

SALAYEA AUTHORIZED COMMUNITY FOREST BY-LAWS

These are the rules and regulations enacted by the Community Assembly, which provide a framework for the operation and management of the Authorized Forest Community, as required by Chapter 4, Section 4.1 (j) of the Community Rights Law of 2009 with Respect to Forest Lands (CRL).

Article I – The Community Assembly: *Membership*

Section 1: *Membership*

Members of the Community Assembly shall be representatives of the towns and independent villages within and nearby the area of forest resources that makes up the Community Forest.

Section 2: *Rights of Membership*

All members of the Community Assembly shall have equal rights to participation and decision-making regarding the work of the Community Assembly. This right shall include, but not be limited to, the right to vote, hold office, attend meetings, participate in discussions, and participate in decision-making.

Section 3: *Election of Community Assembly Members*

Community Assembly members shall be elected by their various constituencies. The election shall be by secret ballots. Elections shall be by a simple majority of attendees of a properly publicized and scheduled general meeting of the community or constituency for the purpose of selecting representatives to the Community Assembly

Section 4: *Tenure of Community Assembly Members*

Members of the Community Assembly will be elected for five (5) year terms, for a maximum number of two (2) terms.

Section 5: Responsibilities of Community Assembly Members

As representatives of the individual towns and villages within or nearby the Community Forest, members of the Community Assembly have a responsibility to:

- (a) Solicit and listen to the concerns and demands of their constituents, with regard to the management of Community Forest resources;
- (b) Faithfully advocate for the interests and expressed wishes of their constituents, with regard to Community Forest resources; and
- (c) Accurately report to their constituents on the proceedings of the Community Assembly, upcoming issues, decisions taken, and any other relevant matter related to the management of Community Forest resources.

Section 6: Removal of Community Assembly Members by Electing Community – Vote of No Confidence

Members of the Community Assembly who are found to be incapable of effectively performing the duties of their office may be removed by a vote of two-thirds (2/3) of attendant community members, at a properly publicized and scheduled general meeting of the community. Prior to such a vote, the member of the Community Assembly shall be informed in writing as to why a vote of no confidence is being taken, and given an opportunity to respond to any charges before the vote is held.

Article II – The Community Assembly: Meetings

Section 1: Regular Community Assembly Meetings

Regular Community Assembly meetings shall be held at least twice a year. At the end of each Regular Community Assembly meeting members shall agree upon the date, location and time of their next meeting

Section 2: *Special Community Assembly Meetings*

The Executive Committee shall call a Special Community Assembly meeting, following submission of a written request by at least one-tenth of the Community Assembly members. The Executive Committee may also call a Special Community Assembly meeting in order to address critical issues arising from the execution of its forest management responsibilities, which requires the urgent attention of the membership. At Special Community Assembly meetings, only those matters stated on the agenda, as included in the notice of the meeting, may be addressed by the membership.

Section 3: *Date, Time and Location of Special Assembly Meetings*

The Executive Committee shall determine when and where Special Community Assembly meetings are to be held. All Special Community Assembly meetings shall be at a designated location within the Forest Community, at a convenient date and time, taking into consideration the responsibilities and livelihoods of members.

Section 4: *Notice of Regular and Special Community Assembly Meetings*

Notice of every Regular Community Assembly meeting shall be given to all members by way of announcement through all common and available media at least thirty (30) days prior to the meeting, and shall include the time and location of the meeting, as well as a proposed agenda. Notice of every Special Community Assembly meeting shall be given to all members by way of announcement through all common and available media at least ten (10) days prior to the meeting, and shall include the time and location of the meeting, as well as a proposed agenda.

Section 5: *Minutes of Community Assembly Meetings*

The Secretary of the Executive Committee shall record the minutes of all Community Assembly meetings. At the beginning of each Community Assembly meeting, the minutes of the previous meeting shall be reviewed and approved by Community Assembly members.

Section 6: Quorum

A quorum for Community Assembly meetings shall be two-thirds of all members of the Community Assembly.

Section 7: Decision-Making

Where consensus cannot be achieved, decisions at Community Assembly meetings shall be made by a simple majority vote, unless specified otherwise

Section 8: Attendance and Punctuality

Community Assembly members are expected to attend and be on time for all properly publicized and scheduled meetings (Regular and Special).

If a member or official of the Community Assembly is absent, and unable to provide a reasonable explanation, the following action will be considered;

- (a) Being absent for the first time – verbal warning
- (b) Absent for two consecutive meetings – written warning
- (c) Absent for three consecutive meetings – CA membership will be suspended, pending the decision of the community who the member represents.

Section 9: Comportment during Community Assembly Meetings

Community Assembly members shall treat each other with courtesy and respect, in keeping with their role as community representatives.

Article III – The Executive Committee: Officers of the Community Assembly

Section 1: Qualifications to Serve on the Executive Committee

Officers of the Executive Committee must possess the requisite skills, capacity, and experience to effectively perform their duties, be in good social and moral standing, and be able to speak and write simple English.

Section 2: Elections

Officers of the Executive Committee shall be elected by Community Assembly members, through secret ballot, at a Regular Community Assembly meeting.

Section 3: Tenure

Officers of the Executive Committee shall be elected for five (5) year terms, for a maximum number of two (2) terms.

Section 4: Removal of Executive Committee Officers – Vote of No Confidence

Members of the Executive Committee of the Community Assembly who are determined to be incapable of effectively performing the duties of their office may be removed by a two-thirds (2/3) majority vote of the Community Assembly, at a properly constituted Special meeting of the Community Assembly. Prior to such a vote, the member of the Executive Committee shall be given an opportunity to respond to any charges that they are unable to effectively perform their duties.

Section 5: Death, Incapacitation, Relocation or Resignation of an Officer of the Executive Committee

In case of the death, incapacitation, relocation or resignation of an officer of the Executive Committee, the CA shall conduct a by-election within 60 days to fill the position.

Article IV – The Community Forest Management Body

Section 1: Qualifications to Serve on the Community Forest Management Body

Members of the SCFMB must possess the requisite skills, capacity, and experience to effectively perform their duties, be in good social and moral standing, and be able to speak and write simple English.

Section 2: Procedures for the Selection and Appointment of the Community Forest Management Body

The five (5) members of the SCFMB shall be selected and appointed using the following procedure:

- (a) Advertisements for the positions on the SCFMB will be publicized using the means usually employed to inform community members of important issues;
- (b) Interested persons shall submit their applications to the Chairperson of the Executive Committee;
- (c) The Executive Committee shall review applications, conduct interviews, and select and appoint the five best-qualified candidates, for onward submission to the Community Assembly.

Section 3: Election of Chief Officer, Secretary and Treasurer

From the five (5) members selected to serve on the SCFMB, the Community Assembly shall elect, through secret ballot, and by simple majority, the Chief Officer, Secretary, and Treasurer

Section 4: Tenure

Members of the SCFMB shall serve for a period of five (5) years. No member of the SCFMB may serve for more than two terms. To ensure institutional knowledge is developed and retained, the terms of the members of the first body shall be staggered as follows:

- Chief Officer – 5 years
- Secretary – 4 years
- Treasurer – 3 years
- Other two – 2 years

Section 5: Remuneration of SCFMB Officers

The rate at which SCFMB members are compensated shall be determined by the Executive Committee, in line with established policies and procedures.

Section 6: Removal of CFMB Officials – Vote of No Confidence

Members of the SCFMB who are found to be incapable of effectively performing the duties of their office may be removed by a two-thirds majority vote of the Community Assembly, at a properly constituted Special meeting of the Community Assembly. Prior to such a vote, the member of the SCFMB shall be given an opportunity to respond to any charges that they are unable to effectively perform their duties. In the event a member's employment with the SCFMB is terminated, all relevant Liberian labor laws shall be followed.

Section 7: Removal of CFMB Officials – For Cause

Section 7A: Investigation. Where there are credible allegations that a member of the SCFMB has mismanaged community forest resources, engaged in misconduct, or misappropriated community forest funds, the Executive Committee, with the technical support of the FDA, shall conduct an investigation and prepare a comprehensive report. During the investigation, the CFMB member shall be temporarily suspended.

Section 7B: Removal from Office. If after investigation and/or financial audit it is determined that the CFMB member has mismanaged community forest resources, engaged in misconduct, or misappropriated community forest funds, the SCFMB member's employment shall be terminated. All relevant Liberian labor laws shall be followed.

Section 7C: Sanctions. In addition to being removed from office, the SCFMB member shall be permanently banned from serving in any of the bodies tasked with community forest governance, and may be subject to fines under the Authorized Forest Community by-laws, as per Chapter 1, Section 8 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended. The SCFMB member may also be

subject to criminal prosecution under the Liberian penal code, following referral by the Executive Committee of the offence/s to the FDA.

Section 7D: Due Process. Before the investigation is concluded the SCFMB member shall be given an opportunity to respond to all allegations, in keeping with the due process of law.

Section 7E: Appeal. As per Chapter 1, Section 9 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended, a CFMB member who has been found guilty of an offence and subjected to punitive measures may appeal to a court of competent jurisdiction.

Article V – Management of Community Forest Funds

Section 1: Banking

Bank accounts will be opened at a local commercial bank by the SCFMB, following authorization by the Executive Committee.

Section 2: Signatories to Community Forest Bank Accounts

There shall be three (3) authorized signatories from the SCFMB for each of the community's bank accounts: The Chief Officer as the first authorized signatory; the Treasurer as the second authorized signatory; and another community member as the third authorized signatory. The Executive Committee shall approve the third signatory. All withdrawals from an account of the community shall require at least two signatories.

Section 3: Disbursement of Forest Community Funds

All disbursements shall be made as provided by the approved budget. The Community Forest Management Body shall authorize specific expenditures, through its Chief Officer and Treasurer. The Executive Committee shall set further guidelines for the disbursement of funds, such as expenditure limits above which approval by the Executive Committee is required. The petty cash level shall be set by the Community Forest Management Body and petty cash shall be disbursed only upon the authority of the Chief Officer and Treasurer

Section 3A: Petty Cash Threshold

The petty cash threshold of the Authorized Forest Community shall be **USD\$ 500.00** or its equivalence in Liberian Dollars.

Section 4: Financial Reporting

The SCFMB shall make quarterly financial reports to the Executive Committee and the FDA. The report shall explain sources and uses of funds within each given quarter. They shall also present balances in the various community accounts

Section 5: Financial audits

The Executive Committee shall appoint either an accounting firm or a qualified accountant to audit the accounts of the community forestry program on an annual basis. The cost of the annual audit shall be included in the annual community forestry budget. The report of the audit shall be submitted to the Executive Committee for review and appropriate action

Article V – Authorized Forest Community Members

Section 1: Obligations of Authorized Forest Community Members

In addition to being bound by all national laws and regulations, Authorized Forest Community members are legally bound by the **SALAYEA** Authorized Forest Community Constitution and By-Laws

Section 2: Offences

Under the current by-laws, a member of the SALAYEA Authorized Forest Community commits an offence when they:

- (a) Illegally enter the SALAYEA Community Forest;

- (b) Obstruct the monitoring of a community forestry program either by the SCFMB or the FDA;
- (c) Damage or destroy boundary marks, signboards and/or other symbols of identification of the SALAYEA community forest;
- (d) Act to prohibit or impede the implementation of the SCFMP, or a provision thereof; or
- (e) Willingly damage the forest resources of the SALAYEA Authorized Forest Community

Section 3: Sanction of Authorized Forest Community Members

Section 3A:

Investigation and Report: All allegations that a member of the Authorized Community Forest has committed an offence shall be submitted to the SCFMB in writing. The SCFMB shall investigate all credible allegations and compile a written report, which it will submit to the Executive Committee for consideration.

Section 3B:

Notice of Hearing: The Executive Committee shall give reasonable notice of the upcoming hearing to the member of the Authorized Forest Community, alleged to have committed an offence. Notice shall be provided in writing and include the details of the alleged offence, together with the location, date and time of the hearing.

Section 3C:

Hearing

The Executive Committee shall provide the member of the Authorized Forest Community alleged to have committed an offence with an opportunity to review the report submitted by the CFMB, present any relevant evidence in their defense, call witnesses, and respond to all of the allegations, in accordance with the due process of law.

Section 3D:

Sanctions: A Forest Community member found to be guilty of an offence may be subject to fines under these by-laws, as per Chapter 7, Section 7.1 of the Community Rights Law of 2009 with Respect to Forest Lands, and Chapter 1, Section 8 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended.

Section 3E:

Appeal to the Community Assembly: A member of the Authorized Forest Community found guilty of an offence by the Executive Committee shall have the right to appeal the decision at the next Community Assembly meeting. The member of the Authorized Forest Community shall provide written notice to the Executive Committee, through the CFMB, that they intend to appeal. The Community Assembly may, by a three-quarters majority vote, adjust or reverse the decision.

Section 3F:

Appeal to a Court of Law: As per Chapter 1, Section 9 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended, all members of the Authorized Forest Community have the right to appeal to a court of competent jurisdiction.

Article VI- Amendment

The Community Assembly may amend these by-laws at any of its regular meetings, provided the proposed amendment has been circulated one meeting prior to the meeting at which the amendment is to be voted upon. Amendment shall be by a vote of two-thirds (2/3) of the Community Assembly membership.

Article VII – Conflicts with other Laws

The Constitution of Liberia, the Community Rights Law of 2009, and the National Forest Reform Law of 2006, in this order, take precedence over the SALAYEA Forest Community By-Laws.

RESOLUTION

We the members of the Salayea Community Forest of Salayea District, Lofa County do hereby establish this constitution for the governance of our community.

We as an Authorized Forest Community with the goal of sustainably managing our forest while benefiting from its resources, hereby establish in this constitution the organizational structure of our governance bodies and the power and responsibilities of those bodies as required by Chapter 4, Section 4.1 of the Community Rights Law (CRL) of 2009 with respect to forest lands.