

MUNICIPAL ORGANIC BY-LAW FROM CALP TOWN COUNCIL

PREAMBLE

This by-law is passed in compliance with the autonomous status recognised constitutionally and in accordance with the developments brought into effect by Law 8/2010 of 23 June, of the Local Regulation of the Valencian Community, and relating to the principals included in said regulation, in the Spanish Constitution of 1978 and in the European Charter of Local Self-Government.

Furthermore, it is established with the intention of completing the model of local regulation established in basic state legislation and in local Valencian regulations, whilst adapting it to the specific characteristics of Calp with the intended result of offering a better service to citizens.

It should be noted that said organic By-law must be completed with other regulations which Calp Town Council has gradually passed over time; the by-law for the Concession of medals, honours and distinctions from Calp Town Council, the Statutes of the Advisory Board formed by ex-mayors of the municipality, the organic by-law of the Ombudsman and the Daily Record of Plenary Sessions.

PRELIMINARY HEADING

Article 1. Objective

This by-law is intended to regulate the organisation and working system of municipal bodies, their juridical system and basic procedural rules, in accordance with the authority recognised by article 4.1 a) of the Regulatory Law of Local Authorities.

Article 2. Legislative Framework.

This by-law constitutes the source of basic regulatory guidelines in terms of the organisational level of the Town Council. It will constitute regulation of the municipal organisation together with regulations provided for in basic state legislation and that of the Local Authorities of the Valencian Community.

Guidelines of a regulatory nature which may have been passed or may be passed in future by the General Courts or by the Valencian Courts relating to municipal organisation, will have be used in addition to this by-law for everything which does not go against the meaning or the spirit of this regulation providing that they are not considered basic laws.

Consequently, in addition to what is provided for in this by-law, regulatory legal provisions will be applied, in accordance with what is provided for in article 26 of the Law of Local Authority in the Valencian Community (*LRLCV*).

Article 3. Application Limits.

This by-law will be applicable to Calp Town Council as well as being applicable, where necessary, to its autonomous bodies and other dependent public entities where affected. It is thereby effective up to its municipal boundaries,

FIRST HEADING: GENERAL PROVISIONS

Article 4. Juridical nature, legal entity and legal capacity. Administrative authorities

1.-Juridicial Nature. Calp Town Council is a local body of a regional nature, which as a basic body of regional State organisation, has its own status as a legal entity and full legal capacity to carry out objectives, benefitting from autonomy for the management of its own interests.

2. Legal Entity. In the fulfillment of its aims, Calp Town Council acts as a single legal entity without prejudice to the possibility of creating decentralised municipal bodies within its own organisation and using its self-organising authority. In accordance with the legal system, these bodies can have status as legal entities in accordance with their establishment statute.

3. Administrative authorities. As a Public Administration of regional scope, and in the context of its capacity, the authorities and prerogatives as recognised by the legislation of local authorities will also apply to this body,

Article 5. General principles of conduct.

1. Calp Town Council objectively serves the public interests entrusted upon it. It acts, in accordance with the principles of efficiency, decentralisation, deconcentration and coordination, fully subject to the Constitution, laws and the Law and, relating to its conduct, the principles of good faith and legitimate expectation.

2. In its dealings with the public, Calp Town Council will also act in accordance with the principles of objectivity, impartiality, transparency and participation.

3. In dealings with other public administrations, it will act in accordance with the principles of institutional loyalty, cooperation and collaboration. Its conduct will fulfil the criteria of efficiency and public service and the following reciprocal duties:

-Respect the legitimate activity of other public administrations acting within their areas of responsibility.

- Consideration in carrying out responsibilities relating to all public interests, especially those which are managed by other public administrations.
- Providing other administrations with necessary information relating to activity carried out in fulfilment of their own areas of responsibility, without prejudice to respecting basic regulation relating to the confidentiality of information relating to people's private matters.
- Acting in agreement with national security and interoperability schemes within e-government as approved by Royal Decree 4/2010 of 8 January.
- Providing, within its own area, cooperation and administrative assistance which may be requested by other administrations so that they can efficiently carry out their duties.
- Helping and collaborating with other administrations in order to carry out activities which are to take place in the regional area of Calp.

4. In no case can local autonomy as recognised by the Constitution be limited.

Article 6. Head office of the Town Council.

The head office of the Town Council is located at no.12 Avenida. De Ifach nº 12 in the area.

The head office can be changed when required by exceptional circumstances which may arise. The change requires an absolute plenary agreement with a quorum of absolute majority, and only during the time required until the initial reason for moving is resolved.

Likewise, and in order to meet exact protocol requirements, the Plenary Session can organise alternative municipal offices depending on the capacity venue capacity required for the engagement.

SECOND HEADING. REGARDING THE SETTING UP, VALIDITY AND FINALISATION OF THE CORPORATE MANDATE.

Chapter I. Regarding the Setting Up of the Corporation.

Article 7. Place, day and time of the setting up.

The Corporation will be set up during an extraordinary public session, at 12 midday on the twentieth day previous to elections being held; unless a contentious electoral appeal has been made against the proclamation of the elected town councillors. In such a case, it will be set up on the fortieth day prior to Election Day and at the same time.

The setting up of the Town Council will take place in the session room of the Town Hall or in a place fit for purpose, when required by circumstances beyond control.

In such cases, the outgoing mayor's office, exercising its extended duties, will pass an explicatory ruling which will notify all elected town councillors of the place chosen for the session to take place.

Article 8. Celebration of the setting up session.

1. The Corporation's setting up session will take place in accordance with what is provided for by the Organic Law of the General Electoral System (LOREG), the Law Regulating the Basis of Local Government (*LBRL*), the Law of Local Authority in the Valencian Community (*LRLCV*) and protocol established with the Mayor's office prior to consultation with the Board of Spokespersons.

2. The election of the mayor will then take place during the same setting up session. This election will take place in accordance with what is provided for by regulations, specifically, what is established by the Organic Law of the General Electoral System (LOREG), the Law Regulating the Basis of Local Government (*LBRL*), the Law of Local Authority in the Valencian Community (*LRLCV*) and the protocol referred to in the previous section.

3. For the purposes of the celebration and presidency of said session, an Interim Bureau will be set up. This is carried out in accordance with what is provided for in article 195.2 of Organic Law 5/1995, of the 19 June, modified by Organic Law 2/2011 of 28 January and Organic Law 3/2011 of 28 January. The Interim Bureau is made up of the oldest and youngest elected members present and by the civil servant who holds the Secretary ship of the Corporation, who will testify for the ceremony.

4. Where it is not possible for the new mayor to take office, the duties of the Interim Bureau will be extended until the mayor's office is held definitively. In all cases, the following powers will be allocated to the Bureau:

- a) To request that the elected mayor who is absent should take charge of the role within a period of 48 hours.
- b) Preside over the new mayor taking office during the extraordinary session held for that purpose, in accordance with procedure and proper bureaucratic formalities.
- c) Declare the office of Mayor to be vacant due to unspoken resignation by the elected party, in a case of non-appearance at the taking of office of councillor and mayor, during the session referred to previously. This is also applicable in cases where elected members did appear but did not meet the foreseen legal requirements, cases where the full condition of elected member was not obtained, where immediate agreement to hold the office of Mayor was not accepted or where an oath or promise to observe the Constitution was not made.
- d) To convene the extraordinary session provided for in article 198 of the Organic Law of General Election Regulations in order to proceed with the election and proclamation of the new mayor.

Chapter II Political-administrative organisation of the new Corporation.

Article 9. The Corporate Plan

Once the Corporation has been set up, the proper bodies, the Mayor's Office and the Plenary Session, will begin to adopt the foreseen organisational measures when

carrying out their respective duties. These measures which will comprise the Corporate Plan, are necessary in order that the incoming Corporation may begin activities normally.

1. The mayor will adopt the necessary rulings for the political-administrative organisation of the new Corporation within twenty working days of the setting up session and via a ruling. With regard to the adopted rulings, the mayor will appear before the Plenary Session during the course of its first session.

2. Within thirty working days of the setting up session, the Plenary Session will hold one or various sessions with the sole objective of taking necessary decisions with a view to establish a working system for the Plenary, the Board of Government and the advisory committees, under the terms foreseen by local authority legislation.

Chapter III. Finalisation of the Mandate.

Article 10. Duration of the Mandate. Régimen de la prórroga de funciones.

1. The mandate of the Corporation's members lasts for four years, beginning on the date of election, and concluding, in all cases, the day prior to the following local elections being held. This is except for specific cases where electoral legislation establishes a different set of regulations. The mandate of the mayor will be of the same duration, except in special cases which are foreseen in the legislation of the local authority.

2. Once their mandate has finished, the outgoing members of the Corporation will continue their roles solely and exclusively for the ordinary administration of the Town Council until their successors take over. In no cases will they be able to adopt agreements which legally require a qualified majority, nor can they pass acts or adopt extraordinary administration agreements.

3. Extraordinary administrations actions or agreements are understood as being those which entail funds from future financial years or those which are susceptible to compromising the general politics of the following Corporation. In any case, they are as follows:

- Those relating to the passing or modification of ordinances and regulations.
- The creation and modification of taxes and public prices.
- The creation of deconcentrated or decentralised bodies.
- The passing of or modification of the budget.
- The creation of new services or changes in the way existing services are managed.
- The initiative to undertake new economic activities.
- The acceptance of responsibilities delegated to other administrations.
- The drafting of planning deeds and urban planning.
- Declaring municipal acts to be detrimental to public interest, revoking them or reviewing their use.
- The agreement of credit operations.
- The concession of grants which are not explicitly provided for in the municipal budget.
- Agreeing upon the staff and list of roles.

- Modifying the authority and name of temporary staff.
- Creating dossiers to dispose of or acquire assets.
- Any other similar measures.

4. The following acts and agreements are exempt from the provisions of the previous section; those which do not require a qualified majority to be adopted, those created in response to emergencies, those aimed at filling preclusive seats imposed by administrative regulations or by general procedural rules and those whose non-observance or sense of urgency can cause potential harm to municipal interests.

5. In no case can plenary agreements be adopted within five days immediately prior to the date outlined by electoral legislation for the Town Council setting up session.

THIRD HEADING: REGARDING MUNICIPAL ORGANISATION

Article 11. Structure and types of municipal bodies.

Governance and municipal administration fall under the remit of the Town Council, made of the mayor and councillors. The organisation of Calp Town Council is structured in the following way:

A) Necessary organisation.

1. Of a decision-making nature:

- The mayor
- The mayor's assistants.
- The Plenary Session
- The Board of Local Government
- Political Groups.

2. of a deliberating character:

- The Advisory Committees.
- The Special Accounts Commission.

B) Complementary organisation.

- The Board of Spokespersons.

Chapter I. Regarding necessary organisation of a decision-making nature.

Article 12. Governmental bodies.

The governance and municipal administration of Calp, is the responsibility of the mayor and councillors and is carried out via the Plenary Session, the Board of Local Government and the Mayor's office, without prejudice to the framework of local offices which may be set up.

Article 13. Regarding the mayor. Function.

The mayor is the president of the Corporation and heads the municipal administration. In this role, he/she holds the responsibilities conferred by article 21 of the Law Regulating the Basis of Local Government (*LRBRL*).

Article 14. The mayor's assistants. Election and cessation of duties. Tasks.

1. The deputies or mayor's assistants are individual bodies who are necessary. The number of them will be fixed freely by the mayor of the Corporation who will name them and bring an end to their duties. They are chosen from amongst the members of the Board of Local Government, through a ruling which will be communicated to the Plenary Session in the first session to take place. The number of deputies and assistants cannot exceed the number of members in the Board of Local Government.
2. The appointments ruling will designate the number of assistants to the mayor, with the purpose of guaranteeing the automatic replacement for the mayor in case of an unfilled post, absence, illness, or any other eventuality. It will also decide upon regulation regarding the conduct of the other deputies or assistants to the mayor. The role of assistant to the mayor can be lost for reasons provided for in the operating regulations of the local authority.
3. The functions of the assistants of the mayor are those provided for in the regulations of the local authority.

Article 15. Limitations

In cases where the Mayor is replaced owing to absence or illness, the deputy who takes over the mayor's duties cannot revoke delegations which the mayor would have passed in virtue of his/her delegating powers attributed granted by this law, nor can the deputy make new delegations.

Article 16. The Plenary Session. Responsibilities.

The Plenary is a governing body necessary for municipal government which, under the presidency of the mayor, is comprised of all of the elected town councillors.

The Plenary holds the responsibilities conferred on it by article 22 of the Local Authorities Regulating Law.

Article 17. The Board of Local Government. Election of members and responsibilities.

1. The Board of Local Government is an elected body necessary for municipal government. Under the presidency of the mayor, this body is comprised of a number of elected councillors which cannot surpass one third of the corporative members, who are named and removed freely by the mayor following the Plenary Session.

2. The mayor will determine, via a ruling, the number of members on the Board of Local Government as well as the city councillors who shall hold the role.

The role of Local Government Board member is carried out on a volunteer basis. When the relevant councillors have been notified, they will be taken to have tacitly agreed to the role if no express refusal is irrefutably made known to the mayor within a period of 24 hours.

3. As an executive body, the Board of Local Government is responsible for assisting the mayor or the mayor's delegates or the Plenary Session and those who confer state and autonomous laws on it.

Chapter II- Delegations System

Article 18. Delegated responsibilities: granting, scope and exercise.

1. Responsibility is non-waiverable and will be carried out by the bodies who have it conferred to them alone, in virtue of the law, without prejudice to the possible eventualities foreseen by Law 30/1992, of 26 November, to transfer the authority to carry it out.

In the case of delegation, it is necessary to indicate the circumstances, agreements and rulings agreed to by reason of the delegation. This will be considered as being passed by the delegating body.

2. Responsibilities, except for cases where the law provides differently, will be of a delegable nature. However, they cannot be delegated once a dossier or mandatory report has been issued on the issue being delegated. Responsibilities by virtue of delegation cannot subsequently be delegated to a third party.
3. Delegations will be carried out through a ruling or agreement of the proper authority under the terms provided for in this by-law. They are free to be modified or revoked at any time. They are understood as being issued indefinitely, unless they specifically state otherwise, or this derives from the very character of the delegated matter. Once the relevant recipient has been notified, delegations will be considered as being tacitly agreed to, providing they have not been explicitly rejected or spoken about within the following 24 hours.
4. De los acuerdos y resoluciones de delegación y de su revocación se dará publicidad a través del tablón de anuncios del Ayuntamiento y del Boletín Oficial de la Provincia, sin perjuicio de su efectividad a partir del día siguiente a la fecha de resolución.

5. The delegating body reserves the following rights in relation to delegated responsibilities:

- a) Those which are explicitly provided for in the delegation record.
- b) The right to be punctually updated on the carrying out of duties.
- c) The right to resolve a responsibility by itself.

The delegating body shall only respond personally to the acts of the delegated body before Courts of Justice, when these acts have been passed with their knowledge and previous consent.

Chapter III. Regarding necessary organisation of a deliberating nature.

First Section: Advisory Committees

Article 19. Legal Nature. Classes.

1. The Advisory Committees are governing bodies necessary for municipal organisation which are made up exclusively of Corporation members. They serve to deliberate and not to decide upon rulings.

2. Advisory Committees can be permanent or formed specially.

2.1. Permanent advisory committees are those which are set up at the beginning of each corporate mandate with the intention of stabilisation. Their sphere of activity is fixed for a specific area of municipal activity, depending on the larger working areas being reorganised. To the greatest possible extent, an attempt is made to match up committees with an area of activity.

2.2. Special advisory committees are those which are set up by the Plenary when considered appropriate and on a temporary basis. Their function is to study one specific matter. They are dissolved when they have fulfilled the objective for which they were created, and in any case, when the corporate mandate finishes.

Article 20. Powers.

The advisory committees hold the following powers within their respective operational areas:

1. Studying, reporting on or reviewing matters which fall under the remit of the Plenary, and even if these matters are carried out by virtue of delegation for any other body.

2. Tracking the management of the mayor, the Board of Local Government and council members who hold responsibilities, without prejudice to the control responsibilities held by the Plenary.

Article 21: Special Accounts Commission.

The Special Accounts Commission is a necessary advisory commission, of a special nature. Its objective is to examine and report on the overall accounts of the Corporation formed of the Town Council, before the 1 June each year. As the case may be, it also examines and reports on autonomous municipal bodies, council run public bodies as well as businesses whose capital is entirely council based.

For this purpose, the Town Council's General Account should be submitted by the mayor before the 15 May of the financial year following that which the account belongs to. The accounts of autonomous municipal bodies, council run public bodies as well as businesses based around council capital, should be submitted prior to this date so that the Municipal Intervention unit can bring the General Account to the attention of the Special Accounts Commission.

Second: Municipal Political Groups.

Article 22. Legal nature, functions and composition.

22.1. Municipal Political Groups.

These are governing bodies of a political nature, necessary for municipal organisation. Their role is to co-ordinate the role of Corporation members. To this effect, they act through these members in order to improve the functioning of government bodies. This is without prejudice to the tasks and power attributed to them by local authorities in an individual capacity. As a consequence of their political nature, decisions adopted by them will not have administrative status, and consequently, are not officially inspected by the contentious-administrative jurisdiction.

22.2. Composition.

The number of municipal political groups formed during each corporate mandate can be up to the number of voters lists which have gained municipal representation. No single town councillor can belong to more than one political group, nor can groups be formed by town councillors from a different voters list, except in the case of a mixed group.

However, town councillors who, during their mandate, leave the post for which they ran, will be automatically assigned unaffiliated status. They will still hold the individual rights and duties provided for in this ruling, except in cases involving candidates who have run on an electoral coalition basis and have subsequently been abandoned by one of the coalition parties.

In the latter case, candidates who leave the coalition can set up their own group.

Article 23. Setting up.

Municipal Political Groups shall be set up via a single written document addressed to the mayor and signed by each town councillor. This document should be submitted to

the Town Council's general registry within ten working days of the Corporation being set up.

Said document should include the municipal group which the group would like to be affiliated with and who is appointed head spokesperson and replacement spokesperson amongst the listed members. Both the name and members or spokesperson may be changed during the mandate using new documents drafted under the same guidelines.

Members of the Corporation who acquire this status following the Town Council's setting up session can be added to the group corresponding to their voters list via a written document addressed to the Mayor's office. This document should be submitted to the general registry within five working days after they take office. Failing this, and if no other options are available, they will be assigned unaffiliated status.

In the first session held, the mayor will notify the Plenary of the setting up and constitution of the political groups and any changes therein. As these groups enjoy working autonomy, this act is purely for information purposes. The Plenary will take note, without undertaking any administrative actions.

The Plenary may only adopt agreements to reject points which are incompatible with regulation Only in cases where the documents relating to the setting up, composition or modification of political groups violate the provisions of this ruling or directly applicable legislation.

This will lead to an administrative act which is susceptible to being contested before the contentious administrative jurisdiction.

Article 24. Rights or duties.

24.1. Rights.

Municipal political groups, represented by their spokespersons, will hold the following rights:

- a) They are entitled to receive a monthly allowance from the Corporation's Budget. This sum is derived by giving a non-variable amount for all of the municipal political groups and a variable amount according to the number of group members. The money contributes towards paying group running costs, it cannot be used to pay for wages of staff working for the Corporation, nor can it be used to purchase goods which may constitute fixed net-worth assets.
- b) Prior to the start of each Plenary Session, groups should receive a list detailing urgent matters to be discussed by the Plenary.
- c) The right to possess an office within municipal buildings in order to meet independently and receive visits, in accordance with the limitations of free available space.

- d) Make use of the Corporation's buildings in order to hold meetings and/or sessions with other public bodies, providing that these meetings do not coincide with plenary sessions and that the space and working requirements allow for said meetings.
- e) Be invited to official ceremonies of an institutional nature organised by the Town Council and bodies, organisations and companies which are dependent upon it.
- f) Possess a minimum infrastructure of material and staff resources in accordance with the working and budgetary possibilities of the Corporation.
- g) Possess, in accordance with the working and budgetary possibilities of the Corporation, a telephone, computer, fax machine and photocopier. The last two items may be shared by all municipal political groups who are not part of municipal government.
- h) Participating, via representatives, in advisory committees and public participation governing bodies.

Likewise, municipal political groups have the authority to challenge municipal acts and agreements which affect them as a group, and agreements adopted by the Corporation's Plenary which have been voted against by all of the council members comprising the group.

In order to exercise the rights referred to under the letter g), municipal political groups should direct their petition to the Mayor's Office. In accordance with working procedure, the Mayor's office will duly provide once it has checked that this does not coincide with the taking place of a plenary session.

24.2. Duties.

The conduct of municipal political groups must comply with what is provided for in this ruling, in local legislation which is directly applied, and in all cases the principle of good faith. They must observe due courtesy and respect the working regulations of the different bodies of the Corporation which are established in this ruling.

Likewise, all of the municipal political groups will have to keep a special accounting book, which is referred to letter a) of the previous article. They will make this available to the Corporation's Plenary Session whenever it is required.

Chapter IV. Regarding complementary organisation.

Article 25. The Board of Spokespersons. Legal Nature and powers

1. The Board of Spokespersons is a governing body which complements municipal organisation. It is for deliberating purposes, not decision making, and is made up by the mayor, spokespersons and regular members or their replacements, who come from all of the municipal political groups.
2. The Board of Spokespersons holds the roles provided for in article 136 of the Municipal Law of the Local Authority in the Valencian Community (LMRLCV).

Article 26. Legal framework and working procedure.

Sessions of the Board of Spokespersons which are not periodic, will be held following a notice to convene by the Mayor, via a summons by the Mayor's office, no formalities are required.

Considerations made by the Board of Spokespersons are not mandatory or binding, nor shall they bring about any administrative act which is legally binding for third parties. Minutes will not be taken in sessions held by the Board of Spokespersons. The secretary general of the Town Council is not required to attend, unless the mayor, on his own behalf or at the request of half of the Board's members representing a minimum of one quarter of the Corporation's members decide that they should attend.

In exceptional circumstances, Board of Spokespersons sessions may be attended by Corporation staff and members, when deemed suitable by the Mayor, so they may report on specific issues.

FOURTH HEADING. FUNCTIONING AND LEGAL SYSTEM

Chapter I. Regarding the Sessions of Municipal Governing Bodies.

Article 27. Legal Framework Régimen Jurídico.

27.1. The legal framework of the following municipal governing bodies will be modified in accordance with regulations listed in this chapter:

- The Plenary Session.
- The Board of Local Government.
- The Advisory Committees.

27.2. In order to carry out their respective responsibilities, they will hold sessions in accordance with the requirements, procedure and bureaucratic formalities as provided for in this ruling. During these sessions, matters will be subject to inquiry, debate, voting, and as the case may be, approval.

First Section: The Plenary Session

Article 28. Types of Sessions and regulations:

28.1. Plenary Sessions fall under one of these three categories: ordinary, extraordinary and emergency extraordinary session.

28.2. Ordinary Session Regulations.

As a minimum, the Plenary will hold ordinary sessions on a monthly basis, respecting in all cases the frequency established via Plenary agreement at the beginning of the mandate, which also specifies the dates and times of sessions. Sessions are suspended during August as a result of the holiday period, when this may not be detrimental to the running of municipal affairs.

The mayor has the authority to postpone or bring forward other ordinary sessions held in August, when the day scheduled for the necessary holding of the session is a holiday or is included in a holiday period.

Likewise, in exceptional circumstances duly explained in the summons, the Mayor can advance or postpone the session by 72 hours, even if the conditions referred to in preceding paragraphs are not met.

In all cases, the Mayor will explain the decision beforehand to the Board of Spokespersons.

28.3. Extraordinary Sessions.

The Plenary will hold extraordinary sessions when they are convened as such by the mayor, either on their own initiative, or at the request of a minimum of a quarter of the legal members comprising the Corporation. In the latter case, the request must be made in writing, and be signed by the councillors who proposes it, explaining the reasoning behind the session taking place, the matters on the agenda and the text from the proposal agreements which are to be possibly adopted.

No councillor can make more than three such requests per year. This does not include requests which are not processed due to a lack of permission requirement needed for extraordinary sessions.

The list of subjects proposed does not affect the power of the Mayor's office to determine the points which should be added to the agenda. Although, the exclusion of certain proposed subjects should be explained.

28.4. Emergency extraordinary sessions.

The Plenary will hold emergency extraordinary sessions, when they convened as such by the mayor. This occurs in cases where a session cannot be convened with enough legal notice beforehand owing to emergency reasons.

In these cases, it is not necessary for discussion points to have been previously passed by advisory committees. The first item on the agenda should be the ratification of emergency status. If this is not noticed by the Plenary, the meeting can no longer be held, and the session will be immediately suspended.

Extraordinary plenary sessions of this nature can be convened by Corporation members when deemed appropriate by the mayor.

Article 29. Convening of plenary sessions.

29.1. Regarding ordinary sessions:

For plenary sessions to take place, it is necessary that they are convened beforehand by the Mayor's office, along with a detailed agenda listing matters to be discussed. All Corporation members must be notified in the location and manner as decided by them at the beginning of the mandate.

The notice to convene and the agenda will be included in a single document which must be undersigned by the Mayor and the Secretary General of the Corporation, as persons who are responsible for passing the notice to convene and agenda and reporting municipal acts.

It is preferable that the notice to convene is made via computer, telecommunications or electronically. The council members should explicitly agree on which system to use.

The notice to convene will be issued two days prior to the session being held. This does not take into account the day the notice is issued or the day of the Plenary Session.

For emergency reasons duly explained, the Mayor may include in the agenda, either on his/her own behalf or at the request of a spokesperson, matters which have not previously been indicated the Advisory Committee. However, agreements cannot be adopted in such cases unless the Plenary ratifies the inclusion of the matter with a simple majority.

In ordinary sessions, agreements may be adopted on matters not included in the agenda, as long as these matters have previously been declared as urgent with a vote in favour by the absolute majority of the Corporation's legal members. Otherwise, adopted agreements will be null and void.

29.2. Regarding extraordinary sessions.

In the case of extraordinary sessions convened by the Mayor's office, the notice to convene should refer to the necessity of the session.

The notice to convene will be issued two days prior to the session being held. This does not take into account the day the notice is issued or the day of the Plenary Session.

In cases of extraordinary sessions convened at the request of Corporation members, the notice to convene should be made by the Mayor's office within eight working days following the request being lodged in the Town Council's registry. The session cannot be delayed for more than two months following the request.

If the mayor does not convene the requested extraordinary plenary session within the indicated time period, it will be automatically scheduled to take place at midday on the tenth working day following the completion of the two month period referred to in the previous paragraph, unless the written request does not satisfy the formal requirements indicated in the Law Regulating the Basis of Local Government or if the Plenary was unable to discuss all of the matters included in the agenda.

In these cases, the mayor will pass a ruling to deny the petition within ten working days of it being submitted to the general registry. All of the signatories of the petition should be notified within five working days of the ruling being made.

If circumstances arise in which the Plenary was only incompetent in relation to one or a few of the proposed matters, the Mayor shall pass an explanatory ruling, which will be communicated to the applicants, denying the petition solely and exclusively in relation to this point. The mayor will also summon the Plenary under the terms previously outlined, removing these matters from the proposed agenda.

If the Mayor does not pass a resolution to deny the summons or does not carry it out within the period of ten working days referred to in the previous paragraph, the Secretary General of the Town Council, after checking that the request satisfies legal and regulatory requirements, will notify all Corporation members that the session is automatically convened. This notice to convene will specifically refer to the day and time of the scheduled meeting, the proposed agenda and the Town Councillors who support it. The notification will be made on the day following the conclusion of the two month period.

If the request does not meet the necessary requirements, the Secretary General of the Corporation will make the Mayor's Office aware of this in writing and will be exempt from carrying out the notice referred to in the previous paragraph.

The Secretary General will also be exempt from making the aforementioned notification if the mayor has passed a ruling to deny a summons within ten working days of the request being submitted to the Town Council's general registry and the applicants have been duly notified.

Applicants have the right to take judicial administrative action against them if they deem proper against the rulings of the Mayor's Office to deny Plenary summons or to remove matters from the proposed agenda. The summons of Sessions will be preferably made via computer.

In extraordinary sessions, agreements cannot be adopted on matters not included in the agenda, and rulings which contravene these guidelines will be null and void. Matters included in the agenda of extraordinary sessions require previous review by the relevant advisory committee when they do not have emergency status.

Agreements adopted in extraordinary sessions regarding subjects not included in the summons list will be null and void.

29.3. Regarding emergency extraordinary sessions.

The aforementioned period of notice is not required for emergency extraordinary sessions to take place. In such cases, the session can be convened at any time which allows all town councillors to be made aware of the summons notice and the agenda,

unless all Corporation members are present at the time of the summons. In such cases, the session can be held and the circumstances noted in the minutes.

A Plenary pronouncement regarding the state of emergency should be included as the first item on the agenda.

Article 30. Meeting place of Plenary Sessions.

Plenary Sessions take place in the session room of the Town Hall. In exceptional circumstances, they are to be held in any other building, either public or private, that is fit for purpose and located within municipal boundaries. This will be decided upon by the Mayor's office and communicated to Corporation members via the notice to convene. A record will be made of this in the session minutes.

Article 31. Public nature of the Plenary Sessions.

Plenary Sessions will be open to the public, consequently, they can be attended by any public member or resident who chooses to do so, as well as by the media.

Nevertheless, in exceptional circumstances, the Plenary can declare secrecy following prior agreement made by an absolute majority of the legal number of members, at the request of any of them. Secret debates and voting may occur in relation to matters which are susceptible to affecting basic human rights relating to honour, intimacy and self-image, as recognised by article 18.1 of the Constitution. In such cases, sessions will be held behind closed doors if all of the subjects being discussed fall under this remit. If only one or a few of the matters are affected, public members will be removed from the session room prior to the debate around these specific matters.

Plenary Sessions can also be held behind closed doors when this is advisable for duly stated reasons, via prior agreement following suggestions by a member or with an absolute majority of the legal number of members.

Plenary Sessions will be recorded for the purposes of record keeping and drawing up meeting minutes. These recordings will remain under the custody of the Town Council's general secretary.

Article 32. Setting up quorum.

The Plenary shall be set up validly in the presence of the Mayor or whoever replaces him/her at such functions, and a third of the legal number of members. In all cases, the Secretary of the Town Council or his/her legal replacement is required to attend

The minimum setting up quorum should be maintained throughout the entire session. Failure to do so owing to the absence of a town councillor will result in the session being adjourned. If the adjournment lasts for more than thirty minutes, the Mayor should suspend the session citing a failure to meet the quorum. Outstanding subjects for discussion on the agenda should be postponed until the next session to take place.

If the quorum required to validly set up the Plenary is not met by the first summons thirty minutes following the beginning of the session, it will be automatically convened for forty-eight hours later, in a second summons.

If the second summons also fails to attain the required setting up quorum, the Mayor will declare the summons void. Matters included in the agenda will be discussed in the following session to take place, whether it is ordinary or extraordinary. In the latter case, this should be carried out with the support of the proposers if it involves a session held at the request of Town Councillors.

In both cases, the Corporation's Secretary General will replace the session minutes with a formality which will be included in the session's summons document and will be transcribed into the official book, making a note of circumstances, indicating the name and number of Corporation members in attendance and those who have exempted themselves.

Article 33. The Single Continuous Act Principle.

Plenary sessions, both ordinary and extraordinary, are subject to the single continuous act principle. Consequently, they must be concluded on the same day they begin. If a session is to conclude in compliance with the aforementioned principle, and not all of the agenda items have been discussed, the Mayor's office may extend the session by thirty minutes. If it is not possible to resolve and debate all of the outstanding matters in this time, they should be included in the agenda of the next ordinary session, unless the Mayor's office decides to convene an extraordinary session for this purpose.

Without prejudice to all of the above, the Mayor can make interruptions at his/her own discretion during the course of the session. This may occur to allow for deliberations from council members, and from municipal political groups, to allow for a period of rest, or for other motives.

Article 34. Opening of Session. Beginning

Once the Corporation's Secretary General confirms that the quorum necessary to set up the Plenary has been met and notified the Mayor of this, the latter will open the session.

Sessions shall begin with the President asking if any Corporation member needs to make a remark about the minutes of the previous session, included in the summons notice. If there are no remarks, it will be passed. If there are remarks, they will be debated, and corrects to make will be decided on.

Under no circumstances may the fundamental aspects of adopted agreements be changed. Amendments can only be made to material and factual errors.

When writing up the minutes, the reading and approval of the previous minutes, remarks and amendments will be recorded.

Article 35. Session procedure.

35.1. General regulations regarding session procedure.

The mayor is responsible for chairing sessions and maintaining order. Matters listed on the agenda will be debated and voted on in the order they are listed. However, the mayor is entitled to withdraw a matter from the agenda on his own behalf or at the request of a group or unaffiliated member. This may occur in order to demand a special majority to pass a matter, when this cannot be obtained at the time of the planned debated and vote.

In cases where sessions are convened at the request of council members or specific agenda items have been proposed by other municipal political groups or unaffiliated members, the mayor will require the consent of the proposers to alter the agenda or withdraw an item.

Every agenda item will be read out, either fully or as a summarised version, by the Town Council's Secretary General. The reading will come from the specific text of the proposal, report or motion being submitted to voting, and from parts of files which the mayor deems appropriate. These parts may be chosen by the mayor or by a group or unaffiliated council member.

Following the reading of the proposal, report or motion, any dissent votes raised by the advisory committee will be read out or explained. These are proposals to modify a ruling made by a member of an Advisory Committee. Amendments will also be read and explained. These are proposals to modify a ruling or proposal, made out in a written document submitted to the general registry three working hours prior to the beginning of the session.

For these purposes, the mayor may give objecting councillors an opportunity to speak so that they can explain their objections.

Once the proposal, ruling, or motion, or as the case may be dissenting votes and amendments have been read out, and the relevant members have raised objections, the mayor will open the floor to speeches.

If no councillor asks to speak, and no votes of dissent or amendments to the proposal, ruling or motion are brought forward, the mayor will submit the ruling, proposal or motion directly to a vote.

If there are votes of dissent or amendments, but nobody takes to the floor, votes of dissent will initially be submitted to a vote, followed by amendments. Lastly, the

resulting proposals, reports and motions will be voted on, unless the proponent of the proposal, report or motion adopts them, alters the content of the proposal with information deriving from the vote of dissent or amendment. In such a case, only the new version of the proposal, will be submitted to a vote.

35.2. Deliberation

On the contrary, if Corporation members do choose to speak when the Mayor opens the floor following explanation and reading of proposals, reports, motions and respective votes of dissent and proposal amendments, the interventions will be controlled by the mayor according to the following rules:

- a) It is only permitted to take to the floor following permission granted by the mayor to a request to do so.
- b) The debate shall begin with an explanatory preamble and justification of the proposal. This is carried out by a member of an Advisory Committee who passed it, or, in other cases, by Corporation members who subscribe to the proposition or motion, on their own behalf or that of the proposing municipal body.
- c) Afterwards, the various political Groups intervene successively, ordered by representation from smallest to largest, unless they form part of the government team of another group. In this case they shall intervene before the spokesperson of the majority group.
- d) If an unaffiliated group or councillor has requested it, the Mayor shall open a second round of interventions during which unaffiliated Political Groups and/or councillors may intervene, using the order set in the first method.
- e) The second round of interventions will be closed out by the proposing councillor.
- f) When the second round of interventions has finished, the mayor can make his/her own intervention. Following this, he/she shall close out the debate. Town councillors may request permission from the mayor to speak, but only to respond if they feel they have been alluded to in the speech. Once permission is granted, they can make a short and concise intervention.

The duration of any intervention during the first round of interventions cannot exceed three minutes, or two minutes during the second round, as well as for explanatory interventions.

The mayor can extend or reduce the duration of interventions depending on the importance and/or transcendence of matters being debated. In spite of the provisions of the previous paragraph, all Corporation members may, at any point during the debate, ask a question. For this purpose they should cite the regulation on which the question is based. This petition will be resolved by the mayor without any further debate.

It is also possible to request that a matter is withdrawn from the agenda, for the purposes of the dossier being completed with new documents or reports. Or, a request

can be made to keep the issue under consideration, and delay discussion until the following session so it may be studied better. In both cases, the petition will be voted on after the debate has finished and before proceeding with the vote on the core of the matter.

In other cases, when the debate has finished, reports, proposals or motions will be submitted to voting. In cases where votes of dissent or amendments have been put forward, proceedings shall comply with the concluding paragraph of the previous article.

35.3. Call to order.

During the debate led by the mayor, no one other than the mayor may intervene. This is intended to focus the debate on the issue at hand when the debate strays away from the central subject, or turns to questions which have already been deliberated and voted on. It is also used as a means to call to order and/or to warn that time has run out in the following cases:

- a) When rules regarding manners are not upheld, when insulting or offensive language is used against the Town Council or any of its members, or against other Administrations or Public Institutions or any other person or body.
- b) When an attempt is made to speak when no permission has been given to do so, or when permission has already been revoked.
- c) When session order is changed due to interruptions or for any other reason.
- d) When interventions infringe upon the provisions of this ruling regarding session procedure
- e) When an attempt is made to intervene in the debate by a town councillor who is legally required to abstain.

If a councillor is called to order three times during the same session, they shall be expelled from the session room by mayor, who may take action which he/she deems necessary.

If for any reason, a breach of public order occurs during the session, which the Mayor considers to be an impediment to normal session procedure, he/she may suspend the session for one hour maximum. If the session cannot be reconvened normally following this hour, it will be definitively suspended and outstanding matters will be discussed in another session. This session must take place within ten working days and with the same status as the suspended session.

Any of the aforementioned incidents will be recorded in the session minutes, for the purposes of corresponding witness of the events and to forward the case to the relevant judicial bodies.

35.4 Voting

When the mayor considers a matter to have been sufficiently debated, he/she will order that is submitted to a vote amongst Corporation members in attendance.

Voting on matters shall take into consideration all of the text on the proposals, partial voting is forbidden, without prejudice to the possibility of abstaining from a vote.

For these purposes, it is understood that Corporation members who are absent from the session room at the beginning of deliberations on a subject are abstaining from voting, if not present at the vote.

Once voting has begun, it cannot be interrupted under any circumstances, nor may the mayor offer the opportunity to speak. Likewise, Corporation members are not permitted to leave the session room during voting.

If voting results in a tie, a second round of voting will take place. If another tie occurs, the vote will be decided by the Mayor.

When voting has concluded, the Mayor will proclaim what has been agreed upon.

When the agreement has been announced, groups and unaffiliated council members who have not participated in the debate or who have changed their vote following the debate, may request a chance to explain their actions. This explanation should not last for more than five minutes.

Town councillors also hold the same right to explain themselves individually when they have voted differently to their fellow group members.

35.5 Types of votes

1. Votes can fall under one of the following categories:

1. **Ordinary**, whereby the vote is made using the conventional sign of vote in favour, vote against or to abstain.

2. **Nominal voting**, whereby votes are made through a list of surnames called out alphabetically. When called, each Corporation member responds aloud with "yes", "no" or "I abstain."

3. **Secret voting**, whereby votes are made on slips of paper which each Corporation member consequently places into a ballot box.

2. The standard voting system is the ordinary method. Nominal voting is obligatory when a matter of trust or a censure motion is under consideration, when required by law, or when agreed by the Plenary, via a simple majority by ordinary vote. This can be proposed by the Mayor's office, a Political Group or an unaffiliated council member.

Secret voting may be used only in cases involving the election or removal of persons when agreed by the Plenary via a simple majority by ordinary vote. This can be proposed by the Mayor's office, a Political Group and is used in all cases when obligatory by Law.

• 35.6 Control Section

1. Having finished the debate and voting on matters which comprise the decision making part of the agenda, or emergency matters as the case may be, the control section will begin.

In this section of the agenda, debating takes place on motions presented by Political Groups which do not following the standard procedure of municipal reports. Motions concerning control, tracking and inspection of government bodies referred to in chapter III of this heading will also be debated along with questions and answers.

2. The presentation of motions by municipal political groups will be subject to the following regulations:

- Motions cannot be made regarding matters which surpass municipal responsibility.
- When a motion is rejected by the Plenary, a new motion on the same subject may not be made be presented during the same mandate.
- If several groups present various motions on one subject during the same plenary session, the agenda shall only include the first motion to be submitted to the Town Council's General Registry. The other motions will be brought before the Plenary as amendments to the full motion listed in the agenda. If they are coincident, they will be ruled as not having been presented.

3. Voting on motions will take all content into consideration, without prejudice to the possibility of presenting partial amendments.

4. However, pursuant to the right to freedom of expression, motions which are beyond the realm of municipal responsibility may be debated if they influence or relate to matters of municipal interest. In such cases, motions shall only be added to the agenda if agreed upon by the Board of Spokespersons following debate. Passing these motions will have no legal consequences other than declaring municipal opinion, without prejudice to the decision being communicated to relevant authorities and administrations.

35.7 Question and answer session.

1. As far as questions and answers in the control section are concerned, they can be made by all Corporation members, municipal political groups and/or unaffiliated councillors.

2. Questions and answers are not legally binding, therefore they are not

submitted to a vote, nor can lead to a debate. They can be made verbally or in writing. If made verbally during the session, questions will be made first followed by answers. The Mayor's Office will decide if they will be answered during the same session or in a following session.

3. If they are made in writing, they shall be answered via a written document addressed to the group or councillor(s) (including unaffiliated councillors) who created them. In exceptional circumstances, this may change if deemed appropriate by the Mayor's Office. The answers should be made prior to the following session, unless they questions were brought forward less than twenty four hours prior to the session. In this case, answers may be made orally during the same session, unless there is an agreement or request by the addressee that the question is answered in writing or verbally during the next session.

4. It is not permitted to make requests which propose action beyond the municipal realm of responsibility. Nor is it permitted to ask questions of the same nature.

Article 36: Regarding the presidency of the ceremony.

The mayor, in accordance with the legal provisions of the local authority, and acting as president, shall take adequate measures to ensure the session complies with democratic principles:

The mayor shall supervise public plenary sessions to ensure order is maintained in the room.

Public members who attend sessions are not permitted to intervene nor may they show their support or disapproval. Likewise, they are not permitted to show placards or posters, or to make comments which may affect normal session procedure.

The mayor may take measures that he/she considers to be appropriate in order to satisfy the aforementioned guidelines. This may involve expelling audience members who for any reason, disturb order or are discourteous, attempt to intervene, or refuse to take away placards or posters if they continue to infringe rules after a warning.

If incidents occur which result in the Mayor's office taking action, a record will be made in the session minutes. This is made so that if required, and according to the seriousness of the matter, witness accounts can be taken. Consequently, the Mayor's office, if it deems it appropriate, can pass a case report on to the relevant judicial authorities.

Article 37. Public in attendance

Members of the public can attend the Town Council's public Plenary Sessions.

Third Section: The Board of Local Government

Article 38. Types of sessions.

1. The Board of Local Government Sessions also can be ordinary, extraordinary or emergency extraordinary sessions, under the same terms as provided for the previous section by the Plenary. They shall take place in the Town Hall. They are not open to the public.
2. Ordinary sessions will take place on a weekly basis, always respecting the frequency agreed upon through a plenary agreement at the beginning of the mandate. This agreement shall also set the precise dates and times for meetings. The Board of Local Government does not convene during August.
3. Extraordinary and emergency sessions are deemed as such when convened by the Mayor's office.

Article 39: Convening and agenda. Attendance quorums and voting. Session procedure.

1. The Mayor's office will notify in writing, the town councillors who are members of the Board of Local Government at least two days prior to the session being held. This does not take include either the day of the announcement nor the day the session is held, except for cases of emergency extraordinary sessions.

2. The notice to convene and the agenda will be carried out by the Plenary in the terms foreseen in the previous section, in the following way:

It is not necessary for matters to be passed by advisory committees, aside from cases involving responsibilities delegated by the Plenary. All of the agenda is of a decision making nature without having a control section or a question and answer session.

For the Board of Local Government to be set up validly, it is necessary that either the mayor or his/her legal replacement is in attendance. Attendance is also required of a number of members who, along with the mayor, make up an absolute majority of the Board's members. The secretary of the Corporation or their delegated civil servant must also be present.

This minimum quorum should be kept during the entire session. If it is not obtained during the first convening, it will be automatically convened one hour later during a second convening. In such a case, it can be set up with the attendance of one third of its members, who can be no fewer than three, as well as the presence of the mayor and the secretary or secretary general or their legal replacement.

4. Session Procedure.

The Mayor's office will chair and order debates, at their discretion, at the centre of the Board of Local Government. They may even request the attendance of other Corporation or Town Council members for the purpose of providing information on their area of sphere of activity.

Agreements will be adopted via ordinary voting without prejudice to the possibility that, through agreement adopted by the Corporation itself, or proposed by the mayor, another voting system may be used as provided for by the Legal System.

Fourth Section: Advisory Committees

Article 40: Advisory Committees

1. Advisory Committees of a permanent nature hold sessions on a monthly basis, on the days and times agreed upon by their presidents. Extraordinary sessions, which can be in case of emergency, may also be held, which may be at the request of the president or of a quarter of the members

2. Notices to convene will be made out in writing, with the same period of notice as used with Plenary Sessions. Notices will be made to all members of the Committee and will include the agenda and matters to be debated.

Advisory committee sessions are not open to the public. For sessions to be held correctly, the attendance of the absolute majority of legal members is required, including the president, in the first notice to convene. If the initial quorum is not met, a second session will be convened after one hour. In this instance, session can be set up with the attendance of the president and two members. If the second attempt to set up the committee also fails, matters can be passed directly to the Plenary without the need to be previously consulted.

Advisory committee debates will be presided over by the president and rulings will be passed with a simple majority of members. In the case of a draw, the president will have the deciding vote, except in cases where a weighted voting system has been used as foreseen by article 31.2 of the Municipal Law of Local Authority in the Valencian Community (*LMRLCV*).

Committee members are entitled to dissent against rulings proposals under consideration. These dissenting votes should be included in the report when it is brought before the Plenary.

Article 41. Specific regulations relating to the Special Accounts Commission

The Special Accounts Commission is required to have an ordinary meeting before the first of June each year, in order to approve the overall account. This is without prejudice to the possibility of holding previous preparatory meetings when considered appropriate.

Accounts brought under their consideration must be accompanied by receipts and corresponding background information, and should be made available to their members at least 15 days prior to the session.

During a period of 20 working days prior to being brought under the consideration of the Plenary, the Special Accounts Commission report, along with possible votes of dissent and accounts, must be available as public information. This is for the purpose of claims and objections.

Fifth Section: Common Provisions.

Article 42. Formalisation of governing body sessions.

Minutes will be made for the sessions of Plenary, Board of Local Government, and Advisory Committees by the secretary general or their legal replacement. Said minutes will record information required by the relevant regulations. The secretary will transcribe in a summarised form the opinions of the different groups and Corporation members who intervened and the effect of said opinions. This is done in compliance with the provisions of Organisation and Functioning Regulation (*ROF*), art. 109, paragraph (g) and 121 of Law 8/2010 of 23 June, Municipal Law of Local Authority in the Valencian Community (*LMRLCV*)

The transcription of the plenary minutes will be made in two parts: the minutes and the session diary. A hard copy will be made of the minutes and as well as a digital copy, the session diary will only be stored as a digital copy.

For the purposes of approving the minutes, councillors will be provided with a copy of the session minutes.

If the session is not held because the quorum is not met, or for any other reason, the secretary will replace the minutes with a formal notice included in the notice to convene which shall be copied into the official book.

Article 43. Minute book.

1. The session minutes of governing bodies shall be authorised by the secretary general, or civil servant who is their legal replacement, and with the approval of the mayor. They will be transcribed into the minute books, without amendments or scribbles, whilst keeping those which are produced accidentally.

2. Safekeeping of the books. The minutes books of the Plenary and Board of Local Government will be safeguarded by the secretary general and cannot leave his/her offices under any circumstances, not even at the request of the judicial authority.

However, periodically they may be handed over for safekeeping to the municipal records keeper. From that point onwards, the record keeper shall be responsible for abiding by the aforementioned points.

Article 44. Rulings made by the Mayor's Office.

Rulings made by the Mayor's office, either passed directly by it or through delegated town councillors, will be transcribed in a book of rulings. This book is made and kept under identical guidelines to those mentioned in previous articles relating to the minutes book. They will be digitally signed.

ADDITIONAL PROVISION

First.

As systematic legislation, the provisions of this by-law which include aspects of basic State legislation or autonomous legislation and those which make reference to abovementioned legislation shall be automatically changed and/or replaced when this legislation is revised or modified. This is unless both versions are compatible and can coexist harmoniously with new legislative provisions.

NULLIFICATION PROVISION.

When this Ruling comes into force, municipal regulations and acts at an organisational level which are contrary to the ruling, shall be repealed and/or nullified.

FINAL ARRANGEMENT

This by-law consisting of 44 articles, an additional provision, a nullification provision and a final section, will come into effect once it has been definitively approved by the Town Council and its entire contents have been published in the Official Provincial Bulletin. This will occur subsequent to the period of time provided for in article 65.2 of Law 7/1985, of 2 April, the Law Regulating the Basis of Local Government (*LBRL*).