units and other agencies in the municipality to attend council meetings and ask those representatives to be prepared to answer questions from councillors;
- Inform line offices, units and other agencies that its activities or budget do not reflect the most important needs in the municipality;
- Allocate time during every municipal council meeting for the municipal governor to report about his/her activities as representative of the Royal Government, including important updates on key activities and plans of line offices, units and other agencies. The council may give recommendations and instructions to the governor about how local needs and challenges can better be met;
- Share relevant information, such as recent studies and reports to line offices, units and other agencies;
- Invite line offices, units, other agencies and other relevant stakeholders to sit on committees, sub

committees, special commission or special working groups;

- Consult with line offices, units and other agencies when planning and allocating resources.

Apart from the relations described above the municipal council have relations with line offices, units or other agencies through various committees whose members are among others representatives of line offices.

- Municipal Technical Facilitation Committee;
- Women and Children's Consultative Committee;
- Other Committees.

A. Municipal Technical Facilitation Committee

The municipal council's technical facilitation committee has the overall role and duties to provide advice to the municipal council and municipal board of governors about coordination of the council's work with the work of line offices, units or other government agencies.

The municipal council's technical facilitation committee has the overall role and duties to provide advice to the municipal council and municipal board of governors on tasks below:

- Development plan and budget;

- Coordination of tasks of the municipal council with line ministries/offices, units or other government agencies;
- Cooperation and coordination in the unified municipal administration;
- Cooperation and coordination between municipal council with sangkat councils in the municipality;
- Cooperation and coordination between municipal council and other councils;
- Work related to functions and resources.

(The details regarding the role and responsibilities of the municipal technical facilitation committee are described in sub-decree 218.)

B. Women and Children's Consultative Committee

The municipal council's women and children's consultative committee has the role to ensure that the council and its administration promotes gender equality and takes into account the needs of women, youth and children when making decisions and deikas.

Two committee members are entitled to participate in any meeting of the municipal council, municipal committees and the board of governors, except for confidential meetings. The council, committees and board of governors must take into account recommendations received from the women and children's consultative committee.

The women and children's consultative committee, therefore, brings the sectoral expertise of the line offices to ensure that the council is addressing the needs of all its citizens. Members of the line offices shall take appropriate measures responding to the needs that are discussed in the meeting of the committee.

(The details regarding the role and responsibilities of the municipal women and children's consultative committee are described in Prakas of Ministry of Interior 4275.)

C. Other Councils Committees

Beside the obligatory committees the municipal council can establish other committees. In the case the committee composes of representatives of line offices, the council with support of the governor needs to push those members to play an active role in linking the council with the line offices.

Examples: A municipal council establishes a Local Economic Development committee composed a representative of representatives from relevant municipal line offices, such as the tourism, land management and/or urban planning and construction, commerce.

A municipal council establishes an Education Committee composed of representatives of the line office of education and the line office of women affairs.

2.3.2 Duties of Council Offices to Interact with Line Offices/Departments

The municipal council ensures that its offices are interacting with line offices as required by the legal framework. For example: A municipal council ensures that its planning and sangkat support office communicates and cooperates with line offices and other government institutions regarding priority needs in the municipality and the needs of the sangkats in the municipality.

2.3.3 Relation between Municipal Council with National Committee for Democratic Development at Sub-National Level (NCDD)

The NCDD has overall responsibility for implementation of the Organic Law and other policies related to the reform for democratic development at sub-national level.

Municipal councils are represented in each NCDD sub-committee through a member selected by the Association for Municipal, District, Khan and Commune/Sangkat Councils. NCCD-S plays the role as a link between the municipal administration and NCDD and its sub committees. Municipal councils can use this communication mechanism for the following issues:

A. Transfer of Functions

Municipal councils participate in the consultation between NCDD, ministries, line departments and other governmental institutions on the allocation and transfer of functions and resources (finance assets and personnel) from national level to sub-national councils. (In reference to functional mapping and functional review guideline)

In addition, as mentioned above, a representative of all municipal councils sits as a member on the NCDD sub-committee on functions and resources that discusses matters related to functional review.

The representatives assigned by the National League for Local Council Association need to ensure that all suggestions and needs of the municipality are collected by National League for Commune/Sangkats, Khan, Districts and Municipalities.

For functions retained by ministries, the NCDD ensures that those ministries integrate their plans and budgets into council development plans, investment programs and budgets through the council's technical facilitation committee.

B. Resolution of Disagreements

The NCDD facilitates the resolution of any disagreement that arises between a municipal council and a ministry or a governmental institution. If the disagreement cannot be resolved, the NCDD reports to the head of the Royal Government.

Example: A municipal Council feels that the new function on waste management in the municipality was transferred with insufficient resources. If the concerned ministry and municipal council cannot resolve the matter on their own, the NCDD facilitates the resolution of the disagreement.

2.3.4 Relations between Municipal Councils and Ministries

A. Relation with Ministry of Interior

- The Ministry of Interior supports, instructs and orientates all councils to ensure that they comply with the Constitution, laws and other applicable legal instruments;
- The Ministry of Interior is responsible to address any illegal action or illegal decision by a municipal council, a municipal council committee, a municipal governor, board of governors or personnel. Illegal actions or illegal decisions are actions or decisions that exceed the authority or violate the Constitution or other legal instruments. An illegal action or illegal decision is invalid; (Organic Law - 78 - 88)
- In the event there is an illegal action or decision, first, the Minister of Interior must notify in writing the municipal council and municipal governor. The council or board of governors has one month to provide a clarification to the Ministry of Interior. Within one month, the Minister Interior

must reply in the event that the ministry considers the action or decision to be legal or not. The Ministry of Interior must inform the council and board of governors about what measures are necessary to rectify the illegal action or illegal decision;

- When a municipal council wishes to create, dissolve or re-organize offices in the administration, the council must make a request to the Ministry of Interior;
- To nominate, move or terminate the municipal administration director, the governor or deputy governor, municipal council needs to send a request to the Ministry of Interior (article 151 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans);
- In the event there is disagreement between a municipal administration and a sangkat administration, the Ministry of Interior resolves the disagreement in accordance with the legal framework; (Sub-decree 216 - 199)
- Prior to the issuance of a council deika, a council decision or a council contract, a municipal council or a municipal board of governors may send a written request to the Ministry of Interior to comment on the draft deika, decision or contract that is sensitive or uncertainty. The

Ministry of Interior must reply within one month after receiving that request;

- If there is no legal framework for a municipal council to take measures to meet local needs, the municipal governor must research options for the council to consider. After the council decides what it would like to do, the council submits its proposal to the Ministry of Interior or other concerned Ministry for comment.

Example: A municipal council has been trying to deal with gambling in its area. The council would like to pass a deika prohibiting gambling establishments from operating in the municipality. The council is uncertain whether it has the power to issue a deika on punishment of gamblers. The council sends its draft deika to the Ministry of Interior for advice.

Beside the relations between councils, NCDD and Ministry of Interior, the municipal can also have relations with other Ministries.

PART 3: INTRA-GOVERNMENTAL RELATIONS OF MUNICIPAL COUNCILS

Intra-governmental relations of a municipal council are the internal relations of the municipal council (council – councillors – chairperson) and the relationships the municipal council has with the other actors of the municipal administration.

Intra-governmental relations are introduced in order to enhance the effectiveness of the municipal administration's overall work and to contribute to promote new accountability lines.

The actors involved in intra-governmental relations are:

- Municipal council (municipal council chairperson and individual councillors);
- Municipal council committees;
- Municipal board of governors (municipal governor and deputy governors);
- Administration director and deputy administration directors;
- Chiefs and deputy chiefs of offices;
- Other personnel.

Structure of Municipal Administration

For effective intra-governmental relations, the actors must be open to working together, to sharing and discussing information. They should do so beyond what is explicitly stated in a legal instrument, working procedures, manual or guideline. Strong and healthy intra-governmental relations also rely on trust, mutual respect, open communication, and a real willingness to work as a team to meet local needs.

3.1. Relations between Council and Council Committees

There are three mandatory committees: technical facilitation committee, women and children's consultative committee and procurement committee. The council may establish and dissolve additional committees and the council determines the mandate and membership of these additional committees.

The council may assign one or more councilors to be members of the committee. Council committees serve to bring together people with expertise and interest who can discuss in depth on one or more issues, which are of importance to the council. A committee then reports back to the council. Depending on the roles and duties of the committee, a committee may provide information, advice and recommendations. Committees do not make decisions for council.

Example: The council establishes a Local Business Promotion committee to study how to support local businesses to grow and how to promote the hiring of local citizens.

The council is entitled to request a committee to report at any council meeting and to provide information, comments, advice and recommendations. In addition, a committee must report regularly to the council in writing.

Committee chairpersons may participate in council meetings. For the women and children's consultative committee, maximum two members may participate in council meetings to provide advice and comments.

Example: A member of the women and children's consultative committee raises the problem of the declining use of maternal health services in the municipality. The council asks questions to better understand the issue. The council then directs the board of governors to start an awareness campaign on the importance of utilizing maternal health care services offered at health centres.

The council is responsible to ensure that committees receive secretarial and other support from the board of governors, administration director and personnel.

The council may advice a committee to do something, such as to study a matter or collect information or meet with relevant stakeholders if needed.

The council has the authority to expel the chairperson of a council committee or representative from a council meeting if the chairperson of the council committee or representative is disruptive after having already received a warning.

3.2. The Council and Its Administration

The relation between council and administration is clearly outlined in the Organic Law and the relevant legal instruments.

Administration refers to all actors of the administration however the most important counterparts of the council are the board of governors, the administration director, and the chiefs of offices.

3.3. Relations between Council and Board of Governors, Administration Director and Chief of Administration and Finance office

Council, the Board of governors and administration director should closely cooperate in performing their role and responsibilities in the interest of the citizens.

3.3.1 Support of Council Meetings

The council may specifically require that the governor, deputy governor and administration director/deputy attend a council meeting in order to address one or more matters.

During meetings, the administration director supports the chairperson in facilitating the discussion in order to ensure that the meetings proceed smoothly.

Council members are entitled to ask questions to the board of governors about the implementation of council decisions and recommendation, the day-to-day affairs, and other relevant matters in the council meeting. There should be a positive dialogue between councillors and the board of governors facilitated by the council chairperson.

3.3.2 Advisory Role

The **board of governors** and administration director regularly give advice to the council (sub decree 216, article 147 on roles and responsibilities and working relation of province councils and board of governors, municipal councils and board of governors and district councils and board of governors).

Examples:

The board of governors advises the council to issue a deika on waste management.

The administration director informs the council that many citizens complain about noise pollution in the night. The administration director advises the council to issue a deika in order to limit the noisy events in the night.

The **board of governors or the administration director** may give advice in writing to each councillor before council meetings and the advice will be discussed in the next meeting. This is important so that councillors have time to reflect on the advice from the board of governors or the administration director.

The **board of governors or administration director** may give advice in writing on the following issues:

- Draft Deikas;
- Draft decisions;
- The draft development plan;
- Draft financial documents;
- Draft annual reports.

Example: Board of Governor prepares and provides recommendations on council annual report and sends to each councillor before the council meeting so that each

councillor has enough time to review the report and the comments from board of governor before the council meetings.

The **board of governors** may also advise the council to establish a committee, sub-committee, special commission or special working groups or direct a committee, subcommittee, special commission or special working groups to study a particular matter.

The council must consider advices received from the board of governors or the administration director, but it is up to the judgment of the council to accept (in whole or in part) or to reject the advice from the board of governors or administration director.

3.3.3 Reporting Role of Board of Governors

The board of governors is accountable to the council and, therefore, keeps the council informed about implementation of council decisions, deikas and other matters by reporting regularly in the council meetings. Reporting enables the council to monitor the work of the board of governors.

The council is entitled to call the board of governors or governor or deputy governor to a meeting in order to report to the council, receive guidance and instruction, or to discuss any matter.

The council may provide feedback, address further issues, and/or ask for additional information on some points in the monthly report of the board of governors.

The **council and individual councillors** are entitled to review any document received or signed by the board of governors regarding the council and council affairs.

The Council's relationship with the Governor as representative of the Cambodian Royal Government
The governor must report to the council about her/his activities on behalf of the government as well. The council can also give comments and recommendations on the implementation of this role in order to ensure that activities respond to local prioritized needs and challenges.

The governor has to consider the recommendations from the municipal council in order to coordinate and provide guidance, coordination and directions to the offices, units, agencies of the ministries and institutions based in the municipality.

3.3.4 Reporting Role of Chief of Administration and Finance

The chief of administration and finance is responsible for financial management; therefore, s/he is responsible for

the implementation of the financial issues with transparency and accountability to the council.

The council is entitled to call on the chief of administration and finance office to report on any matter within the scope of the financial management.

Example: During the budgeting and investment planning processes, the council may call upon the chief of administration and finance to explain a financial matter. When financial statements are provided to the council, the chief of administration and finance must be available for questions.

Note: The communication between council and chief of administration and finance can be done through governor or administration director.

3.3.5 Instruction and Recommendation Role of the Council

The council may give guidance and instruction to the board of governors and the administration director about how to implement council decisions and deikas. Those guidance and instructions have to be made during council meetings.

The board of governors has to provide or submit its work plan and minutes of board of governors meetings to the council.

Examples: The dengue fever in the municipality is spreading, therefore, the council advises the board of governor to instruct the Operational Municipal Health Office to conduct an awareness campaign on the prevention of dengue fever.

After discussion during a council meeting, the council instructs the board of governors to focus more on health services than on infrastructure when preparing the draft 3 years rolling investment program.

3.3.6 Monitoring Role of the Council

The council is responsible to monitor the performance of the board of governors and the administration director.

Since it is accountable to citizens the council must ensure that the board of governors and the administration are performing their roles effectively and efficiently.

The important documents for monitoring the district board of governors and the administration are:

- Municipal development plan;
- Three years rolling Investment program;
- Annual budget plan and medium term expenditure;
- Monthly and quarterly work plan;

- Auditing report;
- The monthly, quarterly and annual reports of the board of governors;
- The reports of all committees;
- The monthly, quarterly and annual financial reports;
- Other documents that are needed for clarification such as contracts with service providers etc.

The council must study the financial report carefully. In case there is a lack of clarity the council instructs board of governors or administration director or the chief of administration and finance to provide all necessary information for clarification. In case of irregularities the council instructs the internal audit to check the financial management of its administration.

Moreover the council should monitor the implementation of projects on the spot in order to see if a project is implemented according to the decision of the council. In case the council has doubts about the quality of the project implementation, the council should hire an external expert to assess the work.

3.3.7 Discipline

In the event that a governor or deputy governor violates their obligation the council reviews and addresses that issue in a council meeting. The council instructs the

governor or deputy governor to correct or manage the implementation according to the decision of the council.

The council may send a written request to the Ministry of Interior in order to terminate a governor or deputy governor from his/her position in any of the following cases:

- Incapability;
- Poor performance;
- Frequent absence from his/her job;
- Abuse of the code of professional ethics.

In the event that there is an abuse of power by a governor or deputy governor, the council must immediately report to the Ministry of Interior.

The council may discuss with the board of governor on the discipline of administration director or deputy administration director so that the board of governor can take measure against administration director or deputy administration director who does not perform well.

3.4. Relation of the Council with Personnel

The council does not have a direct relation with personnel as it interacts with the board of governors and administration director.

Questions or instructions for personnel or any clarification should be raised during a council meeting through the board of governors or the administration director.

3.5. Relation between Council Committees and Administration

The municipal administration, especially the administration and finance office, has to support the work of the council committees.

The administration has to assist the committees in:

- Preparing the meetings;
- Providing all information required;
- Giving advice to the committees;
- Preparing draft decision of the committees for the council's review and approval.

The administration director or deputy administration director has the right to participate in and contribute ideas during meetings of council committees and sub-committees. The administration director or deputy administration director does not vote in any meeting, unless s/he is a member of that council committee or sub-committee.

3.6 Relation between Chairperson and Board of Governors/Administration Director

The council chairperson has regular and close dealings with the board of governors and the administration director. S/he represents the council in managing and coordinating council work between council meetings (according to the Internal Rules of each council).

The chairperson shall have regular meeting with board of governors and administration director/deputies to discuss and take stock of council affairs. The chairperson shall invite selected councillors to join these meetings if needed.

In addition, the chairperson and board of governors or administration director have frequent informal relations, particularly during the preparation of council meetings and major council events such as the annual consultative and dissemination forum. This relation is essential to healthy intra-governmental affairs.

The council chairperson consults the board of governors when preparing the draft agenda for each council meeting. The council chairperson may ask the board of governors to speak about certain agenda items during the council meeting. The administration director assists chairperson in preparing council meeting (see technical document on council meeting).

3.7 Relation between chairperson and Administration and Finance Office

The council chairperson interacts with personnel of the Administration and Finance Office that has the role to act as secretary of the council. Personnel in that office are involved in preparations for every council meeting.

Examples: The council chairperson asks personnel in the Administration and Finance Office:

- To make a change to the draft agenda for the next council meeting;
- To provide him/her with copies of relevant documents for the next council meeting;
- To provide him/her with copies of the list of invitees for the next meeting.

The council chairperson may instruct the chief of Administration and Finance Office to include financial related issues in the draft council meeting agenda before finalizing it.

3.8. Relation between chairperson and councillors

The **municipal council** is composed by the chairperson and councillors of different parties. The overall role of a municipal council is to make decisions in the interest of citizens about issues within the scope of its authority and functions.

Authority of the councils includes issuing deikas and decisions such as decision about development plans, investment programs, as well as a wide range of decisions made during council meetings.

The council meets regularly for ordinary meetings and extraordinary meetings if necessary, in order to make decisions and issue deikas in the interest of its citizens.

The council has the duty to take action in accordance with the internal rules in the event that a councillor or the chairperson has committed an act against these rules.

Example: The council has the power to punish a councillor if the councillor is absent from a council meeting without permission or if the councillor disrupts a council meeting.

The chairperson is like any other councillor except s/he has some additional duties related to preparing and facilitating council meeting, calling for meetings and signing council documents (such as deikas and decisions) on behalf of the council. Chairperson represents the council in all kinds of public and closed meetings/events.

The chairperson cannot make decisions alone. He/she needs generally the approval by the majority of the councillors.

Example: The WCCC proposes to the chairperson to set up a working group on domestic violence. The chairperson must bring this proposal to the next council meeting for decision. The chairperson has to accept the decision of the majority of the councillors.

Chairperson can ask councillors for support but he/she has not the competence to issue instructions.

The chairperson facilitates discussion and decision makes processes about discipline of the councillors during council meetings. In the event that discipline of the chairperson is raised, the council must decide who should facilitate that part of the meeting. Discipline of the chairperson may be raised for reasons such as his/her failure to facilitate the council meeting in accordance with the council's internal rules or for failure to facilitate the meeting with neutrality.

The councillors:

- Have the freedom to express their views during meetings and make the decisions are entitled to

suggest draft agenda items for a council meeting (1/3 of the councillors);

- Are entitled to request an extraordinary meeting (1/3 of the councillors);
- May bring information to the council's attention and may request that the council seeks out information;
- May speak on their own behalf in the event that the council is discussing disciplining that councillor.

The council may assign individual councillors to be responsible for specific tasks, such as:

- To promote civic engagement;
- To be member of a council committee;
- To monitor the implementation of council decisions.

In these cases the assigned councillor acts on behalf of the council and reports back to the council regularly.

Individual councillors must get the permission from the council chairperson for their absence. A councillor who needs to be absent from two consecutive council meetings must seek approval from the council.

Note:

Without official assignment, an individual councillor cannot act on behalf of the council.

In assigning the councillors to fulfil any tasks, the council should consider the following:

- **Gender** - municipal council needs to provide the opportunity to both male and female councillors;
- **Equity** - municipal council needs to think of the interest and potential of male and female councillors;
- **Willingness** - municipal council needs to respect the rights, decisions and the voice of council members;
- **Political preference** - municipal council must not bias on any political party;
- **Knowledge and experience** - municipal council shares the tasks appropriately according to the knowledge, skills and experience of each council member.

Moreover **councilors_**are entitled to express opinions about council decisions, deikas, activities and affairs as long as the opinions are not about matters discussed in a confidential council meeting or are otherwise confidential according to any legal instrument. A councillor is entitled to express her/his view on a matter even though the council has already made a decision based on various reasons and needs.

Example: After the council decides to allocate significant funds to HIV/AIDS prevention, a councillor publicly states in the council meeting that she was in favour of allocating the funds to hiring teacher assistants for primary schools instead. But that decision depends on council.

3.9. Relation between Individual Councillors and Committees

Councillors are also entitled to seek information from a committee chairperson between council meetings.

Example: As seen, there are lots of cases on child labour in the area; a councillor goes to meet with women and children consultative committee to seek for more information on that issue. The chief of the committee has to provide the information needed as reference for that councillor to raise this issue in the next council meeting.

3.10. Relation between Individual Councillors and Administration

Councillors have relation with administration on the following points:

- Provide and seek for information;
- Provide instructions outside the council meetings.

3.10.1 Provision of Information

Councillors may seek for information from the board of governors between council meetings when s/he cannot wait for the next council meeting. If a councillor is not satisfied with the information provided by the board of governors, the councillor should inform the board of governors verbally. If the councillor still dissatisfied, s/he should ask the chairperson to instruct the governor to provide the information to the councillor. The councillor may also raise the issue during the next council meeting.

In urgent cases a councillor may provide information to the board of governors through the chairperson of the council between council meetings.

Example: One week after a council meeting, a councilor learns that there is an uncontrolled gambling issue in his/her area. The councillor passes this information on to the board of governors immediately in order to take measures.

Between council meetings, the administration director is the main contact for information the councillors need. If a councillor is not satisfied with the information provided by the administration director, the councillor should inform the administration director verbally. If the councillor is still dissatisfied, s/he may enlist assistance from the council

chairperson and the councillor may also raise the issue at the next council meeting.

Example: A councillor asks the administration director to review documents listing council assets. The administration director provides the documents requested.

3.10.2 Instruction Role of Individual Councilors

An individual councillor is **not** entitled to instruct the board of governors, the administration director or any other personnel to do or not to do anything. Only in exceptional cases the council may assign one or more councillors to work closely with the administration and act on its behalf. In these cases the councillors are entitled to give instructions.

Example: The council decides in a council meeting to designate one or more councillors to work closely with the administration director to prepare for the annual dissemination and consultative forum. The designated councillors may give comments and instruct the administration director in order to ensure that the forum will be conducted smoothly.