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**THE
CONSTITUTION OF THE NATIONAL
ASSOCIATION OF LOCAL
AUTHORITIES OF GHANA
(NALAG)**



A 04 - 00626

PREAMBLE

We, the members of the National Association of Local Authorities of Ghana (NALAG), a nationwide association of Local Government Authorities in Ghana

Affirming our faith and commitment to local government (administration) Service delivery as a means for the functional realization of the decentralization policy in Ghana.

Desirous of creating a platform for the enrichment and promotion of the ideals of local government (administration) service delivery including grassroots participation in governance and the harnessing of the creative and innovative potentialities of the local citizenry for the total development of the districts.

Recognizing the need for practitioners and other players of local government (administration) service delivery to pursue ways and means of enhancing ability, welfare and performance including human resource development capacity.

DO HEREBY ADOPT, ENACT AND GIVE UNTO OURSELVES THIS CONSTITUTION.



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ARTICLE 1: NAME AND HEADQUARTERS

(1). Name

The Association shall be known and called the National Association of Local Authorities of Ghana (NALAG) hereinafter referred to as "the Association".

(2). Headquarters

The headquarters of the Association shall be located in the national capital or any such place determined by the National Delegates Conference.

ARTICLE 2 AIMS AND OBJECTIVES

The Association, is a non-profit making body and shall have the following aims and objectives:

- (1). Promote the development of local government administration and decentralisation in Ghana.
- (2). Protect the rights, privileges and interests of all member District Assemblies as may be affected by existing and future legislation and local government service delivery.
- (3). Assist in maintaining high standards of local government (administration) service delivery.
- (4). Provide a forum for discussion and exchange of ideas and information on matters of mutual interest related to local government (administration) service delivery as the Means of solving problems of member District Assemblies.
- (5). Co-operate with other bodies and agencies concerned with (local government administration), local government service delivery in fostering good relationships between member District Assemblies.

- (6.) Assist the Central Government in the implementation and monitoring of its programmes in the districts.
- (7.) Provide channels of effective communication between District Assemblies and the Central Government.
- (8.) Facilitate inter-district trade, co-operation and solidarity.
- (9.) Affiliate with any international local government association with identical objectives for the promotion of effective and efficient local government service delivery.
- (10.) Establish and maintain a library and bureau of information relating to local government administration and to facilitate investigation and research into all aspects of local government administration.
- (11.) Collect and disseminate information on all matters of interest to the Association.
- (12.) Sponsor and assist the study of local government in any manner considered desirable including participation in both national and international conferences, seminars, etc.
- (13.) Promote the participation of the people in civic activities,
- (14.) Enter into contract and other transactions beneficial to the Association.
- (15.) Do all such other lawful things as are incidental or conducive to the attainment of the above objectives of the association.

ARTICLE 3: MEMBERSHIP

1. The membership of the Association shall comprise the following:
 - (a) All District Assemblies created under the Local Government Act,

1993 (Act 462).

- (b) Associate Members
 - (c) Honorary members as may be applicable under Article 4 of this Constitution.
- (2.) Every District, Municipal or Metropolitan Assembly in Ghana shall upon its inauguration, be deemed to be a member of the Association and shall pay to the Association, membership dues prescribed by the Regulations of the Association.

ARTICLE 4 CONDITIONS FOR ADMISSION OF MEMBERS

(1.) Full Members

Full membership is open to all District Assemblies existing at any given time in Ghana.

(2.) Associate Members

- (a) Associate membership is open to any association, institution or organisation whose work or profession impacts on local government and decentralisation.
 - (b) The Executive Council shall consider and determine applications for admission to associate membership after consulting the full members, if any, in whose area the applicant resides.
 - (c) The National Executive Council may also invite associations, institutions etc. and confer upon them Associate membership after negotiations to that effect have been completed.
- ##### **(3.) Honorary Members**
- (a) Honorary members shall be individuals admitted as such by the NEC. The Executive Council shall consider and determine

applications for admission to honorary membership after consulting the full members, if any, in whose area the applicant is located.

- (b) The conference may on the recommendation of the NEC admit as Honorary Member any person who has rendered distinguished service to the cause of local government and decentralization in Ghana.

ARTICLE 5 OBLIGATIONS OF MEMBERS

- (1) Full members shall pay an annual membership subscription dues as may be recommended by the National Executive Council and ratified by the National Delegates' Conference.
- (2) The NEC shall recommend the dues of all categories of members subject to approval by Conference.

ARTICLE 6 PATRONS

- (1) There shall be (non-executive) patrons appointed by NEC.
- (2) A patron shall be a person of high profile status and shall retain such position subject to good behaviour
- (3) The NEC may appoint not more than two patrons during its term of office provided that the number of patrons shall not exceed twenty in any given time.

ARTICLE 7 LOSS OF STATUS

- (1) An Associate or honorary member of the association may lose his/her membership within three (3) months after a demand has been made upon him/her to pay the fixed dues and the demand is not complied with.
Provided that the association shall have in a letter reminded the member concerned 30 days prior the expiry of the stipulated 3 months.
- (2) A member District Assembly may be dismissed or suspended from the Association if the member refuses to comply with the

objectives, rules and regulations of the Association.

- (3). Any member of the Association may withdraw from the association only after the association has been served with at least three months notice of the member's intention to withdraw. Provided that the members shall be liable to discharge all obligations due as at the date of the withdrawal.

ARTICLE 8: STRUCTURE

(1) The governing organs of the Association shall consist of:

- (a) National Delegates Conference
 - (b) National Executive Council (NEC)
 - (c) National Secretariat
- (2) (a) Regional delegates conference
 - (b) Regional Council
 - (c) Regional Secretariat
- (3). District Secretariat with at least a desk officer

ARTICLE 9: COMPOSITION AND ATTENDANCE AT THE NATIONAL DELEGATES CONFERENCE

- (1). The National Delegates Conference shall be the supreme governing body of the Association and shall consist of:
 - (a) Members of NEC
 - (b) Three(3) delegates from the District Assemblies at least one of whom shall be a woman.
- (2). The following persons shall be entitled to attend a National Delegates Conference

- (a) The members of the National Executive Council.
- (b) Three (3) delegates each from member District Assemblies in compliance with the provisions of this constitution.
- (c) Associate and Honorary members of the Association.
- (d) Not more than two observers from member District Assemblies.
- (e) Such other persons invited by the National Executive Council.

(3). Quorum:

The quorum at the National Delegates Conference shall be one third (1/3) of the total number of delegates entitled to attend the conference.

(4). Voting

- (a) The members of the National Executive Council and delegates from member District Assemblies shall be entitled to a vote each.
- (b) The President or in his absence any person presiding over a meeting shall be entitled to a casting vote in the case of a tie.

(5). Business of the National Delegates Conference

The following businesses shall be transacted at the National Delegates Conference:

- (a) to confirm or otherwise deal with previous minutes.
- (b) presentation of National Executive Council report by the President, or any other person acting on his behalf;
- (c) to receive audited financial accounts.
- (d) to appoint external auditors of the association.
- (e) to elect officers of the association.
- (f) to approve of or amend the constitution of the association.

ARTICLE 10: NATIONAL EXECUTIVE COUNCIL Composition

- (1). The National Executive Council shall comprise the following:
 - (a) The President
 - (b) 1st Vice President

- (c) 2nd Vice President
 - (d) One representative each from the regions
 - (e) Two trustees
 - (f) A national treasurer
 - (g) Immediate Past President, provided he remains a member of a District Assembly
- (2.) A person qualifies to be elected or appointed as a member of the NEC if he/she
- (a) is a citizen of Ghana of not less than 21 years of age.
 - (b) is a member of a District Assembly.
- (3.) A person shall not qualify to be elected or appointed as member of NEC if he:
- (a) is of unsound mind
 - (b) has been sentenced to death or imprisonment for an offence involving fraud, dishonesty or violence or has been convicted of an offence relating to or concerned with elections under any enactment in force in Ghana at the time.
 - (c) is a person against whom adverse findings have been made by a competent authority, and
 - (d) being a professional person, he is disqualified from practising his profession on grounds of malpractice, fraud or dishonesty by the competent professional body
- (4.) A member of the National Executive Council shall cease to hold office
- (a) upon his death.
 - (b) upon revocation of his mandate in the District Assembly
 - (c) if by writing addressed to the President, he resigns
 - (d) in the case of the President, by writing to the NEC through the General Secretary.
 - (e) if he/she becomes disqualified to hold any public office as provided by law, or
 - (f) if he absents himself from more than three consecutive ordinary meetings of the NEC without the written permission of the President.

ARTICLE 11: DUTIES OF THE NATIONAL EXECUTIVE COUNCIL

- (1) In addition to the duties imposed on the National Executive Council elsewhere in this constitution, the duties of the National Executive Council shall be:
- (a) to channel resolutions of the Association to the relevant authorities
 - (b) to endeavour by all constitutional means to carry out directives of the Association.
 - (c) to prepare the agenda for National Delegates' Conference of the Association.
 - (d) to appoint the General Secretary and other senior staff of the Association.
 - (e) to conduct the affairs of the Association and generally to take such actions as may be deemed expedient in the interest of the Association.
 - (f) The National Executive Council shall appoint such sub-committees as set out below; and any other sub committee as shall be deemed necessary and determine their terms of reference, powers, membership and quorum;
 - (i) Finance and Administration
 - (ii) Policy and Resolutions
 - (iii) Economic Development
 - (iv) Environment/ Sanitation and Tourism
 - (v) Gender Development
 - (vi) International Relations
 - (g) Each sub-committee shall consist of not less than 3 members at least one of whom shall be a council member and shall also chair the sub committee.
 - (h) A sub-committee shall regulate its procedures to such an extent that it does not run contrary to the provisions of this constitution.
 - (i) A sub-committee shall perform duties assigned to it by the National Executive Council and functions within its general competence in furtherance of the objectives of the Association
 - (j) The General Secretary shall be an Ex-officio member of every

committee/sub-committee of the Association.

- (k) The National Executive may by resolution dissolve/reconstitute any sub-committee or forum of the Association.
- (l) The National Executive Council may from time to time adopt any rules or regulations for its own guidance or to facilitate its business provided such rules or regulations do not conflict or interfere with the constitution.
- (m) The National Executive Council may formulate and adopt rules as to the manner and conduct of business and the procedure to be followed at meetings of the National Executive Council
- (n) The NEC shall approve and operate a budget submitted by the Secretariat through the Finance and Administration sub-committee of NEC except that the total expenditure within the budget shall as much as possible be kept within the limits of subscriptions as approved by the National Delegates Conference as well as other financial inflows from other sources.

ARTICLE 12: FUNCTIONS OF THE NATIONAL SECRETARIAT

- (1). The National Secretariat shall perform the following functions:
 - (a) see to the day-to-day administration of the association
 - (b) issue out notices of meetings
 - (c) keep minutes of proceedings of meetings
 - (d) maintain an account of the finances of the association
 - (e) produce a financial budget of income and expenditure for every financial year
 - (f) submit annual report on the activities of the Association for the period under review
- (2.) In addition to the above, the Secretariat shall exercise any other functions as shall be determined by the National Executive Council from time to time.

ARTICLE 13: REGIONAL CONFERENCES

- (1). All member local government authorities of the Association within a region shall constitute the regional branch of the Association.
- (2). The regional representatives on the Executive Council of the Association shall preside over all the functions of the regional branch of the Association.
- (3). Programmes organized by the regional branch of the Association shall be approved by the National Executive Council. The National Executive Council shall make suitable arrangements for institutional support to be provided by the National Secretariat of the Association.
- (4). The regional branch shall maintain a permanent secretariat in the regional capital, or close by, which shall serve as a link between the National Secretariat and the District Secretariats.
- (5). There shall be Regional Delegates' Conferences at least once every year.
- (6). Regional Delegates Conferences shall be attended by three delegates at least one of whom shall be woman.
- (7). The Regional Conferences shall elect the Regional Representatives to the National Executive Council every two years.

ARTICLE 14: REGIONAL COUNCILS

- (1) The Regional Councils shall comprise the Regional Representative and one representative each from the District Assemblies in the region and shall perform the following functions:
 - (a). Discuss matters of common interest to the association
 - (b). Perform other functions assigned to it by the National Executive Council or the National Delegates Conference.

ARTICLE 15: THE DISTRICT COUNCILS

- (1). There shall be established in every District a secretariat of the Association with at least a desk officer.
- (2). The District Secretariat shall be established in the District capital
- (3). Every District Assembly shall have a representative on the Regional Council.
- (4). The functions of the District Secretariat include:
 - a) To serve as a link between the Regional Secretariat and the Districts.
 - b) To disseminate information and propagate the goals of the Association in the District.
 - c) To perform such other functions to be assigned to it by the Regional Council or the Regional Secretariat.

ARTICLE 16: NATIONAL OFFICERS OF THE ASSOCIATION

The Association shall elect the following officers at the National Delegates' Conference:

- (a) President
- (b) 1st Vice President
- (c) 2nd Vice President
- (d) A Treasurer
- (e) 2 Trustees

ARTICLE 17: DUTIES OF NATIONAL OFFICERS OF THE ASSOCIATION

- (1). **The President**
 - (a) shall convene the meetings of the National Executive Council and National Delegates Conference
 - (b) shall preside over all the Association's meetings.,

- (c) In the absence of the President, the 1st and 2nd Vice Presidents to preside over the meetings of the Association, one member from amongst the Executive Council, attending the meeting shall be elected to preside.

- (d) Shall be the authorizing officer of all expenditures of the Association

- (e) May delegate any of his functions to the Vice Presidents.

(2) **The 1st Vice President**

- (a) Shall act in the absence of the President in the performance of all the duties or functions of the President.

- (b) Shall perform any other functions delegated to him by the President.

(3) **The 2nd Vice President**

- (a) Shall act in the absence of the President and the first Vice President in the performance of all the duties or functions of the President.

- (b) Shall perform any other functions delegated to him by the President.

(4) **The National Treasurer**

- (a) Shall ensure that expenditures of the Association are kept strictly within the approved budget

- (b) Shall be a signatory to the accounts of the Association.

- (c) Shall submit financial reports at all quarterly meetings of the National Executive Council.

- (5). **Trustees**
- (a) The Trustees shall be vested with the power to hold and keep records of all assets of the Association.
- (b) The Trustees shall advise and make recommendations for the improvement in the record keeping of the Association.
- (c) There shall be a Board of Trustees comprising the National Treasurer and the two Trustees
- (d) The Board of Trustees shall report to the National Executive Council quarterly and to National Delegates Conference.

ARTICLE 18: ELECTION AND TERM OF OFFICE

- (1) The President, First Vice President, Second Vice President, National Treasurer and Trustees shall be elected by the National Delegates Conference from amongst its full members and shall hold office for a two-year term only for the same position. The National Treasurer and Trustees may hold office for more than one term.

ELECTION PROCEDURES

- (2). Subject to the provisions of this constitution, the Secretariat shall notify all members of the Association of positions to be contested at the National Delegates Conference or Regional Delegates Conference at least one month before the said conference takes place.
- (3). Nomination Forms for elections may be obtained from the Secretariat two weeks to the conference or at the conference Registration Desk.
- (4). A candidate for the position of National Officer of the Association shall be proposed by an accredited delegate to the National Delegates Conference and seconded by five other accredited delegates who shall come from five districts in five regions of the country.

- (5). A candidate for the position of Regional Representative shall be proposed by an accredited delegate to a Regional Delegates Conference and seconded by two other delegates from two districts in the region.
- (6). Nominations shall close six hours to the time for the conduct of the election.
- (7). Election of officers of the Association shall be by secret ballot.
- (8). A person shall be deemed to be elected as a National Officer of the Association when he receives the highest votes cast in the election.
- (9). Subject to the provisions of this constitution, where at the close of nominations only one candidate is nominated, such candidate shall be deemed to be elected unopposed.
- (10). All elections of officers of the Association shall be conducted and supervised by officials of the Electoral Commission of Ghana.
- (11). Any member of the Association who may not be satisfied with the results of any election shall present a petition to the Electoral Complaints Committee immediately after the declaration of the results at the Conference grounds.
- (12). The Electoral Complaints Committee shall consist of the following:
 - (a) A representative each from two regions after the two regions have been selected by ballot amongst the ten administrative regions, save that the region of the petitioner shall be excluded from the ballot.
 - (b) The General Secretary (of NALAG) shall be a member Secretary.
 - (c) The committee shall elect the Chairman from amongst its members, save that the General Secretary shall not be be the chairman.
 - (d) Where the petitioner or the elected member is not satisfied with the committee's decision, he/she may present a petition to the High Court within twenty-one (21) days

after the election for redress.

ARTICLE 19: THE GENERAL SECRETARY

- (1). The General Secretary shall be appointed by NEC.
- (2). The General Secretary shall be the Chief Executive Officer of the Association.

(3) FUNCTIONS OF THE GENERAL SECRETARY

- (a) The General Secretary shall direct the day to day activities of the association.
- (b) The General Secretary shall carry out the resolutions of the conference under the directions of the National Executive Council.
- (c) The General Secretary oversees the Secretariat and the activities and programmes of the organization under the guidance of the President.
- (d) The General Secretary shall recommend the appointment of such other staff as may be needed at the Secretariat from time to time to the NEC for approval.
- (e) The NEC shall have the power to terminate the appointment of the General Secretary upon stated misconduct or financial malfeasance established by committee of enquiry or an audit team set up by the NEC.
- (f) The General Secretary shall submit to the NEC the accounts of the closed financial year, indicating income and expenditure balance sheet of the closed financial year 14 days after the close of the financial year.

ARTICLE 20: FINANCE

Membership dues

- (1).
 - (a) The National Executive Council shall recommend to the National Delegates Conference the rate of membership dues for each of the members.
 - (b) Honorary members shall pay dues agreed on in consultation with them.
- (2). The Association shall derive its finances from the following
 - (a) Membership Dues
 - (b) income from investments
 - (c) grants
 - (d) special levies
 - (e) Borrowing and
 - (f) Other sources
- (3). The Balance Sheet certified by an external auditor appointed by the National Executive Council shall be submitted to the conference for approval;
- (4). The financial year of the Association shall commence on 1st January and end on 31st December of the same year.
- (5). The Association shall maintain one or more accounts at such bank or banks as the National Executive Council may from time to time decide.
- (6). The National Executive Council shall have the power to invest any funds standing to the credit of the Association in secured and profitable ventures and report to Conference on such matter as it may from time to time determine.

- (7). Copies of the audited accounts of the Association and the auditors' reports thereon shall be made available to all members of the Association within three months of the end of the financial year.
- (8). The funds, assets and facilities of the Association shall not be used to further the political programme of any political party.
- (9). No expenses shall be incurred or paid nor shall the funds of the Association be used for any other purpose except as provided for in the budget and approved by the National Executive Council.
- (10). The National Treasurer, the General Secretary and one other person nominated by the National Executive Council shall be the signatories to the Accounts of the Association.
- (11). Any two of the above officers shall be signatories to the accounts of the Association except that, the General Secretary's signature shall be mandatory.

ARTICLE 21: AMENDMENT OF CONSTITUTION

The constitution and rules of the Association may be altered, revoked or amended at a National Delegates Conference.

- (1). Provided that a majority of at least two-thirds of members of District Assemblies shall be required in the case of decision and resolutions:
- (2). Any proposal for a revision of the Constitution or the dissolution of NALAG shall emanate from the National Executive Council or from (not less than) six District Assemblies.
- (3). All District Assemblies shall be notified of the proposals at least two months before the meeting of the Council at which they shall be considered.

- (4) No decision on amendments to the Constitution or dissolution of NALAG shall be adopted unless two-thirds of District Assemblies are represented and approved by a two-thirds majority of the valid votes cast.
- (5) A notice of motion for such alteration or amendment shall have been delivered to the General Secretary and copied to all members of the Association not less than 30 days before the national delegates conference.
- (6) No proxy votes shall be permitted in respect of decisions and resolutions relating to (i) and (iii) of this article.

ARTICLE 22: CARE-TAKER BODY

In the event of the National Executive Council (NEC) members resigning en bloc or the NEC being unable to function for any reason, the Registrar of Companies of the Republic of Ghana shall be mandated to convene an Emergency Delegates Conference within forty-five (45) days to appoint an Interim Executive to replace the NEC and/or take such other decisions and/or actions as may be necessary to enable the Association pursue its objectives until a new NEC is constituted within 90 days thereafter.

ARTICLE 23: GENERAL RULE

The provision of the Standing Orders shall apply to Annual Delegates Conference, Special Meetings, and Executive Council meeting and any other meeting of the Association.

ARTICLE 24: TRANSITIONAL PROVISIONS

- (1) The Transitional Provision specified in the schedules to this constitution shall have effect notwithstanding anything to the contrary in this Constitution.
- (2) Notwithstanding any provision to the contrary of this provision, the persons and officers elected under the constitution before the



coming into force of this constitution shall be deemed to have been duly elected for the purpose of this constitution.

- (3) Upon the coming into force of this constitution, the conference that convened to enact this constitution shall be deemed to be the conference convened as provided under this constitution.

ARTICLE 25: INTERPRETATION CLAUSE

(i) National Delegates Conference

- (a) conference held once every two years not later than six months after the close of a financial year, or,
(b) an extra ordinary conference summoned by the National Executive Council.
(c) a special conference summoned by the President, with the prior approval by the Executive Council.

(ii) District Assemblies

District Assemblies in Ghana are either

- (a) Metropolitan Assemblies
(b) Municipal Assemblies
(c) District Assemblies
as established by law.

1ST SCHEDULE

(1.) EXECUTIVE OFFICERS

- (i) Any person who immediately before the coming into force of this constitution held or acted in an office shall be deemed to have been appointed as far as is consistent with the provision of this constitution to hold or act in the equivalent office under this Constitution.
(ii) A person who before the coming into force of this constitution would have been required under the law in force to vacate his office and the expiration of a period of service shall,

notwithstanding the provisions of subsection (1) of this section, vacate his office at the expiration of that period

- (iii) The persons and officers referred to in subsection(1) of this sections shall assume office on the date of the coming into force of this constitution notwithstanding any provision in this constitution.

(2.) MISCELLANEOUS MATTERS

(1.) Pending Matter

Where any matter or action has been commenced before the coming into force of this constitution by a person or authority that has power for the purpose of the existing law, that matter or thing may be carried on and completed by the person or authority having power for the purpose after the coming into force of this constitution and it shall not be necessary for the person or authority to commence the matter or thing afresh.

(2.) Succession to Property

Subject to the provisions of this constitution all properties and asset, which immediately before the coming into force of this constitution were vested in any authority or person for the purpose of or in the right of this Association, shall, on the coming into force of this constitution, without further assurance than this section, vest in the Association or any person so authorised by the Association or under his/her powers to exercise such responsibility.

2ND SCHEDULE

FORMS OF OATH

Oath of Office

I -----having been appointed to the office of-----
---- do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the National Association of Local Authorities of Ghana (NALAG) as by law established, and I will uphold the integrity, preserve, protect and defend the constitution of the Association [To be sworn before Conference or any person or National Executive Council]

The Presidential Oath

I ----- having been elected to the high office of the President/ 1st Vice President/2nd Vice President of the National Association of Local Authorities of Ghana (NALAG) do (in the name of the Almighty God swear) (solemnly affirm) that I will be faithful and true to the Republic of Ghana; that I will at all times preserve, protect and defend the Constitution of the Association, and that I will dedicate myself to the service of the membership.

I further (solemnly swear) (solemnly affirm) that should I at anytime break this oath of office I shall submit myself to the laws of the Association and suffer the penalty for it. (So help me God)

[To be administered by way of the following: A Justice of the Superior Court of Judicature or a Senior lawyer]

OATH OF NATIONAL EXECUTIVE

I ----- having been elected a member of the National Executive Council (NEC) do (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly reveal such matters as shall be debated in the Council and committed to any secrecy; and that I will uphold, preserve, protect and defend the Constitution of this Association.(So help me God)

[To be sworn before Conferece]

THE OATH OF SECRECY

I ----- holding the office of ----- do (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under any consideration or shall come to my knowledge in the discharge of any official duties except as may be required for the discharge of my official duties or as may be specifically permitted by law. (So help me God)

[To be sworn before Conferece or National Executive Council]

MADE AT TAKORADI THIS 14TH DAY OF OCTOBER 2003