

Quick Response Request

Submitted by: Union of Municipalities of Montenegro

Date: August 2010

Subject: How the Deputy Mayor is elected in NALAS countries.

Background: ZELS were preparing an initiative for changes in the regulations where the right of the Mayor of the municipality to choose his own Deputy for different areas on a certain administrative territory will be given. These persons should have the status of appointed persons and not the status of civil servant. The selection would be made through public announcement. They wanted to know the experiences concerning these regulations especially in Bulgaria and Slovenia and how they handle this issue. ZELS asked also NAMRB and SOS to send them the regulations which handle this issue or quotes from the regulations or some Law which deals with this issue.

1. Summary of Results

According to the answer sent by SOS, the deputies of the mayor can be only elected by the local council in Slovenia. SOS sent excerpts of the law that regulates this question and the responsibilities of the mayor concerning municipal administration. The mayor and his deputies are paid according to collective contract of public administration employees. In Croatia, since the rules brought out in 2009, Deputy Mayor is elected person together with Mayor him/herself, in regular elections in one election list. In municipalities where minorities live, they have the right to double vote for additional deputy Mayor. The deputy is functioning under the Mayor, not independently. He does not have the right to succeed the Mayor. If the Mayor cannot fulfil his duties, there have to be new elections.

2. Analytical/Detailed Information

A) Bulgaria

Since 1991 Bulgaria has the Law on local self-government and local administration/ LLSGLA/. Till now the Law was amended more than 20 times.

At the beginning the deputy mayors were appointed by the municipal council, although they were never civil servant / The Law for civil servants was adopted in 2002/

After the amendments in the LLSGLA now the mayor of the municipality appoints them according the structure of the municipality.

In the Law are only several chapters concerning the statute of the deputy mayors.

Each municipality adopts the so called Rules of procedure where also the powers of the deputy mayor/s/ are specified.

According the Law for Local self-government and local administration, the municipal council determines the number and structure of municipal administration. Under the approved plan, the mayor, appoints deputy mayors and determines their functions.

The mayor may authorize deputy mayors to implement its powers when it is provided by law.

Deputy Mayors receive tasks in certain areas: economy, municipal property, spatial planning, agriculture and ecology, public works and public utility, finance and others.

Deputy Mayor may be dismissed without notice by the Mayor of the municipality.

The mayor of the municipality determines by order the deputy mayor who replaced him in his absence from the municipality.

Each municipality has the so called Rules of procedure, where the functions of the deputy mayors are specified. Here is a translation from the Rules of procedure adopted by one of the Bulgarian municipalities.

The mayor appointed with the period of his term deputy mayors in accordance with the approved structure of the municipal administration.

Deputy Mayors are not civil servants.

Deputy mayors may not: lead political party, conduct business under the Commercial Code, be manager or participate in management and supervisory bodies of commercial companies and cooperatives for the duration of the mandate.

Deputy Mayors supports the mayor, according to this Rules and assigned functions.

The mayor of the municipality by order assign to the Deputy mayor to perform his duties in his absence from the municipality.

B) Slovenia

The deputies of the mayor can be only elected by the local council in Slovenia. The mayor and his deputies are paid according to collective contract of public administration employees.

In the “**Local Self-Government Act**” it is written:

IV. Chapter

MUNICIPAL AUTHORITIES

29. article

The local council is the highest decision making body on all matters concerning the rights and duties of the municipality. The municipal council of its powers:

- adopts the statute of the municipalities
- adopts decrees and other municipal acts
- adopts spatial plans and other municipal development plans
- adopts municipal budget and final account
- gives consent to the transfer of functions under national jurisdiction in the municipalities functions
- **elects and dismisses one or more deputy mayor**
- elects and dismisses members of municipal committees
- supervises the work of the committees, the mayor, deputy mayor and municipal administration;
- gives opinion on the appointment of heads of federal bodies, responsible for the municipalities;
- decides on acquisition and disposal of movable and immovable property
- decides on other matters, determined by law and statute of the municipalities.

The local council also decides on the matters, transferred to the municipality by law from state jurisdiction, unless the law determines, that these matters are to be decided by another local authority.

34.a article

Members of the local council, mayor and deputy mayor of the municipality are municipal officials. Municipal officials are in office non-professional. Mayor may decide to perform a professional function. In agreement with the Mayor and Deputy Mayor may decide to perform a professional function.

V. Chapter Municipal Administration 49. article

Organization and the working area of municipal administration work is determined by the local council on a proposal from the mayor.

Municipal administration is usual lead by the Mayor.

Municipal administration can be led by a municipal secretary, appointed by the local council on a proposal from the mayor.

Smaller municipalities can have a joint municipal administration.

C) Croatia

Since the rules brought out in 2009 in Croatia, Deputy Mayor is elected person together with Mayor him/herself, in regular elections in one election list. In municipalities where minorities live, they have the right to doublevote for additional deputy Mayor. The deputy is functioning under the Mayor, not independently. He does not have the right to succeed the Mayor. If the Mayor can not obtain his duties, there have to be new elections.

D) Moldova

According to art. 26 of Law on local public administration № 436/28.12.2006 :

(1) The Mayor is the chief of local public administration. Mayor participates at the meetings of local council and has the right to pronounce himself/herself on all issues set for debates.

(2) The Mayor activity and position is regulates by Law on status of local elected and by art. 24 and 25 of Law on public service, to the extent of social guarantees.

(3) Local council, at the proposal of Mayor, decides upon institution of deputy mayor and establishes the number of deputy mayors that shall assist the Mayor within exercising its duties.

(4) As a deputy mayor can be elected any person, including from among councilors.

(5) The deputy mayors exercises the attributions established by Mayor and is held responsible according to legislation in force.

(6) Deputy mayors' activity is also stipulated by Law on public service № 443/04.05.1995.

Art. 29 of the Law on local public administration establishes the basic attributions of Mayor:

- proposes, under legal terms, the organigram and townhouse personnel, salary schedule of its personnel and submits it for approval to local council;
- d) establishes the attributions of deputy mayor(s);

Art. 31 of Law on local public administration establishes the procedure of deputy mayors election.

(1) Deputy mayors are elected, upon mayor proposal, by the decision of council, adopted with the majority of elected councilors. In case of proposed candidate does not collect the necessary number of votes during 2 consecutive sessions, the mayor proposes another candidate to the council.

(2) Dismissal of deputy mayor is performed upon proposal of mayor, by the decision of local council, adopted with the vote of the majority of elected councilors.

Arising from the provisions of Law on public service, deputy mayors and mayors have the status of civil servants, not appointed persons. Also, the Mayor has only the right to propose a candidate for the deputy position, but the decision upon the proposed candidate belongs to local council eventually.

Unfortunately there is no such practice or experience at the moment within legislation of the Republic of Moldova.

D) Moldova

The national legislation of the Republic of Moldova applied to offer the quick response:

1. Law on local public administration № 436/28.12.2006
2. Law on public service № 443/04.05.1995

Description of the situation in the Republic of Moldova

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