

**LAW ON UNIONS OF LOCAL GOVERNMENTS**

**(Law No: 5355)**

# **LAW ON UNIONS OF LOCAL GOVERNMENTS**

Law No: 5355

Date of Enactment: 26/5/2005

Published in the Official Gazette: Date: 11/6/2005 Issue: 25842

Publication Series: Edition: 5 Volume: 44

## **CHAPTER 1**

### **Purpose, Scope and Definitions**

#### **Purpose**

**Article 1-** The purpose of this Law is to lay down the legal status, establishment, organs, administration, duties, powers, responsibilities and working procedures and principles of unions of local governments.

#### **Scope**

**Article 2-** This Law covers the unions of local governments.

#### **Definitions**

**Article 3-** For the purposes of this Law, the following definitions shall apply:

- a) "Local government" means the special provincial administration, the municipality and the village;
- b) "Union of local governments" means a public entity formed by more than one local government with the aim of jointly performing certain services for which they are responsible;
- c) "Union" means a union of local governments.

## **CHAPTER 2**

### **Establishment, Charter, Duties and Powers of the Union**

#### **Establishment**

**Article 4-** A union shall be established and acquire legal personality upon an authorization by the Council of Ministers following the finalization of the union charter.

Membership in an existing union may be established upon a resolution of the local government council and an application based thereon to the union, and the acceptance by that union council. In such case, no authorization from the Council of Ministers shall be required. For departure from a union, a resolution of the council of the departing local government shall suffice.

Where required by those projects relating to water provision, wastewater treatment, solid waste management and infrastructure services of similar nature as well as those concerning the protection of environment and ecological balance, the Council of Ministers may decide that the relevant local governments must become members to the Union previously formed for this purpose. Departure from unions of such nature shall be subject to the authorization by the Council of Ministers.

No union may be established with a general purpose to perform all duties of local governments or without a well-defined purpose.

### **Union charter**

**Article 5-** The union charter shall enter into force, after having been approved by two thirds of the full membership in the councils of local governments which are establishing the union, by the approval of the governor or, where the union is being established by participation from local governments in more than one province, by the approval of the Minister of Interior. Procedures to amend the union charter shall be laid down in the union charter, and the approval of such amendments shall follow the procedures of approving the union charter.

The union charter must include the following items:

- a) Name and purpose of the union;
- b) Names of member local governments;
- c) Seat of the union;
- d) Term, expiry and liquidation;
- e) Duties and services delegated to the union;
- f) Meeting periods of the council and executive committee of the union;
- g) The number of representatives from each member local government in the union council, the term of office of elected members and the number of seats in the executive committee of the union;
- h) Union members' contributions to establishment and operating expenditures of the union, and the method to calculate such contributions;
- i) Matters relating to the union's revenues, expenditures, budget and work programs;
- j) Procedures for benefiting from the union's services for member local governments and residents within the boundaries of such local governments;
- k) Procedures for amending the union charter.

### **Union's Rights and Powers**

**Article 6-** Unions of local governments shall have the same rights and powers as held by the member local governments regarding the local joint services transferred to the union as specified in the union charter.

## **CHAPTER 3 Organs of the Union**

### **Organs of the Union**

**Article 7-** Organs of the union shall be the union council, the executive committee and the union chairman.

### **Union council**

**Article 8-** The union council shall be the decision-making body and comprise members at a number specified in the union charter and elected by balloting from among the councillors of member local governments or persons eligible for election as councillors. However, the number of non-councillor members to be elected to the union council shall not exceed one third of the number being elected from local government councils. Alternate council members shall be elected half as many as regular members.

For a special provincial administration which is a member in the union, the governor shall be a natural member, and similarly the mayor for the member municipality and the village master for the member village. There shall be no other natural members in the union council. The full membership of the council shall include natural members as well. The governor or the mayor may delegate any of the council members to represent him in the council.

If any seat of regular membership is vacated in any of the member local governments, the union chairman shall call to duty the alternate members of that local government. If no further alternate member remains, the councils of member local governments shall hold an election in their first upcoming meeting to elect new alternate members. If the union council is terminated, the election shall be held to elect regular and alternate members. Such members shall complete the remaining office term.

Those members whose term in the provincial special, municipal and village administration comes to end shall cease to be a member in the union council.

Those whose membership has been terminated for cause which lapses membership may not be elected as the members of the union council for the next term.

A principle may be laid down in the union charter such that member local governments shall be represented in the union council in proportion to their population and contribution.

The union chairman shall also be the chairman of the union's council.

#### **Duties and powers of the council**

**Article 9-** The union council shall have the following duties and powers:

- a) Deliberate on and adopt the strategic plan, the investment and work programs;
- b) Adopt the budget and final accounts and make budget transfers between level 1 units subject to institutional coding and level 1 services subject to functional classification;
- c) Decide to borrow loans;
- d) Decide to purchase, sell, exchange or allocate immovable property;
- e) Set fee schedules to be applicable for services to be performed by the union;
- f) Accept conditional donations;
- g) Decide to amicably settle the union's claims of amounts from 2,000 to 10,000 New Turkish Liras in litigation;
- h) Decide on the realization of union's investments through build-operate or build-operate-transfer models;
- i) Elect the union's chair committee, members to the executive committee and specialist commissions;
- j) Decide to establish units for the union's organization;
- k) Adopt amendments to the union charter if allowed in the charter;
- l) Adopt regulations to be issued by the union;
- m) Decide on the disputes between the union chairman and the executive committee.

### **Chair committee of the council**

**Article 10-** The union council shall be invited by the civil administrator of the locality where the union's seat is located to convene within thirty days from the foundation of the union and the announcement of the results of nationwide local elections by the Supreme Electoral Board. The eldest councillor shall preside at this meeting during which the council shall elect by balloting from among its own members the council chairman, the first deputy chairman and the second deputy chairman to serve for the first two years. The chair committee elected after the first two years shall remain in office until the first nationwide local elections. (**Amended last sentence: 12/11/2012-6360/35 Art.**) The chairman of a union where all members are special provincial administrations shall be elected by the procedure defined above from among governors of the member provinces.

The election of the council chair committee shall be completed within three days.

The council shall be chaired by the chairman, or by the first deputy chairman in his absence, or by the second deputy chairman in absence of both. However, the council meeting at which the annual activity report is discussed shall be chaired by the deputy chairman of the council.

If a seat falls vacant on the chair committee, a new member shall be elected to complete the remainder of the term of office.

The council chairman shall ensure that the council proceedings are conducted in an orderly fashion.

### **Council meetings**

**Article 11-** The council shall meet at times indicated in the charter not to be less than twice a year considering the meeting periods indicated in the relevant laws of the local governments. The first meeting of the year shall be the first meeting of the term.

The union chairman shall call the council to an extraordinary meeting upon the request of any of the member local government councils, any reasoned proposal from one-third of the members in the union council or if he deems necessary in extraordinary cases. The call for extraordinary meeting and the agenda shall be notified in writing to councillors at least three days in advance and also announced.

The union council may set up specialist commissions on matters of the union in addition to the planning and budget commission. Specialist commissions shall be established by resolutions of the union council, and the number of seats at a commission shall not exceed five. It is essential that commission members be elected from among representatives of various local governments.

At extraordinary meetings, the council may not deliberate on anything other than the matters that have necessitated the call for extraordinary meeting.

The resolutions of the union councils of local governments which cover more than one province shall be submitted to the civil administrator of the locality where the union's seat is located.

The provisions of the Law on Municipality regarding municipal councils shall apply to the union council's meetings, resolutions, working principles and procedures, means of obtaining information and exercising supervision, termination, termination of membership at council, election of specialist commission members, obligations of councillors, and to cases where this Law lays down no provisions.

### **Union executive committee**

**Article 12-** The union executive committee shall be composed of the union chairman and members at a number specified in the charter not to exceed seven. This number shall be doubled for the nationwide unions. Such members shall be elected by balloting by the council at the first meeting from among its members to serve for one year. The union chairman shall also be the chairman of the executive committee.

The union executive committee shall convene for periods indicated in the union charter. Such period shall not exceed one month.

The union executive committee elected in the year for any reason shall serve until the period's start. Those whose membership at the council terminates shall cease to be executive committee members.

It is mandatory for the unions of local governments with four or more members to elect executive committee members from the councillors of different local governments.

In case of termination of the union council, the Ministry of Interior performs the duties of the council and executive committee of the nationwide unions; or for other unions, a five-person committee assigned from among civil servants by the civil administrator of the locality where the seat of the union is located shall perform such duties.

### **Duties and powers of the executive committee**

**Article 13-** The union executive committee shall have the following duties and powers:

- a) Review the investment plan and work program, the budget and the final accounts and inform the union council of its opinion;
- b) Decide on the public interest required by expropriation actions;
- c) Determine the purposes for which the appropriation for contingencies is to be spent;
- d) Make budget transfers between level 2 services subject to functional classification;
- e) Impose statutory penalties;
- f) Decide to amicably settle disputes of up to 2,000 New Turkish Liras;
- g) Implement council resolutions concerning the purchase, sale, exchange and allocation of immovable property.

The provisions of the Law on Municipality regarding the municipal committees shall apply to meetings, resolutions, working principles and procedures of the union executive committee, and to cases where this Law lays down no provisions.

### **Union chairman**

**Article 14-** The union chairman shall be the head of the union administration and represent its legal personality. The union chairman shall have the following duties and powers:

- a) Manage the union and protect its rights and interests;
- b) Prepare, implement, monitor and evaluate the investment plan and working program and the budget and final accounts, and present the relevant annual activity report to the union council;
- c) Represent the union or appoint a deputy;
- d) Chair the union council and executive committee;

- e) Manage the movable and immovable property of the union;
- f) Pursue and collect the union's revenues and receivables;
- g) Conclude contracts subject to the decisions of the competent organs;
- h) Implement the resolutions of the council and executive committee;
- i) Implement the budget; approve transfers in the budget that are outside the authorization of the council and committee;
- j) Appoint the union's staff;
- k) Supervise the union;
- l) Accept unconditional donations;
- m) Perform duties and exercise powers as conferred by laws on the union which do not require resolutions by the union council or the executive committee.

The union chairman shall be the disbursement officer for the union's budget. The chairman may delegate such power to the union's secretary general or the union director.

The provisions of the Law on Municipality regarding the termination of mayor for causes other than absence shall apply to the termination of the union chairman.

## **CHAPTER FOUR**

### **Financial Provisions**

#### **Revenues of the union**

**Article 15-** The union's revenues shall be as follows:

- a) Contribution from the union's members in establishment and operating expenditures;
- b) Fees to be collected for services provided according to the fee schedules determined by the council;
- c) Appropriations transferred from other public entities;
- d) Revenues obtained from the lease, sale and other uses of movable and immovable property;
- e) Revenues from rents and interest;
- f) Donations;
- g) Appropriations from the budget of the special provincial administration for the unions of village services;
- h) Other revenues.

#### **Expenditures of the union**

**Article 16-** The union's expenditures shall be as follows:

- a) Expenditures incurred to perform services of the union;
- b) Salaries, fees, allowances, attendance fees, travel expenditures paid to the union's personnel and elected members of organs, and service-related training spending and other expenditures;

- c) Expenditures on the pursuit and collection of fees and other revenues;
- d) Expenditures for supply, construction, maintenance and repair of service buildings, facilities, vehicles and equipment of the union;
- e) Expenditures on interest, other payments for debts and insurance;
- f) Expenditures on litigation and enforcement;
- g) Payments for lawyers' fees, consultants' fees and audit services;
- h) Expenditures on joint services and other projects carried out with public-sector and private-sector organizations;
- i) Representation, ceremonial and hospitality expenditures.

## **CHAPTER FIVE**

### **Miscellaneous**

#### **Organization**

**Article 17-** The union's organization shall be established according to the standard job positions and comprise a director, secretariat unit, financial affairs unit and technical affairs unit to be established according to the activity area of the union.

For nationwide unions and those unions with more than one hundred members, the organization shall, according to the standard job positions, comprise a secretary general, secretariat unit, financial affairs unit and other units not to exceed three by the resolution of the union council in the activity area of the union.

Civil servants employed in public entities may be assigned as the secretary general of the union or other senior positions according to principles and procedures laid down in the Law on Municipality. During such assignments, the person's remuneration and social benefits from his own entity shall not be stopped, and an additional payment may be made by a decision of the executive committee not to exceed the sum of his salary and other pays from his own entity.

#### **Unions of village services**

**Article 18- (Amended first sentence: 29/12/2005 - 5445/1 Art.)**

In the districts, unions of village services may be established, carrying the name of that district, by the participation of all villages in order to assist, perform, cause to perform road, water, sewer and similar infrastructure facilities and other services for villages excluding marketing of agricultural products, and promote rural development. The Council of Ministers shall be authorized to grant general authorizations in this regard.

The union chairman shall be the governor or a nominated lieutenant-governor in the central districts, and the district governor in the districts. The union council of village services shall be composed of village masters and members of the general provincial council from that district to be chaired by the union chairman. The executive committee of the union of village services shall be composed of two members of the general provincial council and two village masters elected from within the council for a total of five persons to be chaired by the union chairman.

**(Amended third paragraph: 27/4/2008-5793/44 Art.)** Ministries and other central government agencies and special provincial administrations may realize the investments relating to such services for villages as construction, maintenance and repair works, divided

roads, electrification, village roads, potable water, irrigation water, sewer investments by transferring the appropriations in their budgets earmarked for such services to the unions of village services. The transfer shall be subject to the approval of the relevant minister for the central government agencies, and that of the governor for the special provincial administrations, and such appropriations may not be used for other purposes. In such case, the work shall be completed according to the procedures and principles to which the union of village services is subject. The unions of village services may transfer appropriations from own budgets within their budgetary means to such investments. Investments to be realized through appropriations being transferred by ministries and other central government agencies may be carried out within the provincial boundaries without limitation as to the purview of the union.

The unions of village services may employ personnel by employment contracts according to needs. However, the total annual personnel expenditures of the unions of village services shall not exceed 10% of the amount to be found by multiplying the last actual annual budget revenues by the revaluation coefficient specified in the Tax Procedures Law. Governors and district governors may assign personnel from other public entities to perform the services of unions. Such assigned personnel shall be paid monthly allowances the amount of which shall be the product of the monthly coefficient applied to civil servants and index figures of 5,000. Proportions shall be taken into account for assignments less than thirty days.

The general provincial council shall decide what portion of the budget revenues of the special provincial administration shall be transferred to the unions of village services according to the investment plan, annual work program and implementation submitted by the union of village services.

Principles and procedures regarding the budget of the unions of village services, accounting and reporting standards, disbursement procedures and principles, framework accounts plan and the format, frequency and types of reports, and for tenders held by such unions shall be laid out in a regulation issued by the Ministry of Interior after consulting the opinion of the Ministry of Finance.

### **Irrigation unions**

**Article 19- (Repealed: 8/3/2011 - 6172/21 Art.)**

### **Founding nationwide unions**

**Article 20-** Only one nationwide union for special provincial administrations and another for municipalities may be founded to represent the respective groups of local governments in order to protect the interests of local governments, assist their development, train their personnel and provide opinion in legislative preparations on local governments. This shall not prevent founding other unions of local governments for the same purposes less than nationwide. The special provincial administrations and municipalities shall be natural members to their respective nationwide union.

The nationwide unions may, in addition to the objectives indicated in the first paragraph, provide guidance to local governments, encourage assistance and cooperation between local governments, exchange of technical knowledge and administrative experiences, assist in dissemination of best practices.

Of the unions indicated in the first paragraph, the council of the union of municipalities shall be composed of the metropolitan mayors, mayors of provincial municipalities and locations with population of one hundred thousand or more, and members at a number to be elected at the same number of parliamentary deputies from each province to

be elected from among mayors and members of municipal councils. The election shall be held upon the request of the union chairman on the date and location determined by the metropolitan mayors for metropolitan municipalities, and the mayors of provincial municipalities for other locations with the participation of mayors and members of municipal councils in the electorate. Voters may delegate other members in writing to vote on their behalf.

**(Amended fourth paragraph: 29/12/2005 - 5445/3 Art.)** Of the unions indicated in the first paragraph, the union council for the special provincial administrations shall be composed of the provincial governors, and members at the number indicated in the union charter to be elected from among the members of each general provincial council.

The membership fee to be paid by a member local government to the unions indicated in the third and fourth paragraphs shall be determined by the union council as a ratio of the last finalized budget of such governments and be paid to the union by the entity which distributes the apportionments from the general budget tax revenues to such local governments upon the request of the union.

#### **Obligations of union members**

**Article 21-** The amount to be paid by any member local government which fails to fulfil its financial obligations to the union shall be deducted by the entity which distributes the apportionments from the general budget tax revenues to such local governments upon the request of the union and paid to the obligee union.

#### **Common provisions<sup>1</sup>**

**Article 22- (Supplementary first paragraph: 29/12/2005 - 5445/4 Art.)** Unions of local governments shall be audited by the Ministry of Interior. Where governors and district governors deem necessary, they may audit non-nationwide unions.

**(Supplementary second paragraph: 29/12/2005 - 5445/4 Art.)** For unions of local governments which are not subject to the external audit by the Court of Accounts, the union council shall deliberate and resolve on the proposals of personal liabilities due to public losses identified as a result of audits conducted by the Ministry of Interior, governors or district governors. The copy of such resolution shall be communicated to the governorship of the locality where the seat of the union is located, or to the Ministry of Interior for nationwide unions or for those unions which have a governor or lieutenant-governor as the union chairman. It is possible to appeal against such resolution at the administrative courts by the Ministry of Interior for nationwide unions or for those unions which have a governor or lieutenant-governor as the union chairman, or governors or those persons identified as the liable party for other unions. The action shall be concluded in accordance with the decision of the administrative court.

**(Supplementary third paragraph: 29/12/2005 - 5445/4 Art.)** The public loss identified as a result of the control, audit, review, final adjudication or trial shall be collected from the liable parties together with the interest from the date of occurrence of the loss to be calculated according to the relevant legislation. The procedures and principles for collecting the public losses shall be laid down in a regulation to be issued by the Council of Ministers upon a proposal from the Ministry of Interior.

Where this Law lays down no provisions on work programs, delegation of powers, disputes between the union and the chairman, removal from office the union's organ or

---

<sup>1</sup> By Article 4 of the Law No. 5445 of 29/12/2005, the first, second and third paragraphs were supplemented to this Article, and the other paragraphs were re-re-numbered accordingly, and the word "audit" in the existing first paragraph was removed from the text.

members, (...) <sup>1</sup>, annual activity report, budget and other financial matters, borrowing other than securities issue, establishing enterprises under the budget, setting off debts and claims, international relations, relations with other organizations, correspondence, and application of revaluation rates to unions, the union's charter and the provisions of the Law on Municipality shall apply, being limited only to the services delegated to the union.

Where this Law lays down no provisions on the organization and personnel of the unions, the Law on Municipality and the provisions of the union's charter shall apply, provided that it not contradict the Law on Municipality.

Amended first sentence: 29/12/2005 - 5445/4 Art.) Excluding the councils of the unions of village services, the chairmen, councillors and members of executive committees of unions may be paid an attendance allowance per day of meeting the amount of which shall not exceed the product of the monthly coefficient applied to civil servants and index figures of 5,000 for the union chairman, 2,000 for the members of the executive committee, and 1,500 for the councillors. However, the number of days that would earn attendance allowance shall not exceed twenty four days within a year.

**Tourism infrastructure service unions**  
**Supplementary Article 1- (28/12/2006-5571/27 Art.)**

A union of local governments shall be established by the participation of all local governments in the regions of culture and tourism protection and development and tourism centres in order to preserve, develop, promote the area with a holistic approach, build and operate social and technical infrastructure for culture and tourism. One third of the councillors of the union established for such purpose shall be comprised of members elected by the representatives of accommodation and sea tourism facilities with tourism certification from the Ministry of Culture and Tourism by balloting from among themselves provided that such persons be eligible for election to the council. The election shall be held under the supervision of the executive committee of the special provincial administration of the locality where the union's seat is located.

Accommodation facilities within the purview of the union shall pay membership fees not to be less than one third of those fees paid by the member local governments to be determined by the union council taking into account the bed capacity of accommodation facilities, or the mooring capacity of sea tourism facilities. Non-member tourism facilities and those benefiting from the services shall pay contribution or fees at amounts to be determined by the union council.

**Penalty and prohibition**  
**Supplementary Article 2- (Supplementary: 6/3/2007-5594/3 Art.)**

Provisions of the Law No. 4734 of 4/1/2002 on Public Procurement, the Law No. 4735 of 4/1/2002 on Public Procurement Contracts and the Law No. 2886 of 8/9/1983 on State Procurement shall apply to prohibited acts or conduct and penalties relating to tenders held by the unions of local governments under this Law.

**Transitional Article 1-** Unions of local governments founded prior to the date of entry into force of this Law shall adapt their status according to this Law within six months.

Those unions which fail to adapt their status to this Law in the said period shall be warned and allowed extra time of two months by the Ministry of Interior. Those unions which still fail to do so in the extra time allowed shall be deemed dissolved automatically and liquidated according to the provisions in their charters.

The provisions of the first and second paragraphs shall not apply to those unions of local governments which were established by the authorization from the Council of Ministers prior to the publication of this Law, engage in international activities as indicated in the Law No. 3335 of 26.3.1987 on Establishing Entities of International Nature, have at least seven members and request to be considered as an international entity. The request to be considered as an international entity based on the resolution of the union executive committee shall be submitted to the Ministry of Interior within three months from the date of publication of this Law, and the status of international entity as resolved by the union council within one year therefrom. The Ministry of Interior shall approve, consulting the opinion of the Ministry of Foreign Affairs, the international entity status within two months, or return the request for making compliant with the Law allowing at most two months. Upon the approval of the international entity status, the legal personality of the local government shall cease to exist and such unions shall assume the status of international entities established according to the Law No. 3335 with no further action required and continue their operations under the said Law. Those unions of local governments which have made a request to be considered international entities, but failed to deliver its status within the time allowed or make compliant with this Law shall be deemed dissolved automatically at the end of such terms. The provisions of the first paragraph shall apply to those unions which have not made such request or could not make such request because of membership less than seven.

**Transitional Article 2-** The personal liabilities calculated for to the personnel of the unions of local governments for various reasons prior to the date of entry into force of this Law shall be concluded by a resolution of the union council. Against such resolution, the civil administrator of the locality where the seat of the union is located or the persons identified as the liable party may appeal at the administrative court within ten days.

**Establishment of tourism infrastructure service unions**

**Transitional Article 3- (Supplementary: 28/12/2006-5571/28 Art.)**

The actions for establishment of tourism infrastructure service unions mentioned in Supplementary Article 1 of this Law shall be completed by competent governors in the region or the centre within one year from the date of entry into force of this Law. Where the region or centre covers more than one province, then the governorship to be assigned by the Ministry of Interior shall take establishment actions.

Those tourism infrastructure service unions which were established prior to the date of entry into force of this Law shall adapt their charters to this Law.

**Entry into force**

**Article 23-** This Law shall enter into force on the date of publication.

**Execution**

**Article 24-** The Council of Ministers shall execute this Law.

**PROVISIONS WHICH COULD NOT BE INSERTED INTO THE LAW NO. 5355 OF  
26/5/2005**

**(1) The provision of the Law No. 5445 of 29/12/2005:**

**Transitional Article** – The chairmen of unions who were elected prior to 30/3/2004 shall serve until the end of their original term, those who were elected after such date shall serve until the first nationwide local elections provided that they be eligible for election as members in the union council.

The time allowed for unions of local governments established prior to the date of entry into force of this Law to adapt their status to the Law No. 5355 pursuant to Transitional Article 1 of the same Law has hereby been extended to 10/6/2006.

**LIST INDICATING DATE OF ENTRY INTO FORCE OF THE LEGISLATION  
SUPPLEMENTING AND AMENDING THE LAW NO. 5355 OR OF THE  
PROVISIONS ANNULLED BY THE CONSTITUTIONAL COURT**

<b>Amending Law / Annulment Decision of Constitutional Court</b>	<b>Amended articles of the Law No. 5355</b>	<b>Date of entry into force</b>
5445	18, 19, 20,22 and Provision not inserted	4/1/2006
5571	Supplementary Article 1 and Transitional Article 3	13/1/2007
5594	Supplementary Article 2	10/3/2007
5793	18	6/8/2008
6172	19	22/03/2011
6360	10	6/12/2012