



# SHORT MANUAL OF LOCAL CITIZENSHIP

*CITIZEN OR SUBJECT?*



**Original title:** SHORT MANUAL OF LOCAL CITIZENSHIP

**Published by:** Valongo Municipal Council

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**Printing, pagination and finishing:** Gráfica Diário do Minho, Lda.

Rua Cidade do Porto - Parque Industrial Grundig, Lote 5 – Fração A

4710-306 – Braga

[www.diariodominho.pt](http://www.diariodominho.pt)

**ISBN:** 978-989-20-7128-2

**Legal deposit:** 418287/16

**Print run:** 5000 copies (reprint)

**1st edition:** December 2016

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## PREFACE



The Municipality of Valongo is celebrating its 180th anniversary, but the history of this 75 km<sup>2</sup> territory - where the cities of Alfena, Ermesinde and Valongo live side by side with the villages of Campo and Sobrado - goes back millions of years to the Paleozoic Era - the trilobites being a legacy of that era.

With approximately 100,000 inhabitants, Valongo is strategically located in the Metropolitan Area of Porto (AMP), with excellent accessibility, on the doorstep of the International Airport, the sea port and the second largest city in the country, which welcomes several million tourists per year.

Valongo has a rich and diverse identity, with unique regional features that assert and distinguish the district in the AMP, for example age-old tradition of biscuits and regueifa bread, the art of the Traditional Portuguese Toy, the spectacular tradition of the Festival of the Bugiadas and Mouriscadas, the slate festival, the religious monuments and the beauty of the Santa Justa and Pias hills in the Serras do Porto Park.

The Municipality of Valongo is well aware of the unique resources of its area and is now strategically focused on the construction of a qualified, balanced and catalytic territory, prepared to welcome investment and promote the establishment of people.

At a time when there are several threats to freedom and other values of democracy that we have been conquering over the centuries, we have also taken on the task of placing the Municipality of Valongo at the forefront of the formation of a More Informed and More Participatory Community.

Democracy in a poorly informed and poorly educated community can be held hostage by the tyrannies of majorities as well by the tyrannies of minorities, which should be avoided vehemently through constant investment in Full Citizenship.



We urgently need to reverse the direction of the growing distrust and ignorance of the population in relation to the way local government operates and the way that scarce public resources are managed.

To bring hope back to the community, investment is necessary to build trust among everybody and to empower citizens so that they can be key allies of good local governance.

This is why we are committed to implementing simple measures that result from new ways of addressing existing resources, with more transparency, proximity, rigour and interaction with citizens, particularly Rendering of Accounts Week, the transparency files made available on the Internet page of the Municipality, the Valongo Municipal Bulletin, the Youth Participatory Budget and European Local Democracy Week.

We believe that a more enlightened community is a more autonomous community, so we are committed to the formation of "Super Citizens" who can understand critically and enthusiastically - without depending on others - the problems, challenges, successes and failures of the community and thus be more participatory in the local management, both public and of the institutions that form the local, metropolitan, national and European socio-economic fabric.

Thus, this brief handbook of Local Citizenship, a challenge I put to Professor Cândido de Oliveira when we met, is a further tool and a decisive step in citizen empowerment, with a view to the formation of a fuller and more democratic community.

**José Manuel Ribeiro**

President of Valongo Municipal Council

## PRESENTATION



This publication is the result of the desire of Valongo Municipality, represented by its president, to foster the democratic culture of its citizens.

We have dedicated the greatest possible attention to local power, which we also like to call local democracy, as is common in the Council of Europe, which includes 47 Member States, as a professor and researcher of the University of Minho, or as members of the Association of Regional and Local Law Studies (AEDREL), a private non-profit institution that we helped create.

In this context, there have been several publications that we have prepared in isolation or as a team, on this subject, including the book on Local Democracy.

Having become aware of our activity, Dr. José Manuel Ribeiro, from the beginning of 2014, wanted to know what we were doing and visited the University, since then he has challenged us to contribute to a better democracy, especially at a local level.

This challenge has gone through several phases, from the struggle for transparency that took place in the Municipality of Valongo, to the organization of two short courses on local citizenship (2015 and 2016), as part of the celebration of European Local Democracy Week. It was the first of these courses that triggered the drafting of the Manual.

We had several meetings which led to the emergence of the challenge: to publish a small book, a Manual of Local Citizenship for citizens.

A manual produced in Valongo but with a focus on broader horizons to the benefit of the citizens of any municipality (or parish) in our country.

He persisted and did not rest until the work came to fruition. We both quickly concluded that illustration was important in this publication and, in good time, the Architect Telmo Quadros, a municipal official also with special illustration skills, was asked to participate.

We are aware that this work is far from perfect, but it seems to us that it is useful and can be improved in future versions.

It is written in language that is intended to be as clear and simple as possible.

It does not deal with everything that could be addressed, but chooses between extension and ease of reading, by balancing the two.

The citizens and customers of Valongo, and others, will be its judges.

**António Cândido Macedo de Oliveira**

Emeritus Professor of Law at the University of Minho

Chairman of the Board of AEDREL, Association of Regional and Local Law Studies

## INTRODUCTION

This manual aims to present basic concepts on local citizenship, since people who do not know or practise it are not citizens, they are subjects.

Subjects, consciously or unconsciously, obey others, while citizens are aware that they are the centre of power and know how to draw conclusions from it.

Citizens also naturally obey legitimate norms and orders, but participate and challenge those who exercise authority.

It is exactly the manner of facing authority that distinguishes the subject from the citizen. The subject obeys because he judges that this is his natural condition, while the citizen obeys because he knows that rules are necessary, but he participates in the formation of the rules and protests against those who impose them when they are not legitimate or don't deserve his agreement.



WHY?

AH, WE HAVE CITIZENSHIP!...

Being a citizen is much more difficult and demanding than being a subject. Subjects do not even need to know that's what they are, ignorance is the condition of being a subject. The citizen seeks to know, asks who is in charge, knows the rules of democracy, i.e. of the political regime based on citizenship.

This book is for citizens - it seeks to help them to understand and practise citizenship locally. It begins by providing a brief framework at the national level and its political system. It approaches the closely linked concepts of citizenship and democracy, then develops them for the local context with special focus on municipalities and parishes.



# **CHAPTER I**

## **PORTUGAL**

### **AND DEMOCRACY**





## 1. PORTUGAL

Portugal, which currently has more than 10 million inhabitants and occupies 92 000 km<sup>2</sup>, is one of the oldest countries in Europe and the World, since its formation in the 12th century.

ESTÁ COM MUITO BOM ASPETO!  
NÃO LHE DAVA NADA 800 ANOS..



YOU'RE IN GREAT SHAPE!  
I WOULD NEVER HAVE SAID THAT YOU'RE 800  
YEARS OLD.

DE HÁ 40 ANOS PARA CÁ QUE  
TRATO BEM DA MINHA SAÚDE!



FOR THE LAST 40 YEARS I'VE BEEN LOOKING  
AFTER MY HEALTH!

It separated from Leon and Castile at the instigation of D. Afonso Henriques, the first king of Portugal. The Treaty of Zamora, dated 5 October, 1143, between King Afonso VI, King of Leon and Castile and D. Afonso Henriques, King of Portugal, recognised the independence of our country.

There was a particularly remarkable period in the late fifteenth century and sixteenth century when the Discoveries took place.

From 1580 to 1640, Portugal was ruled by Spain.

In the nineteenth century (1820), the country embraced the liberalism established after a period of upheaval and civil war between the absolutists led by D. Miguel and the liberals led by King Pedro IV.



On 5 October, 1910, the Monarchy was overthrown and a Republic was established.

On 28 May, 1926, a military coup ushered in a dictatorship that lasted until 1974.

On 25 April, 1974, also as a result of military action - quickly followed by a great popular uprising - a democratic period began, with free and properly organized elections, starting on 25 April, 1975 and still in place today. Since then we have become a state under the democratic rule of law.



In 1985, Portugal became part of what was then called the European Economic Community, now the European Union.

## 2. STATE

Before we analyse local democracy, it is important briefly to describe the concept of State and democracy at the national (state) level.

The State is an entity constituted by a population (the nationals of that State), a territory (properly delimited) and the proper bodies, known as sovereign bodies, that are not required to obey another State, otherwise it would not be independent. East Timor, for example, only became independent when it freed itself from the power of Portugal, its colonial ruler for centuries and, more recently, from the power of Indonesia.

The State is thus constituted by:

- a) A People** - the nationals living in a territory (although those living abroad are also citizens at least while they do not dissociate themselves from their nationality). Portugal currently has more than 10 million inhabitants.
- b) A Territory** - a people is not enough, a territory is required. Portugal has territory on the European continent (western part of the Iberian Peninsula) and on the adjacent islands (Azores and Madeira). It was different in the past - the country had an empire.
- c) Sovereign Bodies** - a State is only constituted when the people and territory are accompanied by bodies wielding power that are not subject to another State, and are thus independent.

Whenever these conditions are met, we have a State. But this State may not be under the rule of law, it may be a totalitarian or an authoritarian state.

Today, this concept of state, although well-known and active, is in crisis, especially with regard to the element of sovereignty, through the various types of dependencies at the international level.



..... BECAUSE WE ARE AN INDEPENDENT NATION!!!

IS THIS THE WRONG TIME?

### 3. RULE OF LAW

The Portuguese state is under the rule of law, i.e. a state with a Constitution, a fundamental statute which establishes that all citizens are free and equal and enjoy a wide range of fundamental rights and that political power is separate and not concentrated.

The Rule of Law differs from other state models by placing citizens first and endowing them with rights and duties and accepting the principle of separation of powers.

The power to make laws rests with the Assembly of the Republic, a body elected by the citizens and, when the Government also legislates, the Assembly of the Republic also has the last word on these laws.

A State is only under the rule of law only if it is based on fundamental rights - it rests on the recognition of citizens' fundamental rights.

A State under the rule of law must also be based on the principle of separation of powers, which means that power is not concentrated in a single person or entity.



HOW RESTFUL...

LEGISLATIVE POWER

EXECUTIVE POWER

JUDICIAL POWER

ASSEMBLY OF THE REPUBLIC

GOVERNMENT

COURTS

In Portugal, the legislative power essentially rests with the Assembly of the Republic. Executive power belongs to the Government and to the extensive machinery that depends on it, the National Public Administration. Judicial power belongs to the courts.

This is the so-called horizontal separation of powers: legislative, executive and judicial.

But there is also vertical separation of powers, which means that power is distributed in such a way that local matters (or matters that can be solved locally) are decided by parishes and municipalities, regional matters by regions (in Portugal, this only applies to the Azores and Madeira) and national matters by the Government of the Republic.

#### **4. BODIES OF NATIONAL SOVEREIGNTY**

##### **PRESIDENT OF THE REPUBLIC**

The President of the Republic represents the Portuguese Republic, guarantees the unity of the State and the defence of the nation and ensures that the institutions function properly. The President does not have the power to legislate or govern and certainly not to judge.

The President is elected by the universal, direct and secret suffrage of the Portuguese citizens registered in the national territory and those living abroad when they have ties with the national community. Only citizens with Portuguese nationality from birth aged more than 35 can apply to be President of the Republic.

The application must be signed by at least 7 500 voters and a maximum of 15 000 voters. The term of office is five years, renewable once only.

To be elected, the presidential candidate needs an absolute majority of the votes, otherwise the two candidates with most votes will take part in a second round.

##### **ASSEMBLY OF THE REPUBLIC**

The Parliament in Portugal goes by the name of the Assembly of the Republic. It is the representative body of all citizens and is responsible, as the highest power, for legislating and for modifying the Constitution, within certain limits, by a two-thirds majority of the deputies.

The Assembly of the Republic also has power of oversight of the executive and, if a no-confidence vote is passed by an absolute majority of serving deputies, the Government falls.

The Assembly of the Republic currently consists of 230 deputies, although the Constitution allows this number be reduced to 180.

The mandate of the deputies of the Assembly of the Republic is four years, after which new elections are held.

##### **GOVERNMENT**

The Government is the executive body and its main purpose, as the name indicates, is to govern the country.

The Government consists of a Prime Minister and Ministers. There may be Deputy Prime Ministers, Secretaries and Under-secretaries of State.

The Constitution also grants the Government the power to legislate, through decree-laws, although the final words rests with the Assembly of the Republic, if it does not agree with them.

The Government is mainly the highest body of the Public Administration.

## COURTS

The Rule of Law requires independent and impartial courts for the administration of justice. Citizens have a right of access to the courts when they need them, for the defence of their legitimate rights and interests.

For the Rule of Law to function properly, it is important for the courts to take decisions of good quality in a timely manner.



HAS ANYBODY SEEN MY HAMMER???

## 5. CRP - CONSTITUTION OF THE PORTUGUESE REPUBLIC

It is proper for a state under the Rule of Law to have a written constitution, which is a fundamental law, generally approved by qualified majority, which can also only be amended by a qualified majority law.

The Constitution must be a document of broad consensus in the Democratic State to which it relates, hence its adoption and amendment by a qualified majority (2/3 of the Members of Parliament). It is therefore protected from cyclical majorities, even absolute ones (more than half of Members).

The Constitution of the Portuguese Republic of 1976 was approved by a large majority, much more than 2/3 and amendments to it must also be approved by a majority of at least 2/3 of the serving deputies of the Assembly of the Republic.

Note that once an amendment has been made to the Constitution in Portugal, the next one can only be made after five years, a period which can only be shortened if 4/5 of the deputies decide to allow an extraordinary review.

The fundamental law of a country must: a) indicate the State to which it refers, with a description of its essential elements; b) include a list of the fundamental rights of citizens, the so-called catalogue of fundamental rights; c) establish the political organization of the State and consequent separation of powers (legislative, executive and judicial).

The 1976 Constitution was drawn up by a freely elected Constituent Assembly in the biggest plebiscite in the history of our country, on 25 April 1975. It should be noted that the freely elected deputies at that time were not entirely free to draw up a constitution as they saw fit, due to political-military factors of the era, they had to obey a pact imposed by the Armed Forces Movement (MFA) which granted the latter excessive political powers. These distortions were corrected by the constitutional revisions of 1982 and 1989.

The 1976 Constitution in force today is genuinely democratic. It opens with fundamental principles relating to our country, includes an extensive and appropriate catalogue of fundamental rights, organizes political power based on the principle of separation of powers, both horizontal (legislative, executive and judicial) and vertical (local government) and, in the final part, it provides rules for its revision which are in accordance with democracy.

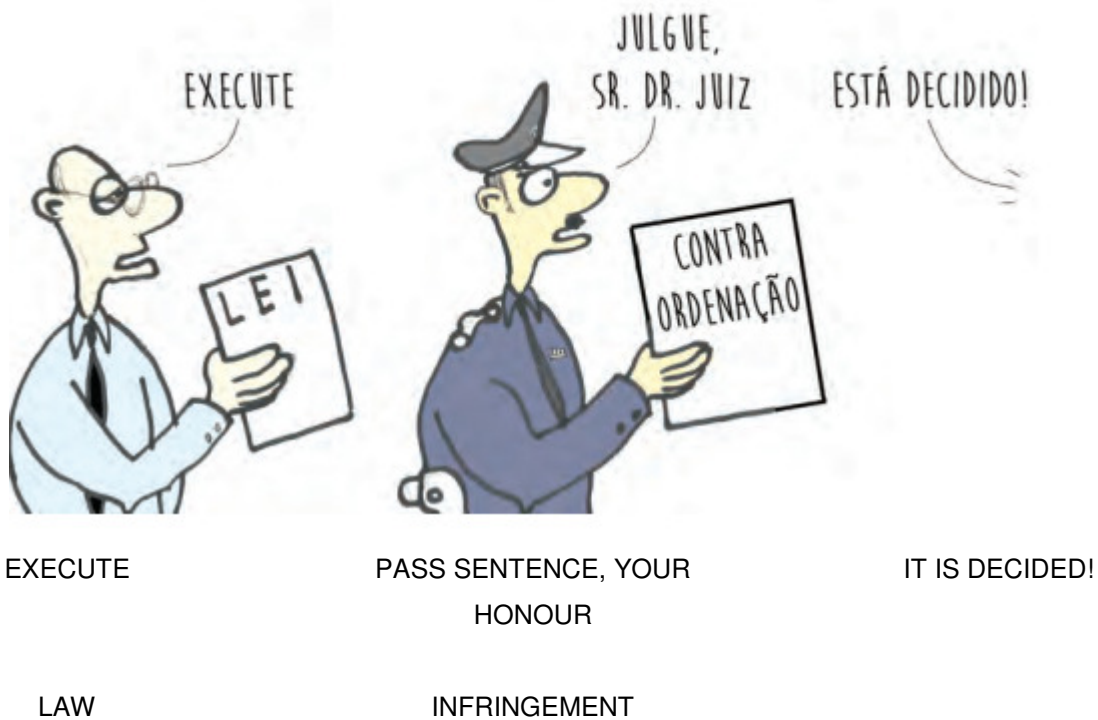


CONSTITUTION

## 6. HORIZONTAL AND VERTICAL SEPARATION OF POWERS

### HORIZONTAL SEPARATION

The separation of powers is an organizational device designed to prevent power from being concentrated in a person or small group of people who would have the power to legislate, execute and judge.



#### a) Legislate

The legislator must have the mandate of the citizens to carry out its task and make laws, so that their application involves all citizens in their formulation. At the same time there are limits to this involvement - respect for the Constitution and the fundamental rights of citizens.

#### b) Execute

Whoever executes the laws has the duty to execute them as they are made and not as they please, because, if they execute them poorly, those who are offended by such execution or deem it unjust, may resort to independent bodies, i.e. the courts, to repair the error. The bodies that execute the laws, first and foremost the bodies of the Public Administration, are thus bound to an essential principle of legality, which means that all their action must uphold the law and rights.

### c) Judge

The courts have a very important function as they have to obey the laws, so they must ensure that their execution is adequate and punish those who do not comply with them. Failure to obey the law is a very common problem and causes conflicts, sometimes between citizens, other times between citizens and the State. The courts are sovereign bodies that must administer justice in the name of the people.

## VERTICAL SEPARATION OF POWERS

In addition to the horizontal separation of powers, reflected in an Assembly of the Republic, a Government and Courts, in the Rule of Law there must also be a vertical separation of powers, i.e. executive power must not only be in the hands of the central government, but also in the hands of local and regional organizations with democratically elected bodies.

In Portugal, these organizations are the parishes and municipalities, although the Constitution also provides for administrative regions in the Continent.



THE VIEWS FROM UP HERE ARE  
BEAUTIFUL  
ASSEMBLY OF THE REPUBLIC  
GOVERNMENT  
FOR RENT

PUBLIC ADMINISTRATION  
(ADMINISTRATIVE REGIONS)  
MUNICIPALITIES  
PARISHES

COURTS  
  
THIS CONTRAPTION IS A  
GENUINE CHALLENGE TO THE  
LAWS OF GRAVITY! ...



In the Azores and Madeira archipelagos, since 1976 there have been regions with broad powers and they are, therefore, called autonomous regions.

The vertical separation of powers fulfils the major role of not placing all important executive power in the hands of the Government but distributing it through various bodies, namely local authorities.

## 7. PARTICIPATORY DEMOCRACY

Democracy is integral to the rule of law.

It is a widely used and often despised word, but the value of democracy is understood very well when it is absent. Its opposite is dictatorship and, thus, deprivation of the liberty of people by preventing them enjoying their fundamental rights.



OK, NOW YOU CAN SAY ANYTHING YOU WANT!

POLITICAL PRISONER

Likewise, there can be a rich and poor concept of democracy. We quickly connect democracy with the will of the people and, as citizens do not all think in the same way, then democracy is the will of the majority expressed in free elections. However, care is required, because democracy is much more than the will of the majority.

Democracy is fundamentally the expression of the idea that all citizens are equal and free and, therefore, deserve the same respect.

Nobody has the right to command his or her fellow man. This power only exists if it is properly assigned by citizens to somebody for a limited period. Whoever receives the power to command does not own it, they are servants of the people who granted the power.



MY VOTE IS VERY IMPORTANT TO ME! I'LL LEND  
IT YOU FOR 4 YEARS, EVEN SO ...

Moreover, this power does not entitle its holders to trample on their fellow-men. The majority does not have the power to turn a democracy into a dictatorship. It may do so because a people may make mistakes, which is the price of liberty, but when a people behaves like that and authority is granted to violate the fundamental rights of one's fellow man, democracy dies and the resulting regime is neither democratic nor free and can and must be combated in the name of the dignity of the human person and of democracy.

The basis of democracy is, in fact, respect for others, so the will of the majority cannot violate the fundamental rights of other citizens. When that happens, decisions will no longer be democratic but dictatorial.

In fact, democracies, at least some, have checks and balances against such decisions, through the possibility of appeal to the Constitutional Court. The purpose of that court is to restore respect for the Constitution and, thus, for fundamental rights and democracy.

But when the decisions of the majority are so severe that they fail to secure fundamental rights, for example by persecuting those who oppose the established authorities, then democracy is finished.

In Portugal, just over 42 years ago, political parties were banned and there was a police force with responsibility for prosecuting those who criticized the regime of the time. It should be borne in mind that it is integral to democracy that there be organizations to express the diversity of citizens' opinions. These are political parties and other similar organizations.



FREEDOM

DEMOCRACY

WE'VE GOT ONE, BOSS! AND HE'S GOT

DEMOCRACY UNDER HIS ARM!!!

## HOW DEMOCRACY IS EXERCISED

### DIRECT DEMOCRACY

The will of the people can be expressed in many ways, one of the oldest being direct democracy, without intermediaries, which assumes that all citizens of a community are called to debate and decide, namely for the purpose of making laws.

It is easy to see that this form of democracy cannot be practised where there is a large number of citizens, who are to be brought together in a certain place. It is reserved for small communities, particularly at local level.

It also tends to favour the preponderance of emotion over reason.



HEY, I'M THE BOSS!

NO, I'M THE BOSS!

EVERY YEAR ALWAYS THE SAME  
THING ... WE REALLY NEED TO  
IMPLEMENT REPRESENTATIVE  
DEMOCRACY...

## REPRESENTATIVE DEMOCRACY

For large communities, often involving millions of people, citizens choose representatives who then make decisions in parliament on their behalf.

Representative democracy has, however, been strongly criticized. It is said representative democracy causes citizens to be despised and lose their freedom.

As long ago as the 18th century, J.J. Rousseau wrote in the *Social Contract*, "The people of England regards itself as free; but it is grossly mistaken; it is free only during the election of members of parliament. As soon as they are elected, slavery overtakes it, and it is nothing."

Indeed, once elected, the representatives (deputies at national level or councillors at local level) decide and the citizens obey, while they wait for new elections to regain their freedom, their power. How can we oppose this and enable citizens to express their wishes regularly and not only when there are elections?



SO A VOTE IS LIKE A YOGURT, IT HAS A SHELF LIFE!

## PARTICIPATORY DEMOCRACY

This problem is addressed by participatory democracy, which contrasts with representative democracy.

However, if we understand participatory democracy, as we should, as the participation of citizens in political life, it is not in opposition to representative democracy, but complements and enriches it.

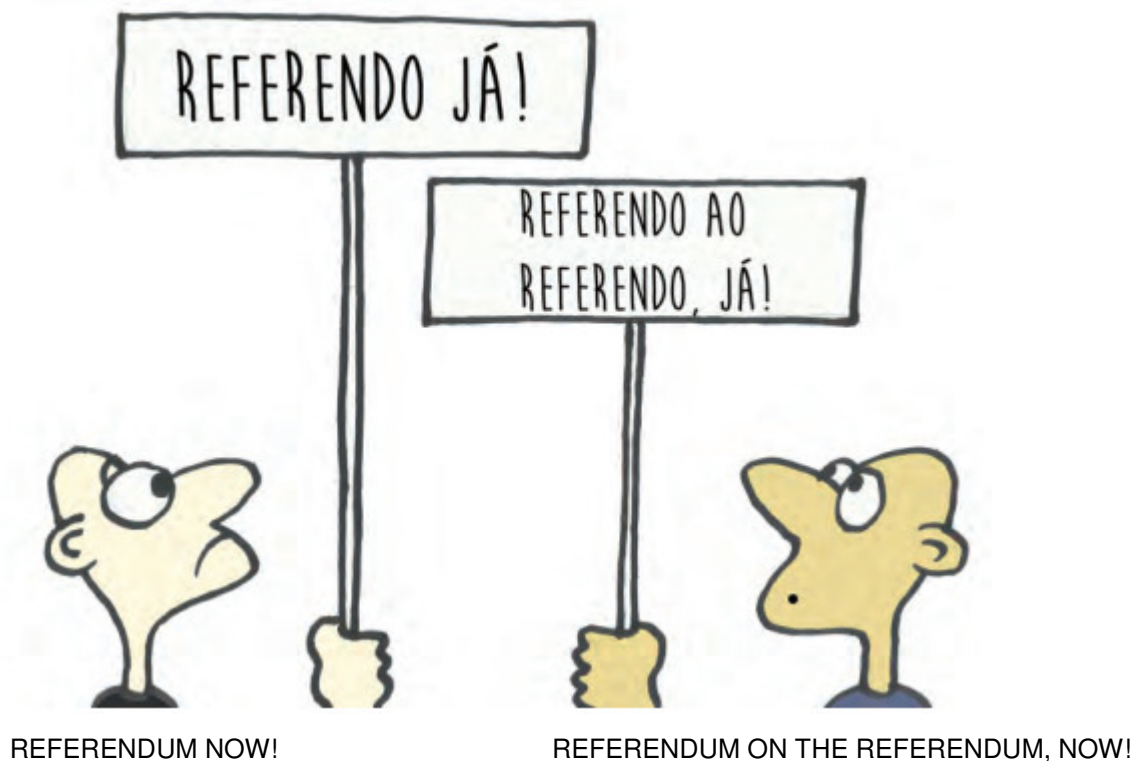
What is involved is the promotion of active citizenship and the requirement that elected representatives account for their work and canvass the opinions of the voters.

Citizens, in a participatory democracy, are active and do not wait patiently for four years to evaluate the work of their representatives.

It should also be noted that participatory democracy is also important in direct democracy, since it may well happen that, when voters are called to deliberate, they do not appear and thus debate and deliberation fall into the hands of the few. It is not by chance that in Portugal, where direct democracy is used in parishes of fewer than 150 voters, the law determines that they cannot function if at least 10% of voters are not present. Participation is necessary in direct and representative democracy.

## REFERENDUMS

It is important to mention referendums as a way of exercising democracy. In referendums, at local, regional or state level, all voters are called to decide directly, by responding to a question that is put to them and duly discussed.



In Portugal, the practice of and participation in referendums is very limited, reflecting to an extent the very low level of political participation in Portugal. While a constant rush to referendums is not desirable, it is also unhealthy to use this instrument of democracy so infrequently.





## CHAPTER II

# LOCAL DEMOCRACY

---



local authorities





Local government, especially municipal councils, is older than the central or state administration.

Even before the formation of states, the problems of local communities needed solving, whether they were smaller cities or communities - for obvious reasons: community life required problems of common interest to be solved within the communities because communications were extremely difficult.

The creation of municipalities was one of the solutions for addressing the problems of these communities, which eventually covered the whole country, with the support of the King.

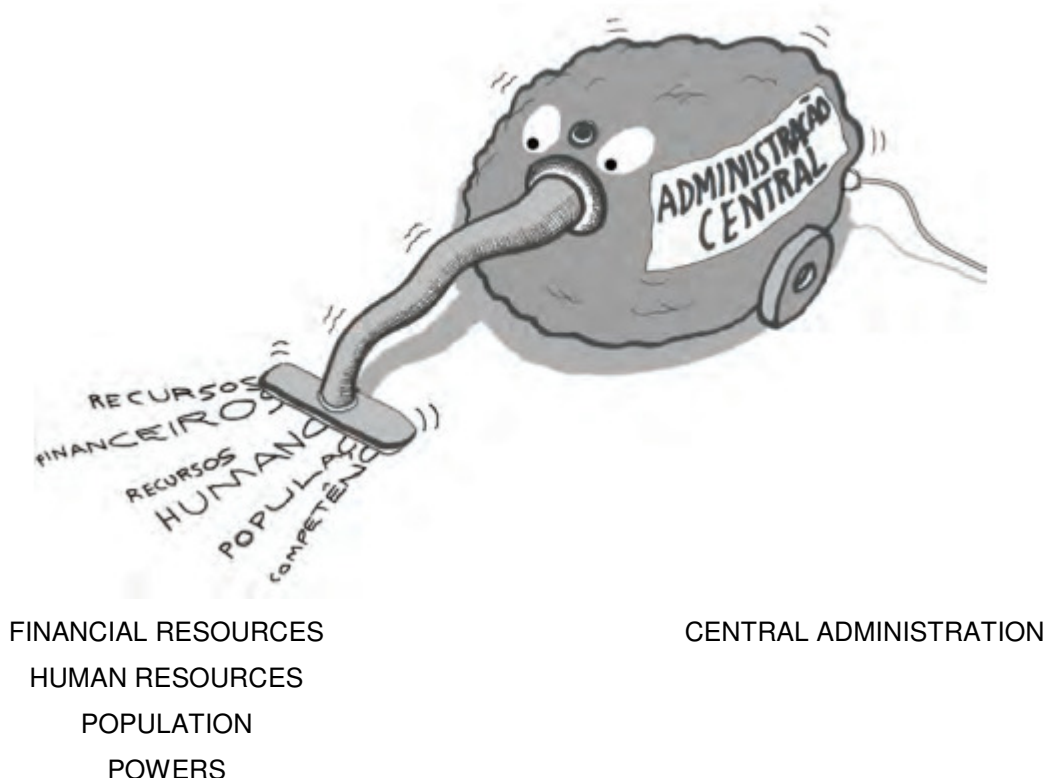
However, the rule of the King and with it the construction of an increasingly strong central administration undermined local, especially municipal, powers.

The establishment of the State and its central administration happened progressively, linked to easier communications by land (road) or sea. Later, this central administration was facilitated by rail, car and air. The role of new technologies today should also be noted.

The state administration underwent significant growth and eventually supplanted the local administration in human and financial resources, until it reached its current levels.

Along the way the absolutist state fell and the liberal state emerged in the 19th century, but it was a very long way from giving up power to local communities.

It was - and has been - a long journey and a long struggle by local communities to assert their right to solve local problems directly or through bodies elected by their residents.



This is a parallel path to that of establishing democracy as we know it today, based on the fundamental rights of citizens and the horizontal and vertical separation of powers.

This democracy, at the same time national, local and regional, was consolidated in Europe after the Second World War and in Portugal after the Revolution of April 1974 and the approval of the 1976 Constitution.

The approval and subsequent entry into force of the European Charter of Local Self-Government in 1985 was also of great importance at local level.

In Portugal, the local bodies that were consolidated were municipalities and parishes, so we shall address them, as the administrative regions provided in the Constitution for the mainland were not yet established.

First a few words on the difference between the current period, beginning with the first elections to municipal councils and parishes, on 12 December, 1976, and the immediately preceding period of the New State, regulated by the 1933 Constitution and the 1936 Administrative Code, revised in 1940. At that time, there were no elections for local council presidents as they and the vice-president were appointed by the Government. Councillors, in turn, were chosen by a body called the "municipal committee" that was not chosen by free elections. For the parishes, there was an election for the president of the council, but only heads of families (as a rule, men) considered eligible by the regime could participate. There was, therefore, a limited number of voters and parties were banned.

The democratic system brought duly supervised, free and proper elections to our country in 1976.

ALGURES, ANTES DO 25 DE ABRIL DE 1974...



SOMEWHERE IN PORTUGAL, BEFORE 25 APRIL, 1974 ...

DAD, LOOK! A UFO !!!

NO SON. IT'S THE NEW  
COUNCILLOR...

The municipalities and parishes are what the Constitution calls "local authorities", i.e. local communities with a defined territory, population and elected bodies.

The territory is a fragment of the national territory, duly delimited (administrative district), generally continuous, that is used to define the respective population of the municipality or parish.

The population consists of the residents in the territory of the municipality or the parish.

It is not, in fact, place of birth that makes a person a member of a local authority, but Portuguese nationality together with residence.

However, it should be borne in mind that foreign residents may also be members of a local authority. This is particularly the case for natives of the European Union and Portuguese-speaking countries under the terms provided for by law.

The representative bodies of municipalities and parishes are chosen by elections and have different names. In the municipality, it is the municipal assembly and the municipal council, in the parish, the parish assembly and the parish council. There is also, in the municipality, a directly elected president of the council while the parish has a president of the parish council, also directly elected.

We will address each of these bodies separately, starting with the municipalities, given their importance in terms of human and financial resources.



## CHAPTER III

# MUNICIPALITIES



MUNICIPAL COUNCIL



The municipalities in Portugal were formed throughout our history, especially during the Middle Ages, and by the time liberalism arrived in 1820, there were more than 800, covering the whole country.

In 1836, a thorough reorganization of municipal boundaries took place in order to reduce their numbers, especially in mainland Portugal, because some municipalities were so small that they did not have enough territory or population to be viable.

This reform also created new municipalities as some were too large.



THIS REMINDS ME OF SOMETHING!...  
MIGHT IT BE THE TROIKA?...

The number then dropped to a few more than 350 and throughout the 19th century it declined further. Currently, the total number of municipalities on the mainland and islands is 308.

## 1. MUNICIPAL ORGANIZATIONS

The municipal assembly (deliberative body), the municipal council (executive body) and the council president are the representative bodies of the municipality. We have a very particular system for choosing the members of these bodies which is different from that of the parishes, as we shall see.



a) Municipal assembly

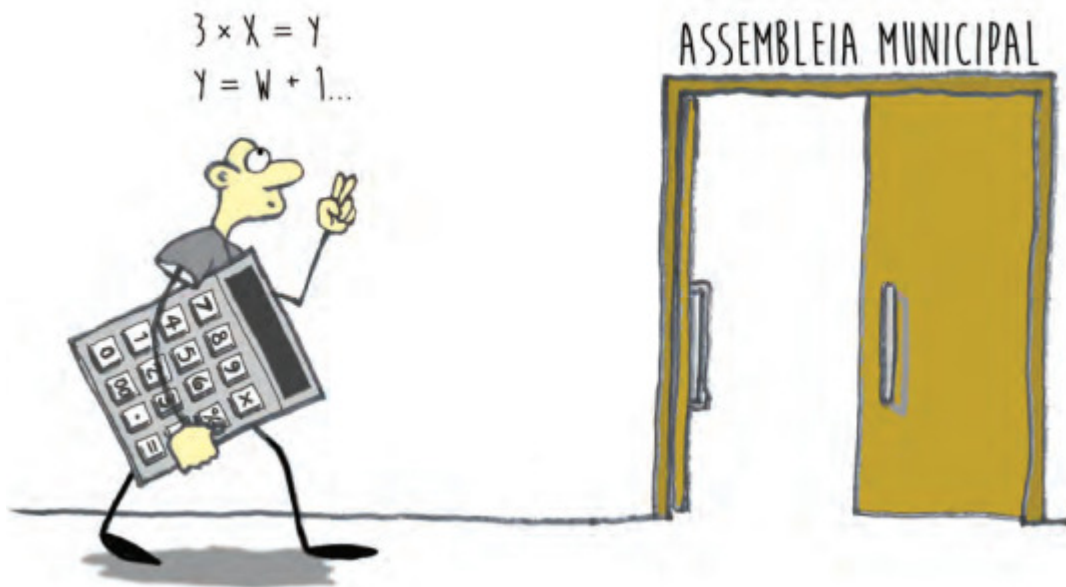
The municipal assembly is a body whose members are citizens directly elected by the population and the presidents of the parish councils of the municipality in question.

There are two fundamental rules to be observed in the composition of this body: first, the number of directly elected members must be at least three times the number of members of the respective council. Second, the number of directly elected members must always be higher than the number of parish council presidents.

Applying these rules, the number of members of the municipal assembly of a municipality is obtained by multiplying the number of members of the respective council (this depends on the size of the population) by three and adding all the presidents of the parish councils in the municipality.

This is what happens in the vast majority of municipalities (243 of the 308 currently in Portugal) and is the case in Valongo. In this municipality, as the municipal council has nine members, the number of directly elected members is 27, plus the four presidents of the parish councils in the district. The total number of members of the Municipal Assembly of Valongo is therefore 31.

In municipalities where the number of parish council presidents is very high, the number of directly elected members is increased, so that it is higher than the number of parish council presidents. This is the case in the Municipality of Penafiel. In this municipality, the number of directly elected members should be 27, as it has nine councillors (3x9), but, as it has 28 parishes, the number of directly elected members is 29 and is thus higher than the number of parish council presidents. The total number of members of the Municipal Assembly is therefore 57.



MUNICIPAL ASSEMBLY

The municipal assembly is a type of local parliament (its members, moreover, are currently designated by municipal deputies) with powers of deliberation and supervision of the executive body of the municipality.

This body meets five times a year (February, April, June, September and November or December) and extraordinary meetings may also be called. Assembly meetings are public.

#### **b) Municipal council**

The municipal council is directly elected by the d'Hondt proportional method and consists of a president, who is listed candidate gaining most votes, plus an even number of councillors, varying in proportion to the number of voters. Municipalities with 10,000 or fewer voters have four councillors; those with more than 10,000 and fewer than 50,000 have six councillors; those with more than 50,000 voters and fewer than 100,000 voters have eight councillors and those with more than 100,000 voters have ten councillors. The Municipalities of Lisbon and Porto, as provided in law and for historical reasons, have 16 and 12 councillors, respectively.

The municipal council is the executive body of the municipality although it does not really resemble a government. Indeed, as the council is elected directly by the citizens by proportional representation, it may - and sometimes does - happen that the party or movement of citizens for which the president was elected is in the minority



I WANT A PORTFOLIO TOO!  
MUNICIPAL COUNCIL

Among the councillors, however, it is necessary to distinguish those who hold portfolios and are therefore part of the municipal government from the others.

The most demanding tasks in the municipal sphere are, in fact, carried out by the president and the councillors with portfolio, who are, within the council, a more homogeneous nucleus and the true centre of the activity of the body.

The municipal council has an ordinary meeting that must be weekly or fortnightly, as may be deemed suitable. Meetings of the council are not necessarily public, but there must be at least one public meeting per month.

### **c) President of the municipal council**

The president is the listed candidate receiving most votes for the municipal elections and, although the role is not provided for in the Constitution or in the law as a municipal entity, it is, in fact, a true municipal entity, given its powers, as we shall see below.

The president of the council participates fully in the municipal assembly, but without a voting right. S/he represents the municipal council.

## **2. MUNICIPAL POWERS AND DUTIES**

The tasks of the municipalities are those that they can and must develop for the good of their populations and their competencies are the powers that the various bodies have to carry out such tasks.

The municipalities are responsible for the most substantial part of local authority administration in Portugal. This must be understood taking into account, on the one hand, that there is no supra-municipal territorial level of governance (administrative regions do not exist) and, on the other, that the sub-municipal level - the parish - has very particular characteristics and is entrusted with relatively simple tasks.



I ALWAYS HEARD IT SAID THAT THE TRUTH IS SOMEWHERE IN THE MIDDLE  
REGIONS PARISHES

In fact, the parish is a light administrative structure that seeks to solve local problems not requiring major technical and financial means.

Among the attributions of the municipality are, of course, those relating to planning, a matter that is of the greatest interest to the local community, as it determines a better or worse quality of public life.



VERY BEAUTIFUL AREA!  
HOW DO YOU DO IT?

IT IS THE WORK OF THE COUNCIL, THE MUNICIPAL  
ASSEMBLY AND ITS CITIZENS!

Municipalities have always been involved in the construction, repair and improvement of roads, schools, social housing, libraries and other cultural facilities and, more recently, leisure centres, swimming pools, car parks, waste water treatment plants, and others.

Another particularly relevant area of municipal activity is the provision of services. These include, as a rule, water supply, refuse collection, energy supply, street lighting, urban transport, consumer protection, Internet access, environmental protection, civil protection, fire service, school and other social transport and action.



CENTRAL ADMINISTRATION

WITH SO MANY SERVICES PROVIDED BY THE  
COUNCIL WE ALMOST DON'T NEED A  
GOVERNMENT ...

Finally, another sector that is traditionally part of municipal administration is the regulation of activities that may endanger public life in terms of safety, comfort and health.

Currently, municipalities are carrying out important tasks in the areas of education, health and social action.

#### **a) Powers of the municipal assembly**

The powers of the municipal assembly include the power to approve municipal regulations in a wide range of issues, approving the municipal budget and accounts and taking out loans. These are deliberative powers.

The assembly also has the power of oversight over the council, which may go as far as approving votes of no-confidence, although even if approved these do not trigger, under current law, the fall of the council.



ARE YOU GOING TO APPROVE THE BUDGET?

I SHOULD HAVE ASKED MY WIFE...

BUDGET

#### **b) Powers of the municipal council**

The municipal council has an extensive list of powers which, in principle, should be exercised, in accordance with the law, by the body functioning as a collegiate entity. Nevertheless, the law allows many of those powers to be delegated to the president, which often happens when the latter has a majority.

Among the powers that the council exercises as a collegiate entity are those of presenting proposals to the municipal assembly for it to deliberate.

And, indeed, once the deliberations of the assembly have been approved, they need to be executed, which falls under the remit of the council.

### c) Powers of the president of the municipal council

The president today occupies the key role within the council and is the person that citizens tend to consider to be responsible for all the good or bad that happens in the municipality.

In particular, the president is responsible for directing this executive body, representing the municipality and managing its human resources.

## 3. MUNICIPAL FINANCES

The municipalities need, on the one hand, sufficient financial means to carry out their duties and, on the other hand, the freedom to manage them. Freedom of management is reflected not only in the preparation, approval and modification of municipal budgets and business plans, but also in spending without third party authorization.

The law contains an extensive list of municipal revenues, including a share of State taxes, the collection of municipal taxes and levies, the collection of fees and rates and, finally, loans.



MUNICIPAL REVENUES

RATES AND FEES

LOANS

MUNICIPAL TAXES AND SURTAXES

STATE TAXES

OTHER REVENUES

GOVERNMENT NOTE: MORE POWERS ON THE WAY ...

LOOK, THAT REVENUE SOURCE COMES WITH  
A FREE GIFT! ...

## Municipal Revenues

### a) Proceeds from State taxes

Under local finance laws, municipalities receive significant amounts of state public resources through the State Budget.

This is explained by the fact that money received by the State in taxes must be fairly distributed not only by the central State, but by other entities, including the municipalities.

Thus, they receive a general grant, set by the Financial Equilibrium Fund (FEF), in an amount equal to 19.5% of the simple arithmetic mean of the state revenues from personal income tax (IRS), corporation tax (IRC) and value added tax (VAT).

The Local Finance Law also allocates, through the State Budget, "a specific grant set by the Municipal Social Fund (FSM)". This grant amount "covers expenses related to the powers and duties transferred from central administration to municipalities".

FAZ UMA OMOLETE,  
QUERIDO!

DÁ-ME DINHEIRO PARA  
IR COMPRAR OVOS



MAKE AN OMELETTE, DEAR!

GIVE ME SOME MONEY TO BUY EGGS

### b) Municipal Property Tax (IMI) and Surcharges

Currently, the main tax that benefits the municipality is IMI.

The IMI is a tax levied on the taxable value of agricultural and urban buildings in Portugal.

99% of the IMI on urban property goes to the municipalities (the remaining 1% to parishes, which receive all the IMI on agricultural buildings).

It is the responsibility of the municipal assembly to set the rate to be applied each year to urban buildings within the limits 0.3% to 0.45% set by the law.



The municipalities also receive a portion of the Single Road Tax (IUC) levied on motor vehicles, which replaced the Municipal Vehicle Tax (IMV).



THOSE WHO DRIVE ROUND HERE NEED TO PAY  
FOR THE UPKEEP OF THE ROADS

The local surcharge (*derrama*) is an addition to state corporation tax and is subject to a decision of the municipality that can impose it, up to a maximum of 1.5% on the taxable income of the taxpayers in question.

#### **c) Proceeds of the collection of rates and fees**

Under the law, the municipalities have the right to charge rates and fees.

Municipalities have the right to charge rates, which must be created under the general system of local authority rates and are imposed on "utilities provided to individuals, generated by the activity of the municipalities or resulting from municipal investments". They also charge fees for services rendered.

#### **d) Loans**

Municipalities have the right to raise income through loans, but the law is very careful to avoid excessive local government debt.



## PARTICIPATORY BUDGETING

It is common practice to place a relatively low fraction of municipal revenue provided in the budget in municipal hands, so that residents of the municipality can decide, by vote, how to use the income.

This is an attempt to encourage citizen participation in municipal life and the practice is spreading more and more in our country.

## MUNICIPAL SPENDING

The income received by the municipality is to be used to pay municipal expenses in a wide range of fields, revealed by a glance at a municipal budget: staff costs, maintenance of buildings, loan interest and repayments, civil works, education, health, planning, transport, culture and support for local interest associations.

Spending is calculated every year with a concern for a balance between revenue and expenditure to avoid deficits, which will only happen if the expected revenues are actually collected and the expenses incurred do not go over budget.

Municipal expenditure represents about 1/5 of total public expenditure.



I THINK IT'S GOOD!

LOOK WHO'S TALKING, HE SPENDS MORE THAN HE EARNES!

The international and national crisis forced the country to pay particular attention to municipal indebtedness. This led to strict limits being placed on access to credit and the establishment of means to prevent or resolve situations of financial difficulty.

It should be noted that the total debt of all the Portuguese municipalities in 2016 was 6 billion euros, but decreasing, while national debt stood at around 240 billion euros. Municipal debt thus accounted for around 2.5% of total government debt.



NATIONAL DEBT

ENOUGH SPENDING!!!  
MUNICIPAL DEBT

#### 4. MUNICIPAL STAFF

Under the terms of the Constitution, municipalities have the right to their "own staff, under the terms of the law", recruited, as a rule, by public tender.



ADMINISTRATIVE SECTION

CAN YOU MANAGE COUNCIL WORKS?

WELL, I'VE CHANGED A FEW LIGHT BULBS AT HOME

...

The Portuguese municipalities have workers at their service, amounting to several dozen and very often hundreds or even thousands of people.

The municipalities currently employ just over 100,000 workers, an average of more than 300 per municipality. However, it should be noted that, generally, the number of workers is proportional to the population of the municipality.

To carry out their tasks, municipalities need highly qualified staff and, because of legal and financial difficulties, it has not been possible to recruit staff in recent years. This has led to an ageing workforce and prevented access to the younger generations.

#### 5. MUNICIPAL ADMINISTRATIVE OVERSIGHT

Local autonomy would be severely damaged if the municipalities were subjected to political control over their decisions by requiring the authorization or approval of their acts by the Government for them to act legally.

Regarding Portuguese law, oversight of municipalities is purely a matter of legality, i.e. the Government can only check that the municipalities comply with the Constitution and the law.

Administrative oversight is exercised through inspections, inquiries and investigations.

i. Inspections involve regular checks that the acts and contracts of the bodies and services of the municipalities are lawful.

ii. Inquiries essentially involve checking the legality of specific acts and contracts of the bodies and services in response to well-founded complaints filed by any natural or legal persons or following an inspection.

iii. Investigations involve scrutiny of municipal services when there are serious indications of unlawful acts by bodies and services of such volume and severity that they cannot be investigated as part of an inquiry.



I'VE FOUND A HUGE INFRINGEMENT - OF 0.0001!

WITH ALL DUE RESPECT, YOUR IDEA OF OVERSIGHT IS SOMEWHAT OUT OF DATE.

When municipalities are found to be acting unlawfully, sanctions are applied, with elected representatives losing their mandate if the law has been broken by individual members of municipal agencies or dissolution of the body itself if the law has been broken by one of its decisions. Only the courts can enforce such penalties.

In financial matters, control by the Court of Auditors is very important.

Note that local elected representatives can be removed from office not only as a result of the oversight law, but if they perpetrate crimes in the exercise of their duties.

## 6. MUNICIPAL OPPOSITION

Democracy does not function properly without opposition, the purpose of which is to hold those who govern to account and to present alternatives, especially during election periods.



THERE CAN BE NO DEMOCRACY WITHOUT  
OPPOSITION!

I'D GO FURTHER: WITHOUT DEMOCRACY THERE IS  
NO OPPOSITION!

Our law guarantees minorities (minorities are the opposition) the right to establish and exercise a democratic opposition.

In general, opposition means monitoring, supervising and criticizing the political tendencies of the executive bodies of local authorities of a representative nature.

Political parties and groups of elected citizens, represented in municipal assemblies, exercise the right of opposition to the corresponding executives (municipal councils) of which they are not members.

The holders of the right of opposition have the right to be regularly and directly informed by the corresponding executive bodies about progress in the main matters of public interest related to their activity.

They also have the right to be heard on draft municipal budgets and business plans.

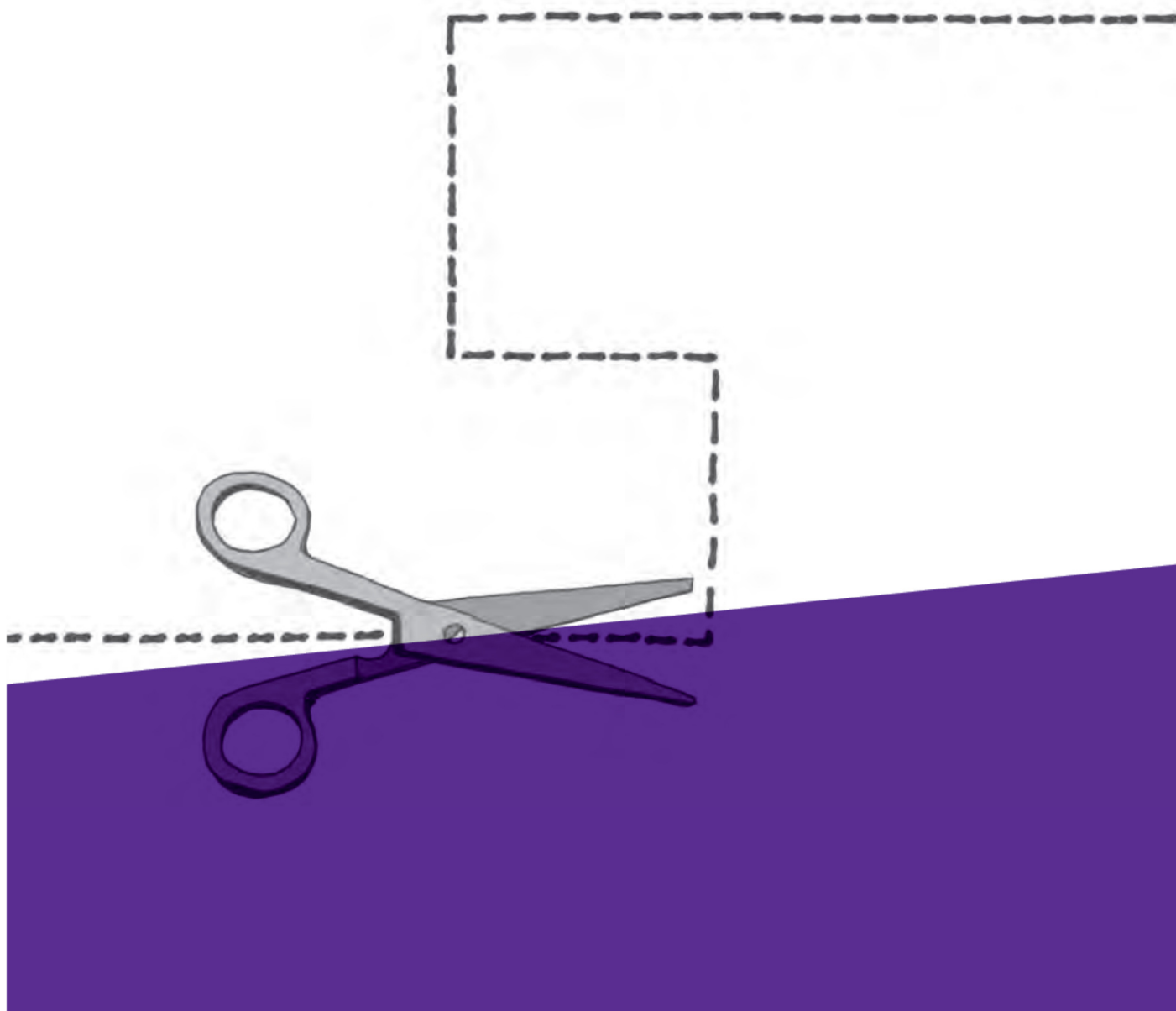
Opposition political parties have the right to speak and act by constitutional and legal means on any matters of relevant public interest, as well as the right to attend and be party to all official acts and activities that, by their nature, justify it.

Municipal councils have a duty to prepare, by the end of March of the year following the year of reference, reports evaluating the degree of compliance with the rights and guarantees contained in the law in force.



## CHAPTER IV

### PARISHES







Parishes entered the Portuguese administrative organization in the nineteenth century by a decree of 1830 which provided for the establishment in each religious parish of a council appointed by residents to take care of matters of local interest.

Accordingly, parishes have their origin in the parishes of the Catholic Church, at the time the official religion of the State, then numbering more than 4,000.

Since then, the parishes have had their ups and downs and there have been occasions (1892) when it was thought they would be abolished due to financial crises. However, this never happened, because it was understood that parishes were deeply rooted in the country's customs and addressed a real public need.

Note that, unlike the municipalities, until very recently there has been no root and branch reorganization of parish boundaries.

Significant parish reorganization did not take place until 2013, when a controversial reform proposed by the Government and enacted by the Assembly of the Republic reduced their number from 4,259 to 3,091. This was an attempt to meet the requirements of the International Monetary Fund (IMF), the European Commission and the European Central Bank to finance our country in a crisis situation.



The parishes are the closest bodies to citizens. They are always smaller than municipalities and almost always occupy a small part of the municipal territory. There are, however, six current single-parish municipalities.

Minister Rodrigues Sampaio, in the nineteenth century, described the parishes as follows: "The municipality is not a natural association. After the family, which the State did not create, but found already established, we have an association almost as natural as the family, which the law could not suppress without violating the nature of things - this is the parish" (excerpt from the report that accompanied the 1878 Administrative Code).

## **1. ORGANIZATION OPERATION OF THE PARISHES**

### **PARISH BODIES**

Under the law, the parish bodies are the parish assembly and the parish council plus the president of the parish council.

#### **a) Parish assembly**

The parish assembly - often forgotten - is elected every four years by direct and secret universal suffrage of registered voters residing in the parish area, under the d'Hondt proportional representation method.

The membership of the parish assembly takes account of the number of voters - seven for parishes with up to 1,000 voters, nine for parishes with more than 1,000 voters, 13 for more than 5,000 voters and 19 for more than 20,000 voters. For parishes with more than 30,000 voters, the 19 members are increased by one member per additional 10,000 voters. The Parish Assembly of Ermesinde, for example, has 21 members.

The assembly has a board to direct the work consisting of a president, a first and a second secretary elected by secret ballot of the members.

It meets four times in ordinary sessions (April, June, September and November or December) and may also hold extraordinary meetings at the initiative of the board and at the request of the president of the council, of 1/3 of its members or of a certain number of registered voters in the constituency, under the law.

The parish council must be represented in the assembly meetings by the president or his/her legal delegate. The members of the parish council must also attend the meetings. Parish assembly meetings are public and there must be a period for public involvement.

The assembly is responsible for the main decisions regarding the parish and for supervising the activity of the parish council.

For very small parishes (up to 150 voters) the law provides, instead of the assembly, for a plenary of registered voters consisting of all the voters of the parish. Under the recent reorganization, which reduced the number of parishes, these plenaries practically disappeared in mainland Portugal although they still exist in the autonomous regions, where there was no reorganization of the parishes.

#### **b) Parish Council**

The parish council consists of a directly elected president and councillors and is the executive body of the parish. The number of councillors varies with the number of voters, two in parishes with fewer than 5,000 voters, four in parishes with 5,000 voters or more and six in parishes with 20,000 voters or more.

Councillors are elected by the parish assembly or by the plenary of registered voters, always as proposed by the president of the board.

The parish council ordinarily meets at least once a month.



I WOULD BE A GOOD COUNCILLOR...

I'M ALWAYS ADVISING PEOPLE!

#### **c) President of the parish council**

The president of the parish council is the candidate receiving most votes for the parish assembly.

The Constitution and the law do not establish the role of president of the board as a parish entity, but it must be considered as such, given the important powers attached to the role.

## 2. PARISH POWERS AND DUTIES

Parish activity is much less extensive and complex than municipal activity.

The parishes are structured to resolve neighbourhood problems without great technical complexity and the parishes have limited financial and human resources (some don't employ their own staff). The large parishes are an exception to this tendency, but more in terms of their relatively greater staff numbers and financial resources than by their powers and duties.

Here there is a clear distinction between parish and municipal areas of action. Issues of greater complexity, involving higher costs, are addressed by the municipalities; others, related to neighbourhood relations, come under the remit of the parishes. This does not mean, however, that there is little for the parishes to do in the area of administrative activity, as everything of interest to their populations merits their attention. They are only prevented from engaging in tasks that are expressly regulated and assigned by law to other public entities, namely the municipalities.



HE WOULD BE AN EXCELLENT PARISH COUNCIL PRESIDENT! HE'S A VERY GOOD LISTENER!...

### a) Parish assembly

The parish assembly is responsible for approving, at the proposal of the parish council, the plan options and the draft budget and regulations and for approving all parish fees and rates and setting their amounts.

The parish assembly has the power to authorize parish council borrowing and is responsible for deciding on the creation and reorganization of parish services.

It is the job of the parish assembly to monitor and supervise the action of the parish council.

### **b) Parish Council**

The parish council is the executive body and has a close relationship with the assembly. It submits draft budgets and regulations to the assembly and, once they are approved, it executes them. The council has a broad range of powers as part of its ongoing management of the parish.

The law also empowers the parish council to delegate a large number of powers that are part of its remit, to its president. This reinforces the power of the president of the parish council.

### **c) President of the parish council**

The president of the parish council is responsible for representing the parish and for convening, opening and closing parish council meetings.

The president of the parish council also assigns roles to the other members of the parish council and delegates his / her in cases of absence and incapacity.

The president has a key role in parish management.

## **3. PARISH FINANCES**

Although parish financial affairs are regulated by the same law that regulates municipal finances, as mentioned above, this does not mean that parishes and municipalities have the same financial status. The municipalities have much greater financial power.

The parishes have revenues from various sources, established by successive local finance laws.

Parish revenues include all of the proceeds of the municipal property tax (IMI) from agricultural buildings (the lowest valued property), and a 1% grant of IMI revenues from urban buildings. The remaining 99% goes to the municipalities.



WE NEED TO INCREASE  
OUR IMI REVENUES

DO YOU KNOW HOW TO  
CONVERT URBAN  
BUILDINGS TO  
AGRICULTURAL  
BUILDINGS?

URBAN BUILDING

URBAN BUILDING

It should also be emphasized that parish revenues also include a grant from the State. Parishes have the right to a "share of State taxes" amounting to 2% of the simple arithmetic mean of personal and corporate income tax and VAT, known as the Financing Fund of Parishes (FFF).

As we have seen, the municipalities receive 19.5%, which clearly shows the marked difference.

The parishes also have other revenues, such as income from parish markets and cemeteries; the proceeds of fines and penalties set by law, regulation or local code falling under their remit; income from parish-owned and managed movable or immovable assets; the proceeds of short-term loans; other revenues established by law or regulation for parishes.

The system for access to credit and rules governing parish indebtedness are highly restrictive.

#### 4. PARISH STAFF

In matters of staffing there is also clear indication of the status of the parish in our administrative model.

It is important to note that our current parishes employ about 10,000 staff, an average of around two per parish.

However, note that there are urban parishes with dozens of employees and hundreds of parishes with no employees at all.

This can only be understood in terms of the operation of the parish in our legal system, i.e. it is a light structure based primarily on voluntary work - primarily the work of its elected representatives.



PARISH COUNCIL  
NOW RECRUITING...  
VOLUNTEERS ONLY

## 5. PARISH ADMINISTRATIVE OVERSIGHT

Parish autonomy requires that Government control over them is limited to checking that they act within the law, as with the municipalities.

The means of control are the same as for the municipality, namely inspection, inquiry and investigation as described above.

The penalties provided for unlawful acts are decreed, as with municipalities, only by the administrative courts, in response to actions filed by the Public Prosecutor, by any of the bodies to which the party against whom the claim is made belongs or by anyone with a direct interest in filing an action.

Note that locally elected representatives may also be removed from office not under the oversight law, but for the perpetration of crimes. These include serious violations of the law, the most obvious of which is corruption.

## 6. PARISH OPPOSITION

Opposition involves challenging the actions of those who govern and in the parishes it follows similar rules to opposition in municipalities.

In smaller parishes, opposition is often rooted in matters of a personal rather than party political nature.

As happens in the municipalities, with the president of the municipal council, the main target of criticism in the parishes is the president of the board.

The opposition is also responsible for presenting, every four years, lists for an alternative government in the parish.



MY DARLING

PARISHES;



## **7. RESIDENTS ORGANIZATIONS**

The Constitution also provides for the establishment of residents' associations in parishes to promote the participation of the population in addressing problems that affect them.

These organizations, which were highly prominent in the first years of democracy, are much less active today.





## CHAPTER V

### INTERMUNICIPAL ORGANIZATIONS





The political-administrative problems to be addressed in the country do not exist solely at local level (parishes and municipalities), but also at supra-municipal level, where they demand greater space to be solved.

It should be noted that, throughout our political-administrative history, from liberalism onwards, the law has always provided a supra-municipal level of administration. This level was almost always the district (created in 1835), although from time to time the province appeared in its place.

The 1976 Constitution, judging that the districts were not of adequate size, provided for their replacement by administrative regions but these have so far not been created due to various difficulties.

The lack of this regional level and the existence of supra-municipal problems explain the advent of intermunicipal bodies, which are not set forth in the Constitution.

We have two types of intermunicipal entities: metropolitan areas and intermunicipal communities.

## 1. THE METROPOLITAN AREAS OF PORTO AND LISBON

In Portugal, there are two undisputed metropolitan areas: Porto and Lisbon.

Metropolitan areas are densely populated urban centres with serious problems to be addressed, namely transport, city planning, environment, education, basic sanitation, energy and health. They therefore need bodies that are alert and able to solve, or assist with solving, such problems.



DIDN'T WE DECIDE TO PUT THE ROAD THROUGH HERE???

The Lisbon Metropolitan Area consists of the following municipalities: Amadora, Cascais, Lisboa, Loures, Mafra, Odivelas, Oeiras, Sintra, Vila Franca de Xira, Alcochete, Almada, Barreiro, Moita, Montijo, Palmela, Seixal, Sesimbra and Setúbal. These 18 municipalities have a population in excess of 2,800,000 inhabitants and occupy an area of 3015 km<sup>2</sup>.

Meanwhile, the Metropolitan Area of Porto consists of the following municipalities: Arouca, Espinho, Gondomar, Maia, Matosinhos, Oliveira de Azeméis, Paredes, Porto, Póvoa de Varzim, Santa Maria da Feira, Santo Tirso, São João da Madeira, Trofa, Vale de Cambra, Valongo, Vila do Conde and Vila Nova de Gaia. This metropolitan area therefore has 17 municipalities, including Valongo, an about 1,700,000 inhabitants, occupying an area of 2 040 km<sup>2</sup> (the area of mainland Portugal is 89,000 km<sup>2</sup>).

The bodies of the metropolitan areas are the metropolitan council, the metropolitan executive committee and the strategic council for metropolitan development.

The metropolitan council is the deliberative body consisting of the presidents of the municipal councils in the metropolitan area. It has 12 regular annual meetings.

The metropolitan executive committee is the executive body and consists of a first secretary and four metropolitan secretaries elected by a method involving the metropolitan council and the municipal assemblies. It ordinarily meets every fortnight.

The strategic council for metropolitan development is an advisory body consisting of representatives of relevant organizations in the area recommended by the metropolitan council.

## **2. INTERMUNICIPAL COMMUNITIES**

While the metropolitan areas are rigidly defined, with an indication of their constituent municipalities which are not free to enter or leave, the 21 intermunicipal entities, which cover the rest of the country, have a composition set forth in law, but where the municipalities are free to enter and leave. However, while a municipality may choose not to join the community to which it is assigned, it cannot join any other. Similarly, if it wishes to leave this community, it cannot enter another community and is subject to penalties, especially financial.

The intermunicipal communities have a more complex organization than the metropolitan areas, because they have four bodies: the intermunicipal assembly, the intermunicipal council, the intermunicipal executive secretariat and the strategic council for intermunicipal development.

The main difference is that there is an intermunicipal assembly consisting of members of each municipal assembly, varying in number in proportion to the number of voters of each municipality that is a member of the intermunicipal community.

The intermunicipal council consists of the presidents of the municipal councils, as with the metropolitan council.

The intermunicipal executive secretariat has a first secretary and may have up to two inter-municipal secretaries. It also holds fortnightly meetings, which are not public.

Finally, intermunicipal communities have a strategic council for intermunicipal development, an advisory body which is parallel to the strategic council for metropolitan development.

Intermunicipal bodies are currently the subject of discussion, so that they can be better organized and run.

They are the vehicle for applying to the European Union for financial resources.





## GLOSSARY OF TERMS

**Metropolitan areas:** intermunicipal bodies consisting of a group of municipalities belonging to a large urban area. There are two: Lisbon and Porto.

**Parish assembly:** see Parish

**Municipal assembly:** see Municipality

**Duties:** tasks that the municipalities and parishes perform for the benefit of the respective populations.

**Councillors:** see Elected Representatives

**Local authorities:** local communities, holders of rights and duties, in a duly delimited area, its resident population and the bodies freely elected by it. These are, currently, the municipalities and the parishes.

**Municipal council:** see **Municipality**

**Citizenship:** the quality of the person holding the fundamental rights and duties conferred and guaranteed by a State under the Rule of Law.

**Powers:** authority that the municipal or parish bodies have to carry out the duties entrusted to them by law.

**Intermunicipal communities:** intermunicipal bodies consisting of a group of municipalities located outside the metropolitan areas, covering the whole of the rest of mainland Portugal.

**Constitution:** fundamental law of a State under the Rule of Law outlining the fundamental rights of citizens and the organization of political power, in accordance with the separation of powers (legislative, executive and judicial).

**Democracy:** form of government based on the equality of all citizens, with fundamental rights and duties, that those in power must respect. The rules of coexistence are determined by the will of the people, expressed in elections or in referendums. Political power is not concentrated but separated (legislative, executive and judicial powers).

**Local democracy:** form of government of local authorities based on the free election of their main bodies.

**Municipal deputy:** see **Municipality**

**Voters:** citizens over the age of 18 on the electoral register who, therefore, have the right and duty to vote.

**Local deputies:** citizens elected to local authority bodies. Also called councillors.

**Intermunicipal organizations:** groupings of municipalities with their own bodies constituted to address matters of supramunicipal interest within an area set by the law. These are the metropolitan areas and intermunicipal communities.

**State:** an entity with sovereign power consisting of a people (the nationals of that State), a territory, which is a defined and delimited territorial area and by sovereign bodies that are not under the power of another State.

**Parish:** local community consisting of the resident population of the parish area, holding rights and duties and having democratically elected bodies (parish assembly, parish council and council president). It is a sub-municipal entity.

**Parish - Parish Assembly:** the deliberative body of the parish consisting of a number of members (minimum of seven) in proportion to the number of voters registered in the parish.

**Parish - Parish council:** executive body of the parish, consisting of a president (the citizen receiving the most votes in the election to the parish assembly) and an even number of members in proportion to the number of voters (at least two), elected by the parish assembly as proposed by the president of the parish council.

**Glossary:** alphabetical list of words with their meanings, at the end of a work. This glossary is short and very simplified, for easy reading.

**Parish council:** see **Parish**

**Absolute majority:** a vote in which half plus one vote was obtained, corresponding to more than 50%. An absolute majority differs from a qualified majority, which requires a higher majority of votes (2/3 or 4/5 for example), and differs from a relative majority, which involves obtaining more votes of the cast, even without reaching an absolute majority.

**No-confidence vote:** criticism of the municipal or parish council, based on a text that is discussed and voted on by the deliberative body.

**Municipality:** community consisting of the resident population of the municipal area, holding rights and duties and having democratically elected bodies (municipal assembly, municipal council and council president).

**Municipality - Municipal assembly:** deliberative body of the municipality, consisting of directly elected members and the presidents of the parish councils of the municipality, with the number of directly elected members being at least triple the number of members of the municipal council and always greater than the number of parish council presidents.

**Municipality - Municipal council:** executive body of the municipality, consisting of a president, who is the candidate on the list receiving the most votes, and an even number of councillors (at least four), also elected directly by the population of the municipality, varying in proportion to the number of voters.

**Municipality - Municipal deputy:** name usually given to the members of the municipal assembly.

**Municipality - Portfolio:** area of activity entrusted to a municipal councillor. Example: councillor with the culture portfolio.

**Municipality - Councillor:** member of the collegiate body of the municipality, known as the municipal council.

**Budget:** document outlining planned revenue and expenditure for a given year (e.g. in a municipality). It must be approved before the beginning of the year to which it relates.

**Participatory budget:** a practice whereby a portion of the revenue of the municipal (or parish) budget is placed in the hands of citizens, so that they can use it as they see fit, through a vote held for this purpose.

**Collegiate body:** centre of power consisting of three or more members (e.g. parish council). It contrasts with an individual entity, which is just a single person (e.g. president of the municipal council).

**Sovereign bodies:** the higher entities of the State. In Portugal these are: the President of the Republic, the Assembly of the Republic, the Government and the Courts.

**Political parties:** voluntary associations of citizens with a similar set of political views, playing an important role in the democratic system.

**Portfolio:** see **Municipality**

**Referendum:** popular consultation through which voters are called to decide a given question directly, by answering "yes" or "no" to a question that is put to them.

**Administrative regions:** local authorities provided in the Constitution for the continent, but not yet created.

**Sovereignty:** right of a State to exercise power in its territory independently of other States. Currently, the notion of state sovereignty is in crisis, as many States belong to international organizations that take away their power and even interfere in the internal life of the state.

**Oversight:** set of State powers to intervene in public bodies to ensure the legality or merit of their action. In Portugal, the oversight of local authorities is merely legal in nature and is performed by the Government in the mainland and by the Regional Government in the autonomous regions.

**Councillor:** see **Municipality**



## REFERENCES

**CRP** - Constitution of the Portuguese Republic

[www.parlamento.pt](http://www.parlamento.pt)

**Basic Legislation of Local Authorities**

Check [www.aedrel.org](http://www.aedrel.org)

**ANMP** - National Association of Portuguese Municipalities

[www.anmp.pt](http://www.anmp.pt)

**ANAFRE** - National Association of Parishes

[www.anafre.pt](http://www.anafre.pt)

**DGAL** - Local Authority Portal

[www.portalautarquico.pt](http://www.portalautarquico.pt)

**AEDREL** - Association of Regional and Local Law Studies

[www.aedrel.org](http://www.aedrel.org)

**ATAM** - Association of Public Administration Employees

[www.atam.pt](http://www.atam.pt)

**Council of Europe**

[www.coe.int/en/](http://www.coe.int/en/)

**Council of Europe - Congress of Local and Regional Authorities**

[http://www.coe.int/t/Congress/default\\_en.asp](http://www.coe.int/t/Congress/default_en.asp) (English)

[http://www.coe.int/t/Congress/default\\_fr.asp](http://www.coe.int/t/Congress/default_fr.asp) (French)

**CEAL** - European Charter of Local Autonomy

Check [www.aedrel.org](http://www.aedrel.org)











WHY?

AH, WE HAVE CITIZENSHIP!...

Published as part of the 180th anniversary celebrations  
 ALFENA – CAMPO – ERMESINDE – SOBRADO – VALONGO  
 VALONGO MUNICIPALITY  
 1836 - 2016

Co-financing



## *CITIZEN OR SUBJECT?*

"THE SUBJECT OBEYS OTHERS CONSCIOUSLY OR UNCONSCIOUSLY,  
 CITIZENS ARE CONSCIOUS  
 THAT THEY ARE THE CENTRE OF POWER  
 AND THEY KNOW HOW TO DRAW THE RIGHT CONCLUSIONS"