



Bu Proje Avrupa Birliđi tarafından finanse edilmektedir.
This project is funded by the European Union.



**YEREL YÖNETİM REFORMU
PROJESİ (YR III)**
LOCAL ADMINISTRATION REFORM
PROJECT (LAR III)

Comparative assessment of municipal councils and local electoral system

Final version

Antonella VALMORBIDA

Aksiyon Dökümanına Referansı/Reference to the Description of Action	
Bileşen/Component	Component 2: Capacity Building for New Metropolitan Municipality Model and Inclusive Local Governance Processes
Faaliyet/Activity	A.2.2.4. Develop a policy paper on reforming the Local Government Electoral System and Strengthening of Municipal Councils
Çıktı/Output	Comparative Assessment Report on the Roles and Functions of Municipal Council Members and the Related Electoral Systems in Three EU Member States



Empowered lives.
Resilient nations.

“Local Assemblies of citizens constitute the strength of free nations”

Alexis de Tocqueville¹

¹ <https://constitutingamerica.org/all-politics-is-local-guest-essayist-scot-faulkner/>

TABLE OF CONTENTS

1. Introduction and description of the assignment	6
1.1 Introduction	6
1.2. Description of the assignment	7
1.3 . Methodology.....	7
2. General references to the role of municipal councils as key stakeholders of local democracy in Europe and general global trends.....	10
3. Local Governancy system in Turkey : opportunities and challenges	16
3.1 Introduction	16
3.2 Composition and governance of the municipal system : strong mayor with large degree of control and responsibility.....	17
3.3 Composition and governance of the Municipal Council: how they exert their tasks and responsibilities	20
3.4 Description of the electoral system as for municipal councils.....	25
3.5 Description of the relations of municipal councils’ members with the municipal management and citizens and associations.....	30
3.6 Relations between local governance bodies	31
3.7 Relations between municipal councils and local administration	31
3.8 Relations between municipal council and citizens associations	32
3.9. Role of other local organisations and associations (citizens, committees, neighbourhood councils)	34
3.10. Structure, functioning and the role of the metropolitan cities	37
4. Key findings	45
5. Comparative assessment : Poland, France and Italy.....	54
5.1. France.....	54
Recap	55
5.1.1 Description of the local governance	57
5.1.2. Municipal councils and councillors	59
5.1.2.1 Role and competences of municipal councillors	59
5.1.2.2 Composition and governance of the Municipal Council	60
5.1.2.3 Tasks and mandate of the Councillors.....	63
5.1.2.4 Key examples of good practices on citizens’ participation engaging municipal councils.....	65
5.1.3 Electoral system for municipal councils	66
5.1.3.1 General description	66
5.1.4 Relations of the municipal councils with the municipal administration, citizens and associations... 76	76
5.1.4.1 Duties of municipal council members and their interaction with citizens and role (effectiveness) in the municipal decision making	76
5.1.4.2. Description of the relationship with the executive bodies (mayor, his/her own team)	76
5.1.4.3. Relations between the municipal council and the civil servants’ structures.....	78

5.1.4.4. Relationship with citizens/associations	79
5.1.5 Role and responsibilities of other local organisations and institutions (citizens, advisory councils, committees and neighbourhood committees or councils)	83
5.1.5.1 Existing formats of citizens engagement with committees, consultations and in particular the neighbourhood councils	83
5.1.6 The role and functioning of the metropolitan areas	85
5.1.6.1. Description and role of the metropolitan areas	85
5.1.6.2. Legislation, practices, opportunities and challenges	86
5.2. Poland	94
Recap	94
5.2.1 The development of local governance system in Poland	96
5.2.2. The role and responsibilities of the municipal councils/versus the Mayor	98
5.2.3 Electoral system for local authorities	104
5.2.4 Relationship between the different tiers of governance	110
5.2.5 Relations of the municipal council with the municipal administration, citizens and associations ..	111
5.2.6 Role and responsibilities of local organisation and structures other than municipal councils	113
5.2.7 Cooperation with neighbouring municipalities, intercommunalities' cooperation	117
5.2.8 Description of the functioning and role of the metropolitan areas	119
5.3. Italy	126
Recap	126
5.3.1 Evolution of local governance in Italy	129
5.3.1.1 Historical evolution	129
5.3.1.2 Actual trends and key issues	130
5.3.1.3 Reduction of costs of politics	131
5.3.1.4 Unions and fusion of municipalities	132
5.3.2 Summary of the legislation defining roles, responsibilities and structure of the municipal councils	134
5.3.2.1 Local governance system	134
5.3.2.2 Composition of the Municipal councils	134
5.3.2.3 Functioning and tasks of the municipal council	135
5.3.2.4 Prerogatives and rights of the municipal councillors	139
5.3.2.5 Other levels of governance at the municipal level and liaison with the council	140
5.3.2.5.1. The Mayor	140
5.3.2.5.2. The Executive Board (Giunta)	142
5.3.2.6 Relations among local governance bodies	142
5.3.3 Electoral system of local governance	144
5.3.3.1. Elections of the Mayor and her/his Executive Board (giunta)	144
5.3.3.2. Elections for the Municipal Councils/Mayors	145
5.3.3.3 Electoral lists	149
5.3.4 Communal district or neighbourhood councils – circoscrizioni	152
5.3.5 Practices of participation	157
5.3.5.1 Practices of horizontal subsidiarity, citizens' participation	157
5.3.6 A new level of governance : the Metropolitan Cities	163
5.3.6.1. Creation of the metropolitan cities and transformation of provinces	163
5.3.6.2. Decision making bodies of the metropolitan cities	165
5.3.6.3. Scope of responsibilities of the Metropolitan cities	168
6. Recommendations for the policy paper	171
6.1 In order to improve election law	171
6.2 In order to improve and make more efficient the role of municipal councils and municipal councillors:	172
6.3 In order to strengthen the neighbourhood council and management	173
6.4 In order to improve the system of metropolitan cities	174

6.5 In order to improve the practices of citizens participation	175
7. Matrix	176

List of Tables

Table 1 : Local Government system in Turkey	21
Table 2 : Composition of the municipal executive Board in Turkey	21
Table 3 : Candidacy to local elections in Turkey	27
Table 4 : Responsibilities of the Mayor	32
Table 5 : Metropolitan municipalities in Turkey	37
Table 6 : Governance of the metropolitan council in Turkey	39
Table 7 expected qualities of the Mayors from citizens in France	75
Table 8 Assesment of municipal action since 2014 in France.....	75
Table 9 Organisation of the municipal services in France	77
Table 10 Organization and management of municipal service in France	78
Table 11 Election of the community councillors in the Metropolitan cities in France	90
Table 12 Trust in institutions, in Poland	97
Table 13 Structure of local governance in Italy	135
Table 14 Samples of electoral lists in Italy	150
Table 15 Map of the Metropolitan cities in Itlay	163
Table 16 Metropolitan city of Milan's composition.....	170

1. Introduction and description of the assignment

1.1 Introduction

IPA II Indicative Strategy Paper for Turkey (2014-2020) targets the improvement of Public Administration Reform (PAR), policy coordination, policy-making processes, civil service system, public administration organization and governance as well as the service provision including the local level. The new legislation adopted in the past years in the field of local administration, has expanded the scope of the responsibilities of local administrations in the provision of public services, as well as in the promotion of the social and economic development of the relevant communities.

The overall objective of the LAR III Project is to ensure effective, inclusive, accountable and participatory local governance in Turkey, in particular through support to further implementation of the LARs undertaken between 2005-2011, in line with international standards. The specific objective of the Project is to develop and strengthen the administrative capacity and cooperation of MoI, MoEU and Local Authorities themselves in the task of ensuring the effective implementation of the new local administration model in line with principles of democratic governance.

The Project aims to achieve the following results:

- Administrative and operational capacities for efficient service provision at local level enhanced,
- Administrative and operational capacities of the local authorities for implementation of the new Metropolitan Municipality Model strengthened,
- Institutional capacity of the local authorities for service provision and adoption of the principles of democratic governance improved,
- Public awareness on urbanization enhanced through institutional and individual capacity building programmes,
- Quality of local service provision enhanced through online management systems.

In line with European focus on good local governance and the role of Municipal Council as a main democracy pillar, the present research is focusing on several aspects relevant to the necessary preconditions in order to make progress and strengthen the local governance system in Turkey.

1.2. Description of the assignment

The objective of the assignment (under activity A 2.2.4) is to develop a **Policy paper on reforming the Local Government Electoral System and strengthening of municipal councils**. The activity is closely linked to Activity A.2.1.6, **to conduct a current situation analysis concerning the evolving role of neighbourhood management**. It is envisaged to evaluate the alternatives related to diversification and enrichment of the participation of neighbourhoods with other local administration units in local administration decisions.

After the kick-off meeting and further discussion with the project team, the topics to be assessed and subject to recommendations are:

- Reform of local government election system
- Empowerment of the municipal council and councillors
- System of neighbourhood management and of representation
- Citizen's participation opportunities and relation with the municipal institutions
- Functioning and representation of the metropolitan cities

1.3 . Methodology

The assignment was accomplished in several phases following the methodology consulted and approved by the contractor.

Activity	Details
1 Kick-off meeting held in early February. Preparation of a comparative overview of the criteria for the selection of three EU countries assessed and proposing those countries (annex 1) The structure of the text was approved by the contractor (annex 2)	Indicators for the criteria of selection of countries relevant for the comparison with the local governance system in Turkey with a view to the two-tiered metropolitan municipalities. The countries selected are France, Italy and Poland
2 Drafting a comparative assessment report in three EU member states that have good	Topics studied and compared:

- practices and are relevant for two-tiered metropolitan municipalities in Turkey
- a) Summary definition of the related legislation defining **the authorities and responsibilities of the municipal council members versus practices**
b) **local electoral systems**
c) **assessment of the relations of municipal council members with municipal management and citizens**, and citizen groups, especially in terms of their role and responsibilities in local organisation structures other than municipal councils (citizens advisory councils, committees or neighbourhood councils)
d) role of metropolitan areas and management
- 3 Understanding of the local governance system in Turkey The information about the local governance system in Turkey has been provided by the local experts and by UNDP, thanks to a series of local focus groups and regional consultation meetings (see Focus Group interviews report, attached). Those elements are included the comparative assessment and in the final recommendations.
- 4 Analysis of the comparative assessment and elaboration of key findings relevant to contribute to the assignment Pointing out the **key elements on the various subjects of study that could present an added value to the Turkish case** as well as innovation, connected also to the previous studies and research.
- 5 Drafting specific recommendations The draft **recommendations** were prepared once the assessment process was completed and at later stage were integrated through local interviews and discussions in the regional meetings.
- 6 Contribute to the drafting of the questionnaire for the face-to-face interview The interviews were held by the local experts

- 7 Contribute to the six regional meetings documents The events were held by the local senior experts, while the international expert is expected to be present .

The methodology applied by the expert is the result of consultation, desk research of relevant legislation and analyses published. Interviews with a wide scope of stakeholders were held for more information.

The sources of information are as indicated below:

- National website of ministries of Interiors or local governments
- Academic studies and surveys
- Thematic publications and analyses
- Reports by the associations of local governments
- Reports published by the think-tanks and research associations focusing on local government system, expertise conducted within the Council of Europe and the European Union bodies
- Recommendations and statements/reports published by the Committee of the Regions of the European Union²
- Analyses and reports prepared by respective UN Agencies (UNDP, UN Habitat)

The chapter elaborating the local self-government system in Turkey has been further also completed thanks to the Focus Group Interviews report (attached in annexes)

² <https://cor.europa.eu/en>

2. General references to the role of municipal councils as key stakeholders of local democracy in Europe and general global trends

Local government is the result of centuries-old tradition in Europe, and represents a key element in the political system of contemporary European democracy, both from the point of theoretical approach and effective implementation of modern democratic political systems, especially in the post-World War II period.

A local authority is the tier of governance closest to citizens and as such needs to be equipped with adequate powers and responsibilities thus reflecting the significance and views of respective local community.

Exercising the right to local governance is combined with a demanding responsibility related primarily to the division of powers between the state and local communities³. Local government system is in place only if the State recognizes the legal existence of local communities and provides them with the guarantees of decision making about certain legally regulated scope of affairs and provides them with the necessary means for regulating these matters.

In Europe, local government is based on three main normative elements:

1. **Autonomy**, which indicates the degree of decision-making power between the central and local authorities, is a key element, especially when it refers to the degree of decision-making at the local level, which prevents the concentration of political power at the central level and allows for different political choices in different local environments.
2. **Democracy**, which defines the local authority as a political and institutional platform for citizens' participation and representation, is the second key element, considering its role in promoting democratic participation in managing local affairs.

³ (Brezovšek et al. 2008, 120).

3. **Efficiency** in provision of **public services**, that implies effective and efficient problem-solving, sound management system in effect, with the measures adjusted to local conditions, is the third key element.

The **diversity of regulations or models of local authorities** are incorporated in the European Charter of Local Government, which is the basic document and European standard for local authorities, as well as a common basis for the democratic system institutions in the European Union Member States. Drawn up by the Council of Europe on 15 October 1985 in Strasbourg and entered into force on 1 September 1988 - when it was ratified by the first four Council of Europe member States -, the **European Charter of Local Government** has significantly contributed to the development of local authorities and local democracy.

The countries that have ratified the Charter are obliged to ensure the legal basis of local government through a national normative framework and guarantee the status of local government in respective national legislation. Countries need to clearly define the field of activity and the structure of local government in terms of methods and criteria for allocating competences. At the same time, they also define the capacity of local authorities to manage a substantial proportion of public affairs through their councils (consisting of democratically elected representatives), their executive bodies, and internal administrative structures with own staff. In the third article, the Charter defines local self-government as the right and ability of local authorities to regulate, within the limits of the law, a substantial proportion of public affairs within the framework of their tasks and for the benefit of the local population. This right is exercised through councils and assemblies consisting of members elected by free and secret ballot based on direct, equal and universal suffrage.

Scope of activities of the local self-government are defined in the fourth article of the Charter (1985), based on six important principles:

- The basic competencies and tasks of local authorities are prescribed by the constitution or by law.
- Local authorities have the freedom to exercise their own initiative about every matter that is not excluded from their jurisdiction or is not the responsibility of any other authority.
- Public tasks should, if possible, be implemented by those authorities that are closest to citizens; the assignment of a task to another authority should be justified by the scope and nature of such task, as well as the requirements of efficiency and effectiveness.

- The competencies granted to local authorities must be complete and exclusive, and they should not be undermined or restricted by central or regional authority, unless determined by law.
- In exerting the powers delegated by the central or regional authorities, local authorities (as far as possible) should have the freedom to make decisions about how to adapt their implementation to local context.
- As far as possible, local authorities must be promptly and appropriately consulted in all matters directly affecting them.

In addition to the principles listed in the analysis of the provisions of the European Charter of Local Government, we should mention the ninth paragraph, which regulates the field of financial resources and principles that should be observed, with a specific view to fiscal decentralization:

- **Relevance:** which provides those local authorities, within the framework of national economic policy, are entitled to adequate financial resources which they may freely dispose of within their jurisdiction.
- **Proportionality** and **principle of self-financing** provides that the financial resources of local authorities must be proportionate to the tasks laid down by the constitution and the law. At least some proportion of the financial resources of local authorities must originate from local taxes and contributions, the amount of which can be determined by the local authorities themselves.
- **Flexibility** implies that the financial systems by which resources are made available to local authorities should be sufficiently diverse and flexible that, as far as practicable, they are in accordance with the evolution of the actual cost of carrying out their tasks.
- **Equalization** is applied in order to protect financially weaker local communities, provides necessary procedures for financial equalization or other appropriate measures to correct the effects of the unequal distribution of financial resources and the financial burden they involve.

In the twentieth century, local government systems in Europe made tremendous progress by acquiring roles in governance and development of their communities. Local authorities have become a democratic indicator of political systems and have contributed to stability and security in Europe. The **principle of subsidiarity**, which represents the decentralization of public affairs or competences to the most appropriate (as close as possible to the citizen) level has established and played a decisive role

in building the whole European governance, including the structure and functioning of the European Union (establishing the Committee of the Regions and giving to local authorities their role and place).

The principle of subsidiarity is crucial for understanding the role of local authorities in contemporary democracies, since it is a fundamental philosophical principle of modern local governments, a way of thinking, being also a fundamental criterion for the critical assessment of local government in any country. In institutional, administrative and organizational terms, it means constant reflection on the division of competences with regard to the organization and decision-making of public affairs and the means of their implementation.

Although subsidiarity is a dynamic concept, it needs to be interpreted in line with the changes that are taking place in society, the institutional structures of the EU member States, the international environment, and technology. The Maastricht Treaty defines the European Union as an association in which decisions are taken as close as possible to citizens and, from this point of view, local and regional authorities play a central role because they are close to European citizens and are a key factor in the future implementation of European Union initiatives and regulations

SUBSIDIARITY¹

The principle of subsidiarity is defined in Article 5 of the Treaty on European Union. It aims to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made to verify that action at EU level is justified considering the possibilities available at national, regional or local level.

Specifically, it is the principle whereby the EU does not act (except in the areas that fall within its exclusive competence), unless it is more effective than action taken at national, regional or local level.

It is closely linked to the principle of proportionality, which requires that any action by the EU should not go beyond what is necessary to achieve the aims of the Treaties.

From 2010 to 2016

Since 2010, the **Congress of Local Authorities of the Council of Europe**, which is monitoring the implementing of the Charter (see above), has undertaken to assess, on a regular basis, the situation of recommendations addressed through the Committee of Ministers to the States adhering to the Charter. This enables the Congress to identify those areas of the Charter that member States find most challenging and to assist them in fully complying with their commitments in relation to local and regional democracy. In the period from 2010 to 2016 the Congress identified the absence of direct applicability of the Charter as one of the root causes of the recurring problems in member States of the Council of Europe in the field of local and regional democracy, and notably as regards the inadequacy of financial resources for local and regional authorities, the restricted definition, allocation and exercise of local competences and the lack of consultation with regard to central government. The Congress also highlighted that recurring issues in electoral matters included the accuracy and quality of voter's lists, the misuse of administrative resources during electoral campaigns, the professionalism and politicization of the electoral administration at all levels and, overall, the trust of voters in electoral processes.

From 2017 to 2020

In February 2021, the Congress Monitoring Committee adopted a report on the "Recurring Issues Based on Assessments Resulting from Congress Monitoring and Election Observation Missions (Reference Period 2017-2020)" together with a resolution and recommendation. In the report has been highlighted as financial resources, division of competences, consultation, and applicability of the Charter represents still the same limits that need to be closely followed in further monitoring activities. The Committee found systematic shortcomings in meeting the requirements of Article 7 on the conditions of office of local elected representatives and that member states are increasingly facing difficulties in ensuring a safe political and legal environment for the exercise of local elected mandates and public distrust in institutions at all levels adversely effects the level of citizens' participation in local decision-making and that there is a rise of polarization during electoral campaigns and a tendency towards recentralization.

However, unlike the previous report this report shows the positive developments of the Charter's application in Council of Europe member States, including a strengthened role of local associations in promoting local interests, a greater variety of legally available instruments of citizens' participation in local public affairs, the introduction of direct election of mayors and the ratification of the Additional Protocol to the Charter.

07_07_2021

3. Local Governancy system in Turkey : opportunities and challenges₂

3.1 Introduction

The local governance system in Turkey represents our starting and ending point. The comparative assessment aims to support the on-going reform with inputs and suggestions in particular in the fields of **empowering municipal councils, neighbourhood structures** and representation as well as **electoral laws**. A dedicated attention is paid to the evolution of regulations as for the **Metropolitan cities**. The need for consistent reforms was also highlighted in the report of the Focus Group Interviews report.

Turkey is a presidential republic as defined by the Constitution of Turkey. The President of Turkey is both the head of state and head of government. Despite the empowerment of local governments, the country remains highly centralized. Turkey ratified the European Charter of Local Self-Government in 1992⁴.

The total number of **municipalities in Turkey is 1,394**, which is a significantly small number considering the population and the large territory of the country. **There are 81 provinces**. Among these, **thirty are designated as metropolitan municipalities (MMs)**. **Metropolitan municipalities are subdivided into districts, whereby each district includes a corresponding district municipality, which is a second-tier municipality⁵**.

The district municipalities are part of an integrated urban area or peripheral, distant from the central city. At the lowest level of territorial organisation, within the borders of district municipalities there are *muhtarlıks* (neighbourhood management units) in charge of *mahalles* (neighbourhoods) which may be part of a city or distant rural settlements (*kırsal mahalle*), within borders of district municipalities. *Muhtars* are elected on an individual basis independent of the political parties. Before the Law No. 6360 was adopted, these rural settlements were referred to as villages and were defined as public entities. After Law 6360, they acquired public personality and their status equalled to urban *mahalles* in the 30 MMs. There are over 50.000 *muhtarlıks* (of *mahalles* or villages) in Turkey and many of them are *mahalle muhtarlıks* within the borders of the 30 MMs.

⁴ https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/country/TUR?p_auth=mfez4ZOH

⁵ https://en.wikipedia.org/wiki/Metropolitan_municipalities_in_Turkey#cite_note-2

3.2 Composition and governance of the municipal system : strong mayor with large degree of control and responsibility

Municipal governments in Turkey are regulated by articles 126 to 129 of Turkey's Constitution, which has been amended in 2017⁶:

- Article 126 establishes the **division into provinces and lower levels of administrative districts** of the central administrative structure, basing the provinces' administration on the principle of **devolution of powers**.
- Article 127 defines local administrations as "public corporate bodies established to **meet the common local needs of the inhabitants** of provinces, municipal districts and villages". It also sets the power of **administrative tutelage by the central administration** to ensure the functioning of local services and their uniformity. An amendment of 16th April 2017 to this article permits the formation of a **union of local administrative bodies** to perform specific public services, and the possibility for the union to receive financial resources in proportion to their functions.
- Article 128 sets general principles on the provisions relating to **public servants and employees**, stating they should carry out fundamental and permanent functions assigned to them by the State, state economic enterprises and other public administrations. However, it sets provisions on collective agreement concerning financial and social rights as reserved and not regulated by law (so as it is for qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances of public servants and other public officials, and the procedure and principles regulating the training of high rank administrators).
- Article 129 determines the **duties and responsibilities of public servants**: they are obliged to carry out their duties with **loyalty to the Constitution and the laws**, and they have the right of defence and judicial review in case of disciplinary proceedings.

In general terms, as mentioned above, the local governance system remains highly centralised. Despite their autonomy and the devolution of powers to local authorities, their potential is significantly limited by a **system of tutelage from the central level and ministries**.

⁶ https://www.constituteproject.org/constitution/Turkey_2017.pdf?lang=en

The law specifying roles and responsibilities of Municipal Councillors is the Municipality **Law 5393 of 2005**⁷, which defines the Municipality as “public entity having **administrative and financial autonomy** which is established to meet **common local needs** of inhabitants of a town and whose decision-making body is elected by voters”. Duties, responsibilities, powers and privileges of Municipalities are detailed at article 15 (Law 5393).

The municipal governance bodies are:

- the Municipal Council
- the Municipal Executive Board
- the Mayor

The Turkish model of local governance is considered as a “**strong Mayor model**”, where the Mayor is the head of the Executive and chairperson of other bodies of local governance.

Duties and responsibilities of local governance bodies are related to providing services in: urban infrastructure facilities (land development planning and control); water supply, sewer and transport; geographic and urban information systems; environment and environmental health, sanitation and solid waste; municipal police, fire fighting, emergency aid, rescue and ambulance services; urban traffic; burial services and cemeteries; tree planting, parks and green areas; housing; culture and art; tourism and promotion, youth and sports; social services and social aid; weddings; vocational and skills training; economic and commercial development. Metropolitan municipalities and municipalities with a population of more than 50.000 shall also open shelters for women and children. Municipalities may also build or maintain school, health care facilities, organize sport activities and preserve cultural and environmental assets.

Powers and privileges focus on “engaging in activities and initiatives of all sorts to meet the common local needs of the town’s inhabitants”, but also acting in the fields of:

- Regulations, bans, penalties and as well as permits and licenses.
- Collection of municipal tax and other charges.
- Water supply and disposal.

⁷ <http://www.lawsturkey.com/law/municipality-law-5393#:~:text=The%20municipality%20law%20has%20been,procedures%20and%20principles%20of%20municipalities.>

- Public transport, including designing routes and deciding on fares.
- Collection, recycling and disposal of solid waste.
- Management of immovable property located within the municipal boundaries.
- Loans and donations.
- Wholesale and retail markets, trade-exposition grounds and other facilities.
- Settlement of disputes other than relating to taxes, duties and charges.
- Permits and inspections to and regulating the position of polluting businesses and leisure and recreational facilities open to the public.
- Prohibition of street peddlers' activities.
- Standards for advertisement boards and information signs.

At Article 17, law 5393 defines Municipal Councils as “**decision-making body**” comprising members elected according to the principles and procedures provided for by the law and Article 18 lists its functions and powers, summarized as follows:

- They discuss and approve **strategic and investment plans**, the **budget** and final accounts as well as **development**, environmental development plans and related construction plans.
- They approve the **regulations** to be published by the municipality.
- They **elect the Chair Committee** of the Municipal Council, and the members of the executive board and specialised commissions, and take decisions for resolutions of the disputes between the mayor and the members of the Executive Board.
- They regulate the **personnel employed by the municipality** and the associated institutions.
- They decide on **sales, purchases and allocations of immovable property**, as well as on the price tariffs of the voluntary services not subject to collection of tax, the indebtedness of the municipality and if to accept conditional donations.
- They decide on **partnerships with enterprises** within the scope of the budget, also on matters of real-estate investment, on granting of franchise and realization of investments and on privatization of the companies, enterprises and participations of the municipality.
- They decide on the **settlement of municipal disputes** amounting to more than 5000 Turkish liras and cases relating to taxes, duties and charges.
- They decide on the **toponymy** of the municipal infrastructures as well as its logos, regulate the **division in neighbourhoods** and their boundaries as well as the unions with other **neighbourhoods** administrations, decide on **extension of municipal services** to contiguous areas.

- They establish **cooperation with local and foreign municipalities** (with the permission of the Ministry of Interior), institute urban fellow-citizenship, issue honorary fellow-citizenship certificates, organise and develop activities and **projects in the cultural and sports field** including allocating land, construction and rent for this purpose.

Other relevant laws are:

- Law No. 5216 on Metropolitan Municipalities
- Law No. 5302 on Special Provincial Administrations
- Law No. 5018 on Public Financial Management and Control
- Law No. 5355 on Local Government Associations
- Law No. 6360 on Establishment of Metropolitan Municipalities and Twenty-Seven Districts in Fourteen Provinces and Amending Certain Laws and Decree-Laws
- Law No. 5779 on Apportionments from General Budget Tax Revenues to Special Provincial Administrations and Municipalities
- Law No. 2464 on Municipal Revenues
- Law No. 2560 on Organisation and Functions of General Directorate of Water and Sewer Administration of Istanbul
- Village Law No. 442

3.3 Composition and governance of the Municipal Council: how they exert their tasks and responsibilities

As previously mentioned, Article 17 of the Municipality Law 5939 states that Turkish Municipal Council comprises **elected Municipal Councillors (*Belediye Meclisi*)** whose number ranges from 9 to 55 according to the size of the municipality) **and the Mayor** (for details on the electoral process, see section 2).

The key functions of the Municipal Council are

- 1) Policy and **decision making**
- 2) **Control over the municipal management** through the evaluation of the annual municipal activity reports, through requests for clarifications to local administration as well as through requests for audit conducted by the audit commission (see below).
- 3) **Representation of citizens'** interests

The Municipal Council is chaired by the Chair Committee, acts through the Executive Board, and under certain conditions can or must create specialised Commissions or an Audit Board.

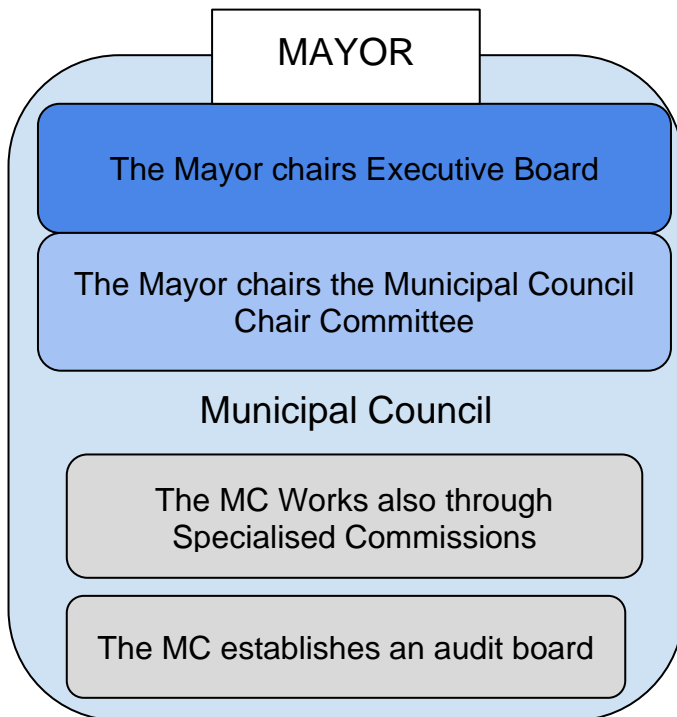


Table 1 : Local Government system in Turkey

Article 19 establishes that the **Chair Committee of the Municipal Council (*Belediye Meclisi Başkanlık Divanı*)**, is composed of the first deputy chairman (who chairs the Municipal Council meetings if the Mayor is unable to attend), the second deputy chairman and at least two secretaries. They are elected for a mandate of two years (remaining in office until the first nationwide elections) by the Municipal Councillors.

The municipal administration is subordinated to the mayor and the mayor alone exerts the executive powers. Accordingly, the municipal council does not have the authority and duty to carry out any municipal administrative duties or affairs.

According to the same law at Article 20, the Municipal Council shall convene in the **first week of each month**, following an agenda determined by the mayor. A paragraph added in 2007 allows the Mayor to reunite the Municipal Council for an extraordinary meeting, not more than three times a year.

Articles 33 to 36 regulate the **“Executive board” (*Belediye Encümeni*)**, which has administrative tasks and is chaired by the mayor and should comprise seven members (for municipalities with a population of more than 100.000) or five members (for other municipalities) including the mayor, three (first case) or two (second case) shall be elected each year by the municipal council by balloting from among its members for a term of one year, one being the head of the Fiscal Services unit, and two (first case) or one (second case) to be elected each year by the mayor from among the heads of units. **The executive power though almost exclusively rests with the Mayor.**

Table 2 : Composition of the municipal executive Board in Turkey

<i>Composition of the Municipal Executive Board in Turkey</i>	Municipalities with more than 100.000 inhabitants	Municipalities with less than 100.000 inhabitants
Mayor	1	1
Municipal councillors elected each year by the municipal council by balloting	3	2
Head of the Fiscal Services Unit	1	1
Heads of units are department managers of the municipality	2	1
Total	7	5

The Executive Board has the following duties and powers, as in Article 34⁸:

- a) Review the strategic plan, the annual work program, the budget and the final accounts and inform the municipal council of its opinion.*
- b) Adopt and enforce expropriation decisions relating to works included in the annual work program.*
- c) Determine the purposes for which the appropriation for contingencies is to be spent.*
- d) Make the budget transfers between level 2 services subject to functional classification.*
- e) Impose statutory penalties.*
- f) Decide to amicably settle and liquidate municipal disputes in litigation other than cases relating to taxes, duties and charges.*
- g) Implement the council resolutions concerning the sale, exchange and allocation of immovable property; decide to lease such property for periods not exceeding three years.*
- h) Determine the opening and closing hours of places open to the public.*
- i) Perform the duties as assigned to the municipal Executive Board by other laws.*

The Board shall meet at least **once a week** and can also be convened by the Mayor in emergencies. He/she has to convene the meeting with a simple majority of members and to make decisions by the simple majority vote.

⁸ See note 3, p.15.

Article 24 allows the possibility to set up a **Special Commissions (İhtisas Komisyonları)** composed of three to five Municipal Councillors (according to the ratio of political party groups and independent members), whose term cannot exceed one year. In provincial municipalities, district municipalities and municipalities with a population of more than 10.000, it is **mandatory** to set up a **planning and budget commission** and a **land development planning commission**. These Commissions can be open to participation, without voting rights, to experts, neighbourhood masters (*muhtar*), heads of public entities, representatives of the public professional organisations, universities and trade unions in the province, and those of Civil Society Organisations (CSOs) concerned with the items of the agenda.

Article 25 obliges provincial municipalities, district municipalities and municipalities of more than 10.000 to form by balloting a **Municipal Audit Board (Belediye Meclisi Denetim Komisyonu)** composed of three to five Municipal Councillors (according to the ratio of political party groups and independent members) to audit the Municipality's revenues and expenditures and related accounting records and transactions for the previous year.

Article 22 states that the Municipal Councils shall convene with the **simple majority of its full membership** and pass resolution by the **simple majority vote**, but the quorum for decision - making may not be less than one quarter of the full membership of the council. Municipal resolutions must then be transmitted to the highest civil administrator of the locality, or they cannot enter into force.

The strong mayor system in Turkey is prioritizing stability in municipal management. Its goals is more to create a council majority backing up the mayor. The mayor is both member of the municipal council and the chair of the municipal council at the same time. **The agenda of the municipal council is prepared by the Mayor.**

The reform of 2004-2005 relaxed the *strong mayor model* introducing the reforms that ensured slightly increased powers of the municipal council. The municipal council started to convene every month whilst the special municipal commissions were strengthened. However, the reform led to a weakened oversight function of the municipal council in the annual report and non-confidence audit (a qualified majority $\frac{3}{4}$ is now needed instead of $\frac{2}{3}$ as it was before 2004) while it introduced the municipal audit board review, strengthening the supervisory function in a different way.

Indeed, the controls and audit functions of the councils are based on two actions:

- Annual report, every year in April.

- Supervision of the financial transaction of the municipality by the specialised audit board at the beginning of the year.

The commissions are well attended by qualified majority of elected members, but also by experts and interested participants

The municipal councillors do not receive salaries but **fees and** are not considered employees.

Advantages and disadvantages, opportunities and challenges of the present situation

In the publication “Decentralisation in Turkey” (July 2012)⁹, Elise Massicard and Ulas Bayraktar argue that **“decentralisation” is not an appropriate term** to describe the transformations taking place in Turkey at the time. Indeed, the relations between the local authorities and the central government have changed to the benefit of local governments, but not in an equal manner. **Essentially, the political map has been simplified, reducing the number of municipalities and simplifying the administration of metropolitan municipalities (see later in the text), which acquired an even more important position.** However, they report that the **central government** still have a very strong hold on local authorities through a system of control and tutelage. Moreover, Massicard and Bayraktar noted how local authorities are pushed to collaborate with the **private sector** due to their difficulty to obtain funding through institutional channels.

“These reforms of local governments therefore demonstrate that Turkey has adapted to – and taken ownership of – the demands and rhetoric of the global discourse on effectiveness, good governance, the optimal level of decision-making on and management of services for citizens, local democracy and subsidiarity. In doing so, the country is able to attract certain resources from international donors. (...) It is, however, important to look at what has really changed, behind these adaptations, in the distribution of resources and powers. This approach should also allow us to analyse the possible unexpected impacts of these reforms that are not necessarily part of an “ideal” democratic consolidation process.”¹⁰

As indicated by Massicard and Bayraktar there has been an evident change in the status of the mayor (especially the metropolitan mayor): The role of Mayor acquired a vast array of powers, since it chairs both the Municipal Council and its Executive Board and it handpicks the civil servants. While on one side this can make local administration very swift, as Marcou underlines, “in Turkey, it seems

⁹ S. Ulas Bayraktar, Elise Massicard. Decentralisation in Turkey. AFD, pp.102, 2012, Focales. <halshs-00800106>

¹⁰ See note 15, p. 73.

that one of the problems regarding the efficiency of public administration is in first place to enforce the basic principles of modern public administration in a democratic state. To achieve that result, it is necessary to limit politicisation and political patronage in the local public service.”¹¹

3.4 Description of the electoral system as for municipal councils

Turkey’s Constitution at Article 27 states that: *“The elections for local administrations shall be held every **five years** in accordance with the principles set forth in Article 67. Special administrative arrangements may be introduced by law for larger urban centres.”*

Law 2972 on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Eldermen¹² details the electoral procedures for Members of Provincial Councils, **Mayors and members of the Municipal Council, Mukhtars** of villages and neighbourhoods and members of the board and Council of the Alderman. Local administration elections should follow principles of **freedom, equality, confidentiality, universal direct suffrage, open counting and tabulating**, under the management and supervision of jurisdiction. The electoral zone for the elections of the mayor and members of the municipal councils coincides with the municipality. The number of municipal councillors to be elected ranges from 9 to 55 according to the size of the municipality in terms of inhabitants.

To be **eligible** as a Municipal Councillor or Mayor in Turkey, one has to meet the following requirements¹³:

- be a Turkish citizen,
- to be over 18 years of age¹⁴,
- to be graduated from primary school,
- to have completed the military service, if under obligation,
- not to be banned from civil service,

¹¹ <https://www.econostrum.info/attachment/404656/>

¹²

https://www.legislationline.org/download/id/7787/file/Turkey_law_elections_local_administration_1984_am2012_en.pdf.

¹³ Stated in Law 2972 (see note 19) and Law 2839 on Parliamentary Elections:

<https://www.legislationline.org/download/id/1310/file/bbf6e67f60e5492350474eaa9e9a.pdf>.

¹⁴ It used to be 25 as of 2017

- not to have been sentenced to prison for more than one year or convicted for an indictable offense (except for crimes of imprudence), or not have been convicted to a specific series of offenses, even if pardoned.

Questions have been raised about the fact that public servants have to leave their job in order to be candidates and that is also limiting the good quality of candidates. Other measures should also be overlooked in order to avoid conflict of interest.

In the Turkish system, the Mayor is elected by direct vote and is equipped with executive power.

The elections of the Mayor and the Council are held at the same time.

To be a **candidate to the municipal councils**, it is possible either to run as a member of a political party, or independently.

If the candidates belong to a political party, the candidature is handled by the District Election Boards the district presidencies of the party, and original and reserve candidates have to be identified separately. Moreover, political parties nominate proportionally (from 2 to 6) **quota candidates** which are written after the reserve candidates, in case to be treated as a majority prize will be attributed in the election. It is noted that while preparing the candidate lists, especially the mayoral candidate makes an effort to include people with whom she/he wants in the council (with specific skills). Political parties can also organise **primary elections** to approve, reject or amend the proposed list to run for local elections. The law also established an **application fee** (not exceeding the gross wage of a public servant with the highest ranking, equal to this amount in case of independent candidates), which may vary in case of independents running for mayor, and which is only returned to candidates being elected as mayors. The District Election Board announces all candidates 20 days prior to the election date. **Objections** against the candidates can be presented to the District Election Board within two days after the announcement of candidacies.

The present system may lead to election results that provide the Mayor a majority vote different from the council, thus bringing a stalemate in the activities of the local authority. **When the election results are realized in this way, the candidates for quotas are not given to the party of the Mayor but to the party that has won majority vote in the council elections. In this case the majority bonus works against the Mayor.**

The establishment of the electoral lists are often quoted as a concern. Parties make an effort to prepare a list with the potential to get more votes. In this process, local demographic structure, fellow countrymen groups, micro nationalism sectarian structure and tribes and other have an important role. Some were also reported as being “imported from other districts” even though their contribution to the council would not have been substantial. The struggle to have professional candidates for covering some important roles in commissions are underlined (financial advisor, architects, etc). the identification of good candidates is mentioned more difficult in small and medium sized municipalities.

The candidates have therefore to struggle to be both on the list and to be on the top of the list. Women and youth representation is not agreed by law, but some parties are reserving quotas for those specific groups of candidates.

Table 3 : Candidacy to local elections in Turkey

Candidacy to local elections in Turkey	Political party	Independent
Handling of the candidatures	District presidency of the party, and then District Election Boards	District Election Boards
Reserve candidates	Yes	Yes
Quota candidates (in case of majority price)	Yes	No
Primary elections	Yes	No
Application fee	Yes, not exceeding the gross wage of a public servant with the highest ranking	Yes, equal to the gross wage of a public servant with the highest ranking

These minutes are combined by the **District Election Board**.

The **determination of elected municipal councillors and mayors** is based on the d’Hondt method. It depends first on the threshold of 10% of the valid votes in an electoral zone. If this threshold isn’t reached, the candidates are not included in the calculation of seats. This condition is reportedly harder to meet for independent candidates, as widely examined by Sinan Alkin in his article “Underrepresentative Democracy: Why Turkey Should Abandon Europe’s Highest Electoral

Threshold". Indeed, to be noted that the 10% threshold is subtracted from all candidates including the independent candidates. Thus, its impact is greater than 10% and it concretely prevents the representation of candidates receiving lower votes especially the independent candidates. It makes independent candidates *almost impossible* to be selected.

The political party who obtains the highest number of votes in an electoral district takes up all the quota candidates' seats. It represents the *majority price*, so expressed in other local governance system further explained in the document, for the sake of acquiring a strong ruling majority.

The fixed party list (without preferences) makes difficult the valorisation of the role of each individual candidate. It prevents the possibility for candidates to be closer to citizens and not only to the strategy of the party, which candidate them.

The **announcement** of the election results is made by the Supreme Election Court.

Local elections take place on the same day for municipal councillors, mayors and **lower levels** such as the muhtar and the Board of Aldermen, who govern urban neighbourhoods and villages with a population of under 2000 (see Section 4). However, *muhtars* and the Aldermen are neither presented nor supported by political parties, **therefore their interactions with municipal councils are more functional than political.**

As for what concerns the relations of local elections to the **central state administration**, there is very recent evidence of the strong control that is still imposed on local administration. For example, the European Commission for Democracy through Law, also known as the Venice Commission, issued an opinion on the **replacement of elected candidates and mayors with "trustees" following** the local elections in March 2019¹⁵. Local elections (to elect Provincial and Municipal Councillors, mayors of regular and metropolitan municipalities such as Istanbul and Ankara, but also mukhtars) took place on 31 March 2019, with a re-run of the metropolitan mayoral election on 23 June of the same year, under observation of the Congress of Local and Regional Authorities of the Council of Europe. This replacement has been justified by the Supreme Election Council and the Ministry of Interior with relations to terrorist concerns and measures taken under the state of emergency running from June 2016 to 2018. In all cases, elected candidates and mayors have been dismissed because of terrorism-related charges or by virtue of the emergency decree law, but after their candidatures had already

¹⁵ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)011-e)

been validated. This leads the Venice Commission to raise concerns about the **respect of the basic principles of democracy** and of the **rule of law** in electoral proceedings in Turkey¹⁶.

Advantages and disadvantages of the Turkish system, opportunities and challenges of the present situation

Muhammet Kösecik highlighted strengths and weaknesses of the local electoral system in his report “Turkish local electoral system” in the framework of LAR II (2011). His report is still relevant today as the only changes since then affected the number of MPs and the boundaries of electoral districts and entailed a consistent reduction in number of district and provincial municipalities and therefore mayors and municipal councillors (except metropolitan municipalities which reached the number of 30), but the fundamental functioning of the electoral system didn’t change in this period.

As previously mentioned, and underlined in Kösecik’s report, the figure of the **Mayor** emerges as a particularly strong figure in administrative and political terms. He/She is elected by a direct vote and it chairs both the municipal council and its executive board. On one side that gives a **great power** to the mayor to rule, but on the other it **overshadows municipal councillors**, who risk being more tied to their political party than to the mayor itself, and more importantly to their local voters to whom they show very **little accountability**. This is worsened by the fact that **councillors are not elected directly** (the party lists are voted without preferences) but as part of a list, giving less relevance to their technical and professional qualifications while they are often ill-equipped for their mandate.

Local political sphere, which are vastly considered as an entry point for women participation, do not seize entirely this opportunity. Nevertheless, apart from a general recommendation to include more women in the candidates’ lists, no legislation is now in place to reserve seats. Indeed, **women’s representation** in local councils is **very low**. We observe that the system does not allow sufficient level of representation in municipal councils but also in mayoral positions.

Similarly, **chances are very low for independent candidates to get elected (out of party lists)**. They struggle to reach the 10% threshold without the support of a party (they represent around 1% in all local elections) (see mention above about this 10% threshold). As previously mentioned, the system forces or encourages involvement in politics through political parties, also at the local level. A number

¹⁶ [https://www.venice.coe.int/webforms/documents/?pdf=CDL\(2020\)010-f](https://www.venice.coe.int/webforms/documents/?pdf=CDL(2020)010-f)

of studies (the already quoted Sinan Alkin, and the below mentioned Mehmet Alkan as examples) list the many reasons why this exceptionally high threshold should be lowered.

Moreover, the **quota candidate system** (considered as the “majority price”, 2 to 6 seats assigned to the party obtaining the highest number of votes) worsens the party rivalry who struggle to cope with the **proportional representation system**. The justification of quota candidacy, as the majority price in other countries, is political stability. However, as Ali Akyıldız underlines in his article “Examinations of Democracy With The Numbers: Election Systems”, in a context of conflicting cultures, political majorities having the opportunity to transcend representation **do not feel the need to compromise**, resulting with disregarding the rest of society. For Akyıldız, the fundamental question which has to guide an electoral system reform is the kind of democracy that Turkey is aiming to, since “*the current system is promoting a majority rather than a pluralist model*”. Similarly, Mehmet Alkan underlines in “Türkiye’de Seçim Sistemi Tercihinin Misyona Boyutu ve Demokratik Gelişime Etkileri” that the mission of the electoral law is to ensure the representation of the will of the voters, not to achieve political stability”.

[3.5 Description of the relations of municipal councils’ members with the municipal management and citizens and associations](#)

The responsibilities of the Municipal Council in relation to citizens are regulated by the Municipality Law 5939, whereby the citizens or inhabitants are mentioned in the following articles:

- Article 3 defines the Municipality’ as aimed to **meet common local needs of inhabitants**.
- Article 13 states that “*Everyone is a townsman of the town in which they live. Townsman shall be **entitled to take part in municipal decision-making** and services, receive information on municipal activities and benefit from the aids distributed by the municipal administration*”
- Article 15, again, lists as first of the powers and privileges of the Municipality to **engage in activities and initiatives** to meet the common local needs of inhabitants, and mentions the possibility for the Municipality to conduct public opinion polls and surveys to find out citizens’ views and opinions on municipal services.
- Article 20 states that **council meetings** should be **open to public**, with information regarding the venue and time of the meetings published by usual communication channels of the municipality.

- Article 24 adds that **specialised commissions** meetings can be attended by mukhtars, heads of public entities, representatives of the public professional organisations, universities and trade unions in the province and CSOs representatives concerned by the agenda of the meeting, without voting rights.
- Article 38 lists as one duty and responsibility of the Mayor to take necessary measures to **ensure the peace, well-being, health and happiness** of the inhabitants.
- Article 41 obliges **consultation** with universities, professional and civils society organisations concerned by the subject of **strategic plans**.
- Article 76 regulates the **Citizens' Assembly**, stating that it should be supported and assisted by the Municipality, and that its opinions should be placed in the agenda of the Municipal Council and deliberated at its first meeting.
- finally, Article 77 states that the Municipality shall encourage **voluntary participation** of individuals to the town's services in view of solidarity.

Despite what is stated in Article 13 regarding citizens' entitlement to be involved in decision-making, the law does not establish other mechanisms of consultation and participation of the general citizenship in municipalities other than the Citizens Assembly.

3.6 Relations between local governance bodies

As described in Section 1, the **Executive Board** of the Municipality is composed of 5 or 7 members according to the size of the municipality in terms of inhabitants. The **Mayor** chairs both the **Municipal Council and the Executive Board** and is responsible for the implementation of their resolutions. The Mayor appoints one to four **Deputy Mayors (according to the size of the Municipality) among the elected Municipal Councillors**. The practice of having a deputy mayor appointed from the municipal council is seen as *a useful practice* to create a more holistic approach to governance. That proved also efficient for opposition parties to address the mayor, via the deputy mayor, member of the council. It was also reported as being a support of communication between the council and the administration.

3.7 Relations between municipal councils and local administration

Article 49 of the Municipality Law 5393 regulates the standard job positions and employment within the Municipality. It sets that **key municipal staff is appointed by the mayor**, with appointments to management positions at the grade of head of units and above to be made known to the Municipal

Council. However, the Municipality Law does not further regulate the relations between the Municipal Council and the civil servants.

Table 4 : Responsibilities of the Mayor

Responsibilities of the Mayor	Chairs the Municipal Council
	Chairs the Executive Board
	Appoints key civil servants
	Nominates candidates for General Secretariat of Citizens Assembly
	Is a member of the Metropolitan Municipal Council

3.8 Relations between municipal council and citizens associations

Municipal Council meetings have to be open to the public, and its decisions shall be made public within 7 days. According to the law, citizens should be consulted solely on matters concerning their **satisfaction with municipal services**, while universities, civil society and professional associations should be consulted as well to prepare the **municipality's strategic plan**, and together with other entities (mukhtars, heads of public entities, representatives of the public professional organisations) they can participate in the meetings of the **Specialised Commissions** if concerned by the agenda, without voting rights. Additionally, municipal councils, with the authorisation from the highest civil administrator of the locality, can **undertake joint service projects** with “public professional organisations, associations for public interest, associations and foundations for the persons with disabilities, foundations exempted from taxation by the Presidency and professional organisations covered by Law No. 5362 of 7/6/2005 on Professional Organisations of Tradesmen and Craftsmen.” In terms of **decision-making**, the only channel for citizens determined by the law is the inclusion in the Municipal Council agenda, and following deliberation, of the opinions formed within the **Citizens Assembly**. Finally, citizens can engage on a **voluntary basis** in municipal services to be engaged in solidarity actions.

The municipal councillors **do not have facilities to receive citizens** or any kind of practical support in engaging with the constituency.

The **Citizens Assembly** are renewed for each mandate of a new Mayor and Council. The governor is conveying the group of CSOs and various representatives, who are appointing the Board of the Citizens Assemblies, whose members will elect the President. Later, the Citizens Assembly is further including more participants, by addressing a form of request to the President. The functioning of this Assembly

is defined in the Citizens' Assembly Regulation¹⁷. The Assembly brings together central administration, local administration, professional organisations and the civil society, more specifically they are composed by:

- Top local administrative authority or their representative,
- Mayor or their representative,
- Maximum 10 representatives from public institutions and bodies not which are to be assigned by governors at provinces and district governors at districts,
- Representatives to be elected by all **neighbourhood mukhtars** among themselves if at municipalities with up to twenty neighbourhoods, or if at other municipalities by neighbourhood mukhtars who will gather upon the call by the mayor, so as not to exceed 30 percent and remain below 20 percent of the total number of mukhtars,
- Representatives of political parties which have established their city organization,
- Minimum one or maximum two representatives from **universities**, or in case of more than one university, one representative from each university,
- Representatives of professional organizations serving as public institutions, unions, notary publics, bars, and relevant associations and foundations,
- One representative from each **working group** formed by the Assembly, such as women and youth working groups.

They have a consultative role and are entitled to submit proposals to the municipal council or to the Mayor. The elected bodies can either accept or reject their proposals.

Citizens' Assemblies should meet at least **twice a year**, and their governance is articulated in a General Assembly, an Executive Board and working groups. The General Secretary of the Citizens Assembly has to be elected among 3 candidates nominated by the Mayor. The views, elaborated in the general meetings or working groups are **submitted for evaluation to the Municipal Council** before being discussed and finally approved by the Citizens Assembly general meeting. For its work, the Citizens Assembly should receive **in-kind and cash support** by the Municipality.

Advantages and disadvantages of the present situation, opportunities and challenges

Despite the system of Citizens Assemblies described above, the real implementation of citizens participation at the local level is questioned as for its efficiency to represent citizens' views. Semanur Karaman in a 2013 article on Open Democracy, "How do Turkish citizens participate in decision-

¹⁷ Official Gazette Date: 08.10.2006 Official Gazette No: 26313, file in annexes.

making?" sees the **lack of public policy mechanisms to ensure citizens and/or civil society participation** as citizens' movements. According to his experiences, Karaman can attest that:

- there are no egalitarian criteria determining who is going to be consulted, when and how,
- since consultations are not obliged by law, they often don't take place at all,
- when they do, consulted parties don't receive any feedback.

In her article "'Civic Participation' or 'Customer Satisfaction'? Waves of Centralization, Decentralization and Recentralization from the Ottoman Empire until Today"¹⁸ Charlotte Joppien argued that municipalism in Turkey is **dominated by economic considerations**, and as a result, citizens are considered as mere **consumers** who express their satisfaction on services rather than participants or partners in decision-making. In her analysis, this seems particularly true in the case of metropolitan municipalities that are acquiring a growing economic influence and reinforcing their ties with the private sector. Despite the tentative steps in the decentralisation process, this means that the possibilities of citizens participation and transparency of political processes have not improved.

In a study conducted in 2015 with the Bursa Citizens Assembly¹⁹, Elif Karakurt Tosun and Enes Battal Keskin concluded that most of the citizens were aware of the existence of the Assembly, but **few knew the details of its functioning**, from whom it is funded (the municipality) and the fact that its establishment is a legal obligation. They argue that for citizens to participate more actively in urban governance, they should be more aware about the available opportunities and perceive them as real participation tools.

3.9. Role of other local organisations and associations (citizens, committees, neighbourhood councils)

The only format established by law on citizens' participation is the **Citizens Assembly**, which is **not open to the entire citizenship** but exclusively to representatives of specific organisations and institutions (public officials, mukhtars, universities, civil society organisations, etc).

¹⁸ Joppien C. (September, 2014), "'Civic Participation' or 'Customer Satisfaction'? Waves of Centralization, Decentralization and Recentralization from the Ottoman Empire until Today", Vol. III, Issue 9, pp.54-76, Centre for Policy Analysis and Research on Turkey (ResearchTurkey), London, ResearchTurkey. (<http://researchturkey.org/?p=6917>)

¹⁹ CITY COUNCILS AS A MEANS OF LOCAL PARTICIPATION IN TURKEY DURING THE EU MEMBERSHIP PROCESS: THE INVESTIGATION OF THE AWARENESS OF THE BURSA CITY COUNCIL. Doç.Dr. Elif KARAKURT TOSUN Dr. Enes Battal KESKİN - Yönetim ve Ekonomi Araştırmaları Dergisi - Cilt:13 Sayı:3 (Eylül 2015) - Doi: <http://dx.doi.org/10.11611/JMER713>

With the law 6360, **towns and villages were transformed in neighbourhoods (mahalles) and became a part of municipalities.** The relations with rural neighbourhood communities and their representation in the municipalities has been debated. As noted in a number of reports, the mukhtars should be given a seat in the municipal councils as their member, but the vast majority of the interviewees in the focus group (attached to this study) stated that they did not find it appropriate mainly due the accruing legal liabilities of council members when they vote for a decision.

A specificity of the Turkish local government system is the role of **Mukhtar** (or Muhtar). Their role is defined in the 5939 Municipal Law, translated as “master” in English, as the person who governs a neighbourhood (in the case of an “urban” mukhtar, since this is also the term to define the governor of a village), together with an executive Board (also named “Board of Eldermen” or “Aldermen” in English). During the elections of the municipal councils are elected also the Mukhtars of the neighbourhood. They are a go-between the municipal authority and the neighbourhood, but they rarely take initiatives. They receive a state salary from the Ministry of Interior.

The Mukhtar *“shall, with voluntary participation of neighbourhood residents, identify common needs, enhance the neighbourhood’s quality of life, conduct relations with the municipality and other public entities, deliver opinion on matters of interest for the neighbourhood, cooperate with other institutions and perform other duties as prescribed by laws.”*²⁰ Their role should be supported by the Municipality, including with **budgetary (in kind) resources** whenever possible. They are also allowed to take part in the specialised Commissions meetings, however without voting rights, and so far, have not been considered an important part of the Citizens Assemblies. Their election is regulated by Law 2972 on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Eldermen²¹, even though the law does not establish a specific procedure.

Advantages and disadvantages of the present situation, opportunities and challenges

As Gérard Marcou explains in his research “Local Administration Reform in Turkey - A legal appraisal based on European principles and standards” (Université Paris 1 Panthéon-Sorbonne, 2006)²², the traditional institution of the Muhtar works as a link or **mediator between inhabitants and the municipality** and has its roots in the Ottoman Empire. Through the aforementioned instruments, the

²⁰ See note 3, p. 4.

²¹

https://www.legislationline.org/download/id/7787/file/Turkey_law_elections_local_administration_1984_am2012_en.pdf

²² <https://www.econostrum.info/attachment/404656/>

Muhtar influences local decision-making, and he could be, especially in villages, still a respected function which is sometimes considered to have even higher credibility than the mayor itself. This is not the case in bigger cities or metropolitan cities. One of the reasons may be that candidates are neither presented nor supported by political parties (as per the law, any Turkish citizen over the age of 18, residing in the neighbourhood for at least 6 months and meeting literacy standards - however without obligation of completion of primary school - can be a candidate mukhtar). For these reasons, Marcou believes that the Muhtar can **support the development of local self-government** and local democracy, in particular in urban areas. Moreover, the Muhtar represents an opportunity for women empowerment, as stated by the article "Ultimate winners of the local elections: women mukhtars" by Şeyma Nazlı Gürbüz on Daily Sabah, while still the place of the women has to be confirmed since only 5000 Muhtar are women out of 50.000.

In the Focus Group Discussion Report under the Assessment of the Changing/Transforming Role of Neighborhood Management (LAR III, January 2020), Metehan Gültaşlı and Can Okman highlighted the main challenges that emerged. They confirmed the **important role of the mukhtars**, due to their proximity to citizens, their (formal and informal) roles and responsibilities and their potential in terms of good governance, arriving to their definition as "the first step of local government".

On the other hand, the openness of the Mukhtar electoral law in terms of requirements of the candidates is also seen as a weakness and even worse, as a potential threat: the article "Changes should be made in the electoral law of the muhtar" on Ilkha.com of August 2019 reports thousands of cases of Mukhtars not being at service to their community, being illiterate, with criminal records and not residing in the neighbourhood they govern.

However, their mediation role is described often **one-way**: they convey local issues to the relevant public institutions and collaborate with them on specific matters, but they very rarely give feedback or inform citizens on their turn. Moreover, their role is **uncertain in terms of administrative status** also because of the disproportion between their legal responsibilities and their authority, especially in metropolitan cities. In those ones, they lost in both economic and administrative terms, and more importantly in decision-making opportunities, following the Law 6360 (see description in Section 5) that relegated mukhtars in metropolises to an essentially passive role. Gültaşlı and Okman also noted that there is **no monitoring and evaluation mechanism** in place for what concerns the activities carried out by *mukhtars*. They conclude their observations by saying that to realise the full potential *mukhtars* have in terms of local democracy, their role has to be restructured in all aspects.

3.10. Structure, functioning and the role of the metropolitan cities

Composition and organisation

Until 2004., Metropolitan areas in Turkey used to be defined as **urban areas** with a population of more than 750.000 inhabitants. In 2004, the concept was redefined, leading the borders of Istanbul and Kocaeli as a municipality to coincide with **provincial borders**. This has been extended to other metropolitan municipalities, and all provinces with a population of more than 750.000 have been recognised as metropolitan municipalities as well. Currently, there are **30 metropolitan municipalities in Turkey, making up 77% of the population of the country**²³.

Table 5 : Metropolitan municipalities in Turkey

Year of establishment	Number of cities	Metropolitan municipalities
1984	3	Istanbul, Ankara and İzmir
1986	4	Adana, Bursa, Gaziantep and Konya
1988	1	Kayseri
1993	7	Antalya, Diyarbakır, Erzurum, Eskişehir, Mersin, Kocaeli and Samsun
1999	1	Sakarya
2012	13	Aydın, Balıkesir, Denizli, Hatay, Malatya, Manisa, Kahramanmaraş, Mardin, Muğla, Tekirdağ, Trabzon, Şanlıurfa, Van
2013	1	Ordu
Today	30	

Essentially, the role of metropolitan municipalities is to govern areas (coinciding with provinces) inhabited by more than 750.000 people, with particular emphasis on infrastructure and transportation. Throughout the years and the law amendments, **Metropolitan municipalities in Turkey are acquiring a growing power**. As illustrated, by Massicard and Bayraktar, local authorities are resorting more and more to the private sector (through public-private partnerships and sub-contracting) because of the difficulties to obtain funding through institutional channels. This choice

²³ https://en.wikipedia.org/wiki/Metropolitan_municipalities_in_Turkey

might on one side render municipal services more effective, but on the other hand, it allows them to escape oversight and constraints.

Metropolitan municipalities are not mentioned in the Constitution but are directly regulated by the 5216 Law on Metropolitan Municipalities²⁴, 5393 Municipality Law and the 6360 Law on “The Establishment of Fourteen Metropolitan Municipalities and Twenty-Seven Districts and Amendments at Certain Law and Decree Laws”.

Municipality Law 5393 mostly refers to **boundaries definition** and specifies what is already stated in Law 5216.

Law 5216 established the following aspects:

- It defines “**Metropolitan municipality**” (Article 3) as “*a public entity having administrative and financial autonomy which comprises at least three district or first-tier municipalities, coordinates the functioning of such municipalities, discharges its statutory duties, responsibilities and exercises statutory powers, and whose decision-making body is elected by voters*”²⁵, and states its organs are :
 - the **metropolitan council**
 - the **metropolitan executive committee**
 - the **metropolitan mayor**.

- Article 4 is what allowed **provinces** with a population exceeding 750.000 inhabitants to be defined as metropolitan municipalities with borders corresponding to the provincial ones.
- It lists **duties and responsibilities** of metropolitan municipalities (Article 7), of which the most relevant concern the preparation of the **metropolitan municipality’s strategic plan** and **investment program, urban development planning** and construction (including sports and social services), ensuring waste management and the protection of the environment, issue **business permits**, coordinate **urban transport** at the metropolitan scale as well as **urban information systems**, provide municipal **police services**, ensuring the conservation of **cultural assets** and managing and developing **health care services**.

²⁴ <http://www.lawsturkey.com/law/law-on-metropolitan-municipalities-5216>

²⁵ See note 3, page 1.

- It underlines the important role of metropolitan municipalities in terms of **infrastructures** and **transportation** (Article 8 and 9), and their power to supervise land development planning (Article 10 and 11).
- It defines the **governance** of metropolitan municipalities as based on the **Metropolitan Council** as the decision-making body, **composed by elected representatives and mayors of other municipalities within the metropolitan area, and chaired by the Metropolitan Mayor.** So they have both elected representatives and *second level* representations from Mayors of the municipalities within the metropolitan cities. There is no separate election for the metropolitan municipality councils. District mayors and one-fifth of district municipal council members constitute metropolitan municipality councils. Therefore, the current representation system is based on the representation of the district municipalities in the metropolitan municipality council.
- It states the obligation to set up **specialised commissions** (Article 15) on land development planning and public works, environment and health, planning and budget, education, culture youth and sports, and transport, where experts, universities and civil society organisations may participate without voting rights,
- The Metropolitan Municipality acts through the **Metropolitan Executive Committee** (Article 16), chaired by the mayor and comprising 5 elected metropolitan municipal councillors and 5 members appointed by the mayor among Heads of Units, including the Secretary General and the Head of the Fiscal Services Unit,
- The **Metropolitan Mayor** (Article 17) represents the legal personality of the Metropolitan Municipal Administration and is elected directly by the voters residing within the boundaries of the metropolitan municipality.
- As for the **administration** (Article 21), it is organised in general secretariat and units. The Secretary General and its assistants manage the metropolitan municipality services on behalf of the mayor.
- Metropolitan Municipalities can also set up **capital companies** (Article 27).

Table 6 : Governance of the metropolitan council in Turkey



The metropolitan cities are both a direct management organization and representation of the municipalities included in the metropolitan cities.

Some concerns have been raised with regard to the representation in the elections of the metropolitan municipal council. **The current representation system led to a situation that favours small and less populated districts but brings disadvantages to large and more populated districts²⁶.**

This concern coincides with the distinction between central and peripheral district in many provinces. *In some metropolitan cities, members from mostly rural peripheral districts form the majority of the metropolitan council.* With the law 6360, the metropolitan limits to the entire boundary of a province, many districts became part of the metropolitan municipality system. Due to the current representation system, there are specific/additional representation injustices (see reference to the Focus interviews reports) in the metropolitan municipality councils. These injustices seen in the metropolitan municipality council are not only a geographical character. Those rates show that there is a greater representation between central and peripheral districts, with a higher one for these last ones, ie with fewer votes or small districts with lower population end up sending more representatives. The current representation system led to an increased number of instances where the party from which the metropolitan municipality mayor was elected could not obtain a majority in the metropolitan municipality council.

²⁶ Quote from the focus group interview report.

The most recent Law, and the one that had the most relevant impact, is **Law 6360** “The Establishment of Fourteen Metropolitan Municipalities and Twenty-Seven Districts and Amendments at Certain Law and Decree Laws”. As analysed by Pınar Savaş-Yavuzçehre in his article “The Effects Of The Law No. 6360 On Metropolitan Municipality System In Turkey”²⁷, following this law changes took place on various aspects:

- Administratively, some legal entities have been abolished, new one has been created and existing one have been modified in names and/or boundaries, as well changes took place in terms of division of powers.
- In terms of transfer of power, this regulation establishes what is defined “**centralization at the local level**”, by centring responsibilities on the Metropolitan Municipalities. In this sense, the **Metropolitan Mayor becomes a more powerful political figure** with more authority and budget.
- Financially, the shares of local governments have been redefined.
- In terms of services, administrative and municipal boundaries have been matched and the service zones have been expanded
- As the law entered into force, **more than 70% of Turkish citizens** started to live within metropolitan municipalities boundaries and therefore being subjected to this new regulation. According to Savaş-Yavuzçehre, the fact that vast territories with geographical and population differences are reunited under the same administration could cause issues in the long run.

The management of the metropolitan cities are considered by many being too bureaucratic and far from the Council. The attempt to replicate entirely the system of municipalities (by a sort of copy and paste) results being complicated and hardly applicable, considering the different context and composition of the metropolitan cities. The only political person in the management of the metropolitan city is the Mayor. The system of participation of councillors seems to be often low and it is considered being a system of raising and lowering hands. The functioning of metropolitan council seems to be non-efficient and too formal, without constructive debate and quality contribution (see report from the Focus interviews report).

²⁷ The Effects Of The Law No. 6360 On Metropolitan Municipality System In Turkey 46 Pınar Savaş-Yavuzçehre, Asst. Prof Pamukkale University, Turkey <https://core.ac.uk/download/pdf/236407022.pdf>

According to Law 5216, **Mayors at district level elected are members of Metropolitan Councils** and are therefore directly involved in decision making at the metropolitan level.

It is the duty of metropolitan municipalities to **harmonize and coordinate service provision** among the municipalities located within its boundaries (Article 27), while infrastructural responsibilities are to be defined clearly by the metropolitan councils. Some of the **duties** assigned to district or first-tier municipalities can be performed jointly or by the metropolitan municipality itself, following a request and budget availability of the concerned municipalities. The metropolitan municipality and its affiliated entities may, with the mayor's approval, may harmonize their financial expenditures .

The metropolitan municipality affiliates and municipal companies are not included in the scope of the regular audit but, the focus group interviews (attached) raised a point on the need for a further regulation to include them.

Relationship between municipal councillors of metropolises and citizens composing the metropolitan city are not so direct that for “regular” municipalities. They are more mediated by the presence of the parties.

Advantages and disadvantages of the present situation, opportunities and challenges

Concerning **Law 6360** and its impact on local governments, a study has been conducted under LAR III by Muhittin Acar, Emre Koyuncu, Can Okman and Eren Çağdaş Bilgiç, assessing the evaluation of the law by metropolitan municipalities themselves. Generally, upper and middle level managers of metropolitan municipalities find the changes positive, especially for what concerns the boundaries extension. On the other side, the transformation of villages into neighbourhoods is considered negative by half of the respondents. The main advantage is that the law increased the accessibility of services and improved the institutional functioning and service delivery. The main drawback arises from issues arise from the confusion of authorities and responsibilities between the central authorities and the district/metropolitan authorities. Other issues involve inadequate general budget tax shares and inadequate personnel capacities. The over-representation (unfairness) of districts less populated and peripheral in the governance and the metropolitan municipal council has been raised.

On the other hand, small municipalities (beldeler) that had to be merged into district municipalities lost they point of reference and also jobs. The merging of municipalities into districts and part of the metropolitan city has not been entirely accepted.

Another focus group discussion in the framework of LAR III concerning the Assessment of the Changing/Transforming Role of Neighborhood Management (LAR III, January 2020) has been carried out by Metehan Gültaşlı and Can Okman. It highlights the following aspects:

- Law 6360 results in the aforementioned “**local centralisation**”, making rural neighbourhood administration more dependent on Metropolitan Municipalities and the city centre than they were before the law (where they could refer to District governorships);
- As a consequence of the law, District Municipalities **pass some of their revenues** to Metropolitan Municipalities, therefore losing part of their powers and capacity to respond to citizens’ needs as well;
- This also leads Metropolitan Municipalities to **struggle responding to rural neighbourhoods’ needs** with the existing budget and institutional capacities, but also arises issues in terms of sense of belonging and alienation.

Another report in the framework of LAR III, “Capacity Building on the New Metropolitan Municipality Model and Inclusive Local Governance Processes” by Muhittin Acar, Emre Koyuncu, Can Okmana and Eren Çağdaş Bilgiç states that due to the combined effect of re-centralization and local centralization orientations, the **local administration system** is essentially **shaped over metropolitan municipalities** and raises efficiency concerns. In fact, issues between metropolitan and district municipalities persist, and the management of rural areas poses serious challenges. Through a household survey conducted under this study, it was however detected that the majority of respondents believe that the implementation of the system proposed by Law 6360 should be extended to all provinces, if improved.

In his study “Yerinden Yönetim ve Merkezileşmiş Büyükşehir Sisteminde Yetkilerin Dağıtılması / Decentralization and Distribution of Powers in the Centralized Metropolitan System” , Erbay Arkıboğa²⁸ sees the **power sharing** as a potential element to effectively localise the centralised metropolitan system. In his view, resources and authority should be redistributed between metropolitan and district municipalities, with particular regards to neighbourhood management. This would serve to an effective **democratisation of the metropolitan system**, making it more efficient and accessible to the citizens.

²⁸ Marmara Üniversitesi Siyasal Bilimler Dergisi • Marmara University Journal of Political Science • Cilt 6, Sayı 1, Mart 2018, ISSN 2147-6934, ss. 1-34 • DOI: 10.14782/marusbd.412624

Mehmet Güneş, in his article "As a Discussion of Local Democracy: Electoral System and Fair Representation Problem in Metropolitan Municipality Councils"²⁹ reflects on the aforementioned **representation issue** at this governance level, in particular following the application of Law 6360. He states that in metropolitan municipalities the imbalance of representation is even stronger than in smaller ones, since it increases proportionally with the number of voters concerned.

²⁹ Güneş, Mehmet . "Yerel Demokrasi Tartışması Olarak: Büyükşehir Belediye Meclislerinde Seçim Sistemi ve Temsilde Adalet Sorunu". Siyaset Ekonomi ve Yönetim Araştırmaları Dergisi 5 / 1 (Ocak 2017): 47-61

4. Key findings

The comparative assessment of the three countries studied (Poland, France and Italy) allows to highlight some similarities and differences respect to the Turkish case in terms of local governance and local elected laws. The fact that the three countries are members of the Council of Europe and have ratified the European Charter on Local Self Government is also a key element for understanding the similarities and the same background.

Listed here are some of the elements that are relevant as for the topics of research that will then lead to the recommendations to be proposed.

1. **Evolution of the local government key lines and trends as for municipal council empowerment**
2. **Evolution and reform of the electoral system at the local level**
3. **Neighbourhood bodies and empowerment**
4. **Citizen's participation and practices**
5. **Introduction of metropolitan areas/cities and opportunities**

1. Evolution of the local government key lines and trends as for municipal council empowerment

In all the three countries observed, the legislation in terms of local government have undergone (and still does) substantial changes in these last decades. Local governance is influenced by societal changes and the needs to respond to the immense challenge in managing municipalities, always more and more solicited for responding to global issues. **For these countries, local governance is a key factor for stability, democracy and growth**, as it has been clearly presented in the case of Poland, the country that went through a process of democratic transition in the last decade of the 20th century. The **concept of “subsidiarity”** is strongly emphasised (as described in the Italian legislation) : all the issues are tackled by the institution closest to citizens and if not possible, they are dealt by the next upper level.

Those changes have been usually oriented to :

- a) **Decentralisation as a top priority** with substantial organisational changes (with France and Italy with two constitutional reforms in the last two decades) and in the contemporary Poland as a key element for stability and transition after the end of the socialist period.

- b) **Reduction of costs of politics** (merging municipalities and institutions, reducing number of councillors from small municipalities, reforms of territorial organisation and unions of municipalities/intercommunalities). In Italy, the reform of the Delrio Law, reduced the provinces to second level institutions (composed of municipalities representatives) while creating the metropolitan cities instead, 14 of them. Italy also introduced “simplification” for the smaller municipalities, having less council representatives and facilitating the governance of the towns.

- c) **Simplification for the smaller municipalities.** In all three countries, the local governance system introduces simplified procedure of governance (in the way the elections are run and the way the council works) for the smaller municipalities. In Italy, in small communities, the principle of executive and elected/representative bodies are even merged.

- d) **Strengthening the role of the Mayor and his/her executive power.** Italy and Poland opted for the direct election of the Mayor. In France the mayor is elected within the Council but in terms of competences, he/she has an important role. In Poland, the system is strongly in favour of the Mayor. In Italy, the Council is closely linked to the Mayor and they are depending on one from another, putting a limit the one-person approach to local governance. Said that, the role of the Executive Board of the Mayor in Italy (chosen on the basis of trust), very much in charge of the day-to-day administration of the city, reinforces the Mayors’ executive role of governance respect to the Council.

- e) **Empowerment of the regional tier of government.** Even if the regional level is not the topics of our research, it must be noted that all three countries - on the impulse of the European Union legislation focusing on regional approach to social and economic cohesion - have reinforced the power of the regions. Italy is now a very strong regionalised country with a very broad budget and competences transferred to them by the State. Poland saw the increase of its regional competences with the very successful post socialist era through the decentralised process. France, a very strongly centralised state, had to come to terms with a empowered

regionalisation, in order to be able to better manage *cohesion* funding and programmes allocated by the European Commission.

- f) **The empowerment and creation of public private partnership and the instrumental agencies delivering services.** Municipalities are running important services (waste management, roads, energy, local transportation). The creation of instrumental companies (where the municipality is owner but with a private system of management) is a key of future local governance. Those “public” companies of services represent an essential key of local management in Italy, triggering lots of debates and choices at the municipal council levels. The same is present in France and in Poland.
- g) **The intercommunalities for matching services among small municipalities.** Intercommunalities or any other form of fusion/union of small municipalities become compulsory in some cases (like in Italy) in order to preserve the local municipality’s role and identity but also to seek for efficiency and costs’ reduction (shared public transports, shared services for citizens, etc)
- h) **Focus on transparency and attention to the conflict of interest:** the legislation of the three countries focuses on avoiding conflict of interest among executive, councils and the position of the local authorities’ representative in instrumental companies delivering services. Stringent rules are also provided as for the family members and a long list of incompatible functions are mentioned, to avoid having the controller being also the controlled.

In all three countries, the attention on **municipal councils** is strong and well-structured to create a good representation of citizens and adequate balance of powers as well as check and balances in governance. In order to empower the role and efficiency of the municipal councils/councillors, those are the elements to focus on :

- **Competences and role:** the municipal councillors need to be regularly and properly consulted
- **Means for operating:** commissions, facilities, other supports
- **Autonomy:** independent from the executive so that they are not only backing up the decision of the majority

- **Accountability to citizens:** with a direct dialogue with them through the neighbourhood representation and role or because they are elected with preferences
- **Balanced governance:** with a role for the minority groups without being completely excluded by the majority group.

Similarities:

To the municipal councils are attributed **general strategic rules, approval of budget, spatial planning** and there is in place a **process of control of the executive actions of the mayor and his/her own board**

The municipal councils work with **commissions, sometimes opened to external participation**, and they are considered a way to engage with citizens. They also have strong connection with citizens, with reception and meetings, like in Poland where they engage with associations and settlements councils.

All of them have little interaction with the civil servants, while they can ask and obtain information from them.

Differences:

The relationship between the council and the Mayor is more balanced in Italy and in France, where the decision- making role is emphasised with more competences assigned to the Council than in any other country studied. In Poland, the Mayor is stronger and leaves the Council in a more subordinated to his/her governance. In France, despite of the fact that they are elected by the Council, the Mayors have a very important role and responsibility (driving to an overburden of their role).

The **political minority group** is valorised in different ways. In Italy, to secure their role, the chair of transparency and audit commission is by law attributed to the representatives of the political minority groups. In France, this practice is suggested by the law but not compulsory. In Poland a simple representation of all the political parties in each commission is requested.

Executive boards of the Mayors: The Mayor is accompanied by a team of “trustees” known as the Executive Board (Giunta) in Italy and Deputy Mayors in Poland (nominated by the Mayor). They run

the day-to-day activities with him/her with many responsibilities and power. In France, the Mayor can have deputy mayors (*adjoints au maire*) indicated within the council members. They are more working on separated topics, than globally being his/her executive team. The executive team should be gender balanced in Italy, while this is not the case in other countries.

Chairing the Municipal Council. In Italy, the chair of the Council (except for small municipalities) cannot be the Mayor. It is a very important element, which ensures a balance and dialogue between executive and the Council. In France, the Council is Chaired by the Mayor (since he/she is elected by them). In Poland, the Chair of the Council is elected among its members.

2. Evolution and reform of the electoral system at the local level

The law on elections at the local level has also undergone numerous changes and it followed the structural changes proposed in the local government system mentioned above. The electoral system is marked, in all three countries, both by similarities and differences.

Similarity :

Majority prize : The majority *prize* (or quota candidates) for the lists of the winning mayors have been introduced in all systems in order to secure stability. The remaining candidates of the minority lists are attributed following the D'Hondt system.

The threshold for the minority lists to have candidates in the Council : the threshold has been introduced in all three systems for the minority lists candidates to be distributed thanks the D'Hondt system, while they are different country by country : 3% in Italy, 5% in France and in Poland.

All the national citizens being 18 of the countries of reference can vote for the Municipal council, including all the other EU citizens having registered in the electoral lists of the municipalities. This is a direct result of the EU directive on EU citizen rights (having the right to vote at the local level in any state of the EU).

Differences :

Party lists and preferences for councillors : France uses fixed party lists. Italy and Poland use preferences. In Italy, electors can also have 2 preferences that has to be of different gender (to secure a gender balance). The preferences have significantly reduced the role of the parties in *managing* the lists and that has incentivised the role of the councillors and their dialogue and accountability to citizens. The Italian system is also relevant as for the system of preferences since it allows the vote for the mayor of one party and the choice of the council candidate on another list (called “the disconnected” vote). In France and Italy, for very small municipality a candidate can be so without a supporting list.

Election of the Mayor : For **Italy and Poland, the Mayor is elected directly by citizens**, while in **France, he/she is elected within the Council** (event though the name of the candidate Mayor is broadly communicated beforehand as a possible support to the lists).

Gender balance : in terms of party lists, the Italian electoral system requires a minimum of 40% of any gender in the list of candidates (or min 40% of women or 40% min of men) while in France a list with candidates is alternated with man and a women. In Poland, the list should have at list 35% of women represented. In Italy, as mentioned above, if two preferences are expressed, they must be a woman and a man (otherwise the preferences are not valid).

As for the number of mandates of the mayor, he/she cannot be elected for more than 2 mandates in a row for Italy and Poland, while they can in France.

The Council and the Mayor are elected for 5 years in Italy and Poland and for 6 years in France.

3. Neighbourhood body management and empowerment

Neighbourhood management is an issue, and it is considered as very important in the three systems studied. Nevertheless, efficiency and costs effectiveness are also being considered.

Differences.

Italy introduced a radical change with the end of the district councils (*circoscrizioni*) for the cities of less than 250.000 inhabitants. The threshold is considered being very high and *neighbourhoods' representation* is questionable in many important cities and the vacuum is difficult to fill now. Nevertheless, the municipal council can delegate to the councillors for being a representative in order to follow each neighbourhood. New forms of aggregation have emerged in terms of citizens participation, often to compensate the gap. In cities with more than 250.000 citizens, the *circoscrizioni* are elected and represent a key element of citizens representation and proximity of citizens in all the other cities. The "*circoscrizioni*" for cities of 300.000 inhabitants are empowered.

France has local governance established with the (**Conseil de Quartier**) **Neighbourhood councils** (for cities with more than 80.000 inhabitants), with elected bodies and with attribution of responsibilities, called **Neighbourhood deputies**. In big cities (like Paris and Marseilles), the councils for neighbourhood are called "*arrondissement*", which are elected together with the city council. neighbourhoods' councils may be consulted by the Mayor and make proposals on any issue concerning their area or the city.

In Poland, municipalities have the right to set up subsidiaries' bodies, such as **settlement councils**. The municipal council determines the powers of the settlement councils, how they are elected, and may also make the budget available to them.

4. Citizen's participation and practices

Models and approaches to citizens' participation at local level are diverse, and accompanied with increasing number of institutionalised forms and possibilities. They are more recognised as a **strong added value in France and Italy**, this last one through regulated regional laws, which are often systematizing the process and making it compulsory. In particular, the regulations of **public administration** are also encouraging the use of citizens' participation elements.

The issue regarding the challenge with municipal councils exists since the practices of participations are *also* representing citizens. However, having different responsibilities and competences, those two types of governance (one institutional, the other one more citizen based), is a solid ground for engaging more citizens and creating opportunities of cooperation.

All the countries studied, also have ways of **engaging citizens in the municipal work through commission and councils open to citizens**, like in Italy the "permanent commissions with citizens", in France too and in Poland the "youth councils" and the "senior councils", for instance. **The citizens'**

councils have been more structured in France with a law passed in 2014 and proved not to be entirely positive as for the confusion on responsibilities. **Citizens' panels** are also very popular.

Citizen's participation also offers the possibility to engage citizens who are not national citizens even if they can't vote. Indeed, all the practices and possibilities (in the three countries observed) do not pose limits to whom they can consult.

Participatory budgeting and Citizens' budget are increasingly in use in the local governance system of the countries studied as an illustration of citizens' participation models, and in Poland for some larger cities it has been introduced as a form of compulsory public consultation. Urban planning and investment planning at local level in Poland are the policy areas with compulsory consultation with citizens (if the public consultations are not organised, the central or regional authorities are entitled to declare the decision void).

5. Introduction of metropolitan cities /areas

The introduction of metropolitan cities/areas is an ongoing process, at least in the legislation, in the three countries observed in these last 10 years. They respond to the criteria of *managing in a coordinated and more efficient manner, complex and big urbanised areas*. The metropolitan cities are therefore introducing the idea of innovation and sustainability, proposed by the European Union in the so-called **Smart Cities**.

In Poland the pilot programme has not been entirely successful except for one metropolitan city of Silesia. The law exists but its effective implementation is still far from satisfactory. Other forms of association of municipalities, more efficient, are present in the country (like in Gdansk).

The metropolitan cities are operational in **France in Italy** (after a constitutional change).

- ➔ In **Italy**, metropolitan cities have *absorbed* part of the **structures and competences of the provinces** for the bigger cities (the other provinces have been transformed to a second level organisation composed of already elected representatives of municipalities)

→ In France the “metropolis” represent the **highest level of inter-municipal co-operation intercommunalities** between neighbouring cities (there are other forms determined in the legislation, depending on the number of inhabitants for the agglomeration).

In both countries, metropolitan cities represent a **secondary level organisation**, including elected representatives of the subordinate municipalities. In France, they are called Community Councillors. They all have a balanced representation of numbers of cities included in the metropolitan area but considering the population. **Inhabitants in the city are proportionally represented with councillors in the metropolitan city depending on their number.**

While they are indeed operational in those countries, in Italy at least, many would say that metropolitan cities still represent an unknown entity with a not clearly defined budget and identity (they talk about a *ghost* institution) and it remained non-operational for many years. There is also a fear of overlapping of tasks with the municipality’s representatives composing the metropolitan cities. Nevertheless, the assumption is that the experiment will continue and will be further empowered.

5. Comparative assessment : Poland, France and Italy

5.1. France³⁰

³⁰ Articles & Reports

- [Les adjoints au maire](#), Site gouvernemental Collectivités locales
- [Le conseil municipal : attributions, délégations données au maire, droits de l'opposition et fonctionnement du conseil](#), Site Gouvernemental Collectivités locales
- [Fiche de synthèse n°11 : L'organisation territoriale de la France](#), French National Assembly
- [Mission Flash sur la Démocratie locale et la Participation citoyenne](#), E. Chalas et H. Saulignac pour l'Assemblée Nationale
- [Vers une démocratie participative locale à la carte ?](#), La Gazette des Communes
- [Le cadre juridique de la démocratie participative, du légal à l'extralégal](#), Le Courrier des Maires et des élus locaux
- [Les élections en France : les différentes élections](#), Ministère de l'Intérieur
- [L'intercommunalité, une constante des réformes territoriales](#), Vie publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]
- [Dynamique de l'emploi et des métiers : quelle fracture territoriale ?](#), France Stratégie
- Information report - Tome 1 "[Faciliter l'exercice des mandats locaux : enjeux et perspectives](#)", delegation for local authorities and decentralization of the Senate
- [Mieux associer les élus municipaux à la gouvernance des intercommunalités : valoriser les bonnes pratiques](#), Rapport d'information n° 559 (2018-2019) de M. Antoine LEFÈVRE et Mme Patricia SCHILLINGER, fait au nom de la délégation aux collectivités territoriales, déposé le 11 juin 2019
- [Organisation et fonctionnement des collectivités territoriales](#), support de Cours de M. : Gregory COUTURIER
- [Les attentes des Français vis-à-vis de leurs maires : proximité et reconduction](#), Analyse de Martial Foucault, professeur à SciencesPo et directeur du CEVIPOF
- [Les relations élus-fonctionnaires: dualité complexe!](#), Denys Lamarzelle, ADT Inet - Association des Dirigeants Territoriaux et Anciens de l'INET
- [Les conseils de quartier, un révélateur des difficultés d'émergence du nouveau « pouvoir consultatif »](#), Philippe Breton et Célia Gissinger, Open Editions Journal, p. 124-135
- [Fiche méthodologique pour la Mise en place de Conseils citoyens](#), Prefet de l'Isère, MCI/PSEMP avril 2015
- [Politique de la ville : une réforme bien engagée mais fragilisée par un manque de moyens](#), Rapport d'information de Mmes Annie GUILLEMOT et Valérie LÉTARD, fait au nom de la commission des affaires économiques, n° 662 (2016-2017) - 19 juillet 2017, Site web du Sénat
- [Les rapports de pouvoir entre les élus et l'élite administrative locale dans les municipalités urbaines De l'a priori de la subordination à une relation collégiale](#), Rémy Le Saout Dans Savoir/Agir 2013/3 (n° 25), pages 39 à 45
- [Municipales 2020 : Manifeste pour une démocratie locale réelle](#), Médiacités
- [Maires en 2020 : compétences en évolution et inquiétudes persistantes](#), Vie Publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]
- [#PacteÉtatMétropoles : l'innovation au service des territoires](#), Site du Gouvernement français
- [Métropoles : la mise en œuvre des coopérations interterritoriales](#), Vie Publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]
- [Quelles compétences et quelle organisation pour les métropoles ?](#), Vie Publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]
- [Fiche n° 4 : Le Pacte de gouvernance](#), Prefet de Haute et Garonne

Handbooks

- [Le Guide du Maire](#) (The Mayor Handbook), Developed by the French Ministry of Territorial Cohesion and Relations with Territorial Communities, the French Ministry of Action and Public Accounts, and the French Ministry of the Interior
- [Elections municipales 2020 : les conditions d'éligibilité pour être candidat au mandat de conseiller municipal et conseiller communautaire](#), AMF - L'Association des maires de France et des présidents d'intercommunalité
- [Guide du maire 2020 - Chapitre 3 - L'organisation et le fonctionnement de la commune](#), AMF - L'Association des maires de France et des présidents d'intercommunalité
- [Guide de la Loi Engagement & Proximité](#), Ministère de la Cohésion des Territoires et des Relations avec les Collectivités Territoriales
- [L'organisation et le pilotage des services municipaux : Les principes clés](#), Organigrammes types, CDG35 - Centre de gestion de la Fonction Publique Territoriale, Service Conseil et Développement, Juin 2020

Legislation

- [Code des Collectivités Territoriales français](#) (French Local Authorities Code), current version (2014)

Recap³¹

France is a unitary state composed of municipalities, departments and regions

36,568 Municipalities

The **municipal council** is composed of councillors elected by direct universal suffrage for a six-year term. This deliberative assembly is headed by the mayor.

- . Electoral functions
- . Social work
- . Education
- . Maintenance of municipal roads
- . Land development and planning
- . Local public order

The **mayor** and his/her deputies represent the municipality's executive branch. The mayor is elected by and from within the municipal council for a six-year mandate. He/she is in charge of the municipal administration and is assisted by his/her deputies.

Decentralised competences

- . Urban planning
- . Education
- . Economic development
- . Housing
- . Health
- . Social work
- . Culture

Traditional competences

- . Registry office functions

Intermunicipalities

It is foreseen for 2014 that all municipalities will be a part of an inter-municipal structure. These structures have limited competences allocated to them by the municipalities. The city of Paris is both a department and a municipality. (see below in the text)

96 Départements (3 overseas)

The **general council** is the department's deliberative body. It is composed of members elected by direct universal

suffrage for a six-year term and half of it is renewed every three years. The council elects its president among its members and

- Code Electoral (French Electoral Code), current version (2021)

³¹ 2016

is composed of specialised committees. Since August 2004, general councils can experimentally manage European structural funds.

The **president of the general council** is the department's executive authority. He/she is elected by and from within the council for three years and is assisted by a permanent committee composed of vice-presidents.

The **prefect** represents the country's prime minister and the ministers within the department. He/she is in charge of

maintaining public order and holds police powers, providing him/her with the status of administrative police authority. The prefect is also in charge of monitoring the legality of the local authorities' actions.

Competences

- . Social and health action
- . Urban and equipment planning
- . Education, culture and heritage
- . Economic development
- . Environment

13 regions and 3 overseas

The **regional council**, called "territorial assembly" in Corsica, is the deliberative body of the region. It is composed of regional councillors elected by direct universal suffrage for a six-year term. The regional council elects its president from among its members. Since August 2004, regional councils can, on an experimental basis, manage European structural funds.

The **permanent committee** is the region's deliberative body, which assists the council in the execution of some of its competences. The vice-presidents are members of the permanent commission.

The **president** is elected by the regional council for six years. He/she is the region's executive body and is at the head of the regional administration. The president's functions are similar to those of the department's president of the general council.

The **prefect of the region** is the prefect of the department in which the main city of the region is located. He/she is responsible for the services devolved to the regions by the state. Other competences include relaying the government's policy on major projects, monitoring the legality and compliance of the region's budgetary acts,

and preparing policies for the region's economic, social and territorial development.

Competences

- . Economic development
- . Territorial development and planning

- . Transport
- . Education and job training programmes
- . Culture
- . Construction and maintenance of secondary schools
- . Health

About Corsica and overseas

Corsica has a specific status and represents a self-governing authority with specific institutions (Corsican assembly, executive council).

regional and general councils.

There are three types of overseas communities:

The act adopted on 16 December 2010 modifies the general organisation of local, departmental and regional authorities starting in 2014. They notably plan for the creation of a territorial councillor: a single elected representative to preside over the

- . Overseas departments and regions (DOM and ROM)
- . Overseas communities
- . New Caledonia and the Territory of the French Southern and Antarctic Lands (TAAF)

5.1.1 Description of the local governance

Departing from the principles of *equality* and reason, the French *communes* were officially set up during the French Revolution, and they replaced the former parishes and chartered towns of the *Ancien Régime*³². Following the set-up of the *commune* of Paris and the establishment of a municipal guard to protect the city from any attempt to re-establish the monarchy, many other cities followed the example. Therefore, the 14th of December 1789, the National Assembly proclaimed a law

³² Organisation territoriale : les apports de la Révolution française. (2021). Retrieved 19 May 2021, from <https://www.vie-publique.fr/fiches/19606-collectivites-les-apports-de-la-revolution-francaise#:~:text=L'Assembl%C3%A9e%20constituante%20fixe%20le,fixe%20le%20nombre%20%C3%A0%2083>.

establishing the *communes* as the lowest administrative level in France, each of which with its own mayor and a municipal council elected by its own inhabitants³³.

The *communes* as we know them today still presents quite the same features than the one born during the French Revolution. Only few changes occurred during the years, the biggest of which were represented by the recognition in 1837 of the *communes* as a “legal entity”³⁴ and by the modality of elections for the municipal council -which resulted in the universal suffrage for all in 1944³⁵.

44 000 *communes* were created during the Revolution, and despite the importance of the events and the enormous changes that France has been through in the following centuries, and despite the massive urbanisation processes that the country has experienced, this number remains extremely high, these entities being 34 965 as of 2021³⁶. This persistence in maintaining such a high number of *communes* has led to several debates and reform proposals throughout the years, but so far none has been successfully welcomed.

Nevertheless, over the last decades it has become more and more common for *communes* to create *consortia* to jointly provide a series of services. It was the **Chevènement law** of 12 July 1999, aimed at simplifying the *communes* system, that made this possible, also thanks to the provision of financial resources of the central government to encourage communes to create intercommunal structures (Law n° 99-586, 1999).

France is a **unitary state**. However, its administrative subdivisions- **regions, departments and communes** - have various legal functions, and the national government is prohibited from intruding into their normal operations. In 2019, France had **34 960 communes**. The country is then organised in Regions and Departments. It went through a **territorial reform in 2014**. The most populated areas with major cities are also identified as agglomerations. France is a **semi-presidential system** determined by the French Constitution of the French Fifth Republic. The nation

³³ Matthieu Bertozzo, ' Par les lois des 14 et 22 décembre 1789, la Révolution française fit de la France le maillage méticuleux des communes et des départements, ' : Revue générale du droit on line, 2014, numéro 18700 (www.revuegeneraledudroit.eu/?p=18700)

³⁴ Follain, A. (2006). Le contentieux des réunions de communes en Franc. Retrieved 19 May 2021, from <https://www.cairn.info/revue-histoire-et-societes-rurales-2006-1-page-131.htm>

³⁵ Histoire des Maires. Retrieved 19 May 2021, from <http://blisetborn.free.fr/mairie/HistoiredesMaires/huitiemeepoque.htm>

³⁶ Insee, 2021: https://statistiques-locales.insee.fr/#c=indicateur&i=modif_communes.modif&view=map1

declares itself to be an "indivisible, secular, democratic, and social Republic". The constitution provides for a separation of powers.

In France, the **agglomeration** in the physical sense is an urban unit. In the political sense, the agglomeration refers, according to the number of inhabitants, to :

- A **metropolis**, "Métropole" (more than 450,000 inhabitants)
- An **urban community**, "communauté urbaine" (more than 400,000 inhabitants)
- An **agglomeration community** (50,000 to 450,000 inhabitants, except county town: 30,000 to 450,000 inhabitants)
- A **community of communes** (less than 50,000 inhabitants, except county town: less than 30,000 inhabitants)³⁷.

Citizens' participation at the local level in France is well established and it goes from local council permanent committees to more ad hoc ones. The "conseils de quartiers"³⁸ represent well established practices for getting closer to citizens. More innovative ways of engaging with citizens have been put in place in most of the French cities³⁹.

5.1.2. Municipal councils and councillors

5.1.2.1 Role and competences of municipal councillors

The Municipal Council has the general competence under common law to regulate the affairs of the municipality through its deliberations, under the terms of article L. 2121-29 of the French Local Authorities Code⁴⁰. No precise and restrictive definition of this notion of "municipal affairs" is given.

Indeed, "the affairs of the municipality" do not correspond to specific fields of activity but are characterized by the **purpose of the public interest of the municipality**. The Municipal Council gives

³⁷ <https://fr.wikipedia.org/wiki/Agglomération>

³⁸ <https://www.wittenheim.fr/Ville/Democratie-proximite/Conseils-quartiers/Qu-est-ce-qu-un-conseil-quartier.html>

³⁹ <https://www.paris.fr/participation-citoyenne>

⁴⁰ Art. L.2121-29 of the French Local Authorities Code

its opinion whenever it is required by law or by the representative of the State. Among its attributions, the municipal council⁴¹ :

- issues on all matters of local interest
- votes the budget, approves the administrative account (executed budget);
- is competent to create municipal public services, in particular public elementary and nursery schools (after consultation with the State representative in the department);
- draws up and updates the territorial coherence plan (SCOT), the sustainable development project and the local urban plan (PLU);
- elects the members of the board of directors of the municipal social action centre (CCAS), a public institution whose role is to help the most vulnerable people (disabled, poor or excluded).

The Municipal Council may delegate some of its powers to the Mayor. The Mayor alone is responsible for policing. He/she exercises this power under the control of the prefect.

The French constitutional revision of 28 March 2003 enshrined in Article 1 of the Constitution the fact that the organization of the Republic is decentralized. This new stage in the process of decentralization follows on from numerous reforms that have given greater freedom of administration to the various territorial levels. The law of 2 March 1982 on the rights and freedoms of the communes, departments and regions was an essential step in this respect. **Since the 1990s, the emphasis has been on inter-municipal cooperation.** This process of decentralization has also been accompanied by an **increasing devolution of state services to the regions and departments. From 2009 and 2010 onwards, the deconcentrated services have undergone a profound reorganization, as part of an overall reform of the State's territorial administration.**

France, after being a very centralized State, is moving towards decentralization with facts and legislation.

5.1.2.2 Composition and governance of the Municipal Council

The Municipal Council is composed of :

⁴¹ What is the role of the Municipal Council?, Vie publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]

- A Mayor
- Deputy Mayors (*adjoints au maire*), elected among municipal councillors
- Municipal Councillors (*conseillers municipaux*)

Citizens are responsible for electing municipal councillors through a **list system**. The municipal councillors are elected **for 6 years**.

The number of municipal councillors, set by law, depends on the population of the commune (Article L. 2121-2 of the CGCT): it **varies from 7 for municipalities with less than 100 inhabitants to 69 for municipalities with 300,000 inhabitants or more** (see here the number of municipal councillors according to demographic strata).

Once the municipal councillors have been elected by the citizens, the municipal council elects the mayor and the deputies from among its members, by secret ballot⁴².

The Mayor

The Mayor is the executive agent of the municipality. He/she is responsible for preparing and executing the decisions of the Municipal Council. He/she:

- Proposes the budget of the commune.
- Plans the expenditures.
- Makes contracts and public markets and executes them.
- is the representative of the commune in justice and in official ceremonies.
- is responsible for safeguarding the interests of the commune in all areas.
(see exhaustive list of its municipal powers Article L2122-21)
-

The Mayor is also the representative of the central State for whom he acts as a civil registrar and judicial police officer⁴³.

Deputy Mayors (adjoints au maire)

⁴² Article L2122-4 French Local Authorities Code

⁴³ As such, he is responsible for the publication of national laws and regulations, the organization of elections, the execution of general security measures, the “vigipirate” plan, the military census,...

The number of deputies is determined by the municipal council and may not exceed 30% of the legal number of municipal council members (Articles L. 2122-10 and L. 2122-2 of the CGCT). Like the mayor, deputies exercise powers either on behalf of the state or on behalf of the commune. The powers of the deputies exercised on behalf of the municipality are linked to those of the mayor.

There are several types of deputies:

- **Neighbourhood deputies (classic):** is aware of any issue of primary interest to the neighbourhood(s) for which it is responsible. It ensures that the residents are informed and encourages their participation in the life of the district.
- **Regular deputies,** to whom are attributed certain competencies to be followed (for instance, international cooperation, youth, urban mobility, etc)
- *Special deputies* (can be created by motivated deliberation of the city council in certain cases)

About elected community councillors (*this statute is different from municipal councillors, but community councillors are also municipal councillors*). *Community Councillors are also those who are appointed to the Metropole (which is considered and intercommunity)*

At the same time as citizens elect municipal councillors, they also elect community councillors (who will be sitting in the metropolitan area council). A community councillor represents the municipality within a public establishment of inter-municipal cooperation (see later) (EPCI).

EPCIs are groupings of municipalities whose purpose is to draw up "joint development projects within solidarity perimeters": communities of municipalities, communities of conurbations, urban communities and metropolises. (see section 5 of this document - Description of the functioning and role of Metropolitan areas).

Governance

The Municipal Council exercises its power by adopting deliberations on municipal affairs (deliberations = voted measures)

- The Municipal Council is required to meet **at least once every three months**
- The Agenda is set by the mayor et must be communicated before the meeting
- The meetings of **the municipal council are chaired by the mayor or by the person who replaces him/her** . The mayor opens the meeting, directs the debates and declares them closed when the agenda is fulfilled. The mayor is the only person in charge of policing the

meeting and may have any person disturbing public order expelled from the audience or arrested.

- The Municipal Council can vote in three ways: **ordinary voting** by show of hands (or by sitting and standing); **public voting**, at the request of a quarter of the members present: either by written ballot or by roll call; and **secret voting**, when one third of the members present request it or when there is a need to make an appointment or presentation.
- Deliberations are adopted by an **absolute majority of the votes cast**. In the event of a tie, the president has the casting vote, except in the case of a secret ballot.
- During each meeting, the city council may form **committees** to examine questions submitted to the council either by the administration or on the initiative of one of its members. They deal with matters of local interest in the most diverse fields: social, educational, urban planning, environmental, housing, etc.

In addition, the mayor may convene the Municipal Council on his/her own initiative whenever he/she deems it useful and is obliged to do so in case of a request from the representative of the State in the department or at the request of the municipal councillors in certain conditions⁴⁴.

When local elected officials primarily perform their duties in the context of the municipal council, they may request to be provided with office space. This is particularly true for elected officials who do not belong to the municipal majority. In this respect, the legislator set out (article L. 2121-27 of the General Code of Local Authorities) a rule for providing with premises the councillors to hold meetings, discuss the affairs of the municipality and prepare the meetings of the municipal council. This article stipulates that councillors who do not belong to the municipal majority in municipalities with more than 3,500 inhabitants may have access to the loan of a common room.

5.1.2.3 Tasks and mandate of the Councillors

The organization of municipal services can be conceived as a three-level organization:

- **The first level is that of evolution or strategy.** It is held by the elected representatives whose essential role is to define and adopt the orientations that will allow them to implement their political project. to implement their political project. The political planning precedes the

⁴⁴ When at least at least one third of the Council Members request it in municipalities of 1,000 inhabitants or more, and by a majority of the members in municipalities of less than 1,000 inhabitants

setting up of the material and human resources of the municipality necessary to achieve the planned objectives.

- **The second level, the management of resources, is that of steering and control.** It is the executive body with the management (town clerk/DGS) which puts in place the material and human resources necessary for the projects, evaluates them, adjusts them and reduces the gaps. This is more generally the field of responsibilities and activities of **territorial managers**.
- **The third level, implementation, is that of daily operations.** Territorial agents carry out their regular tasks and integrate new actions. They report to their managers on the activities carried out, the difficulties encountered, suggest possible improvements, contribute and share their expertise in the field. The management ensures the regulation of operational activities.

Since the municipal council does not have the power of "censure", it cannot remove its mayor from office, nor can the mayor dissolve the municipal council.

Table of content: Advantages and Disadvantages

Advantages	Disadvantages
<p>According to the law (article L.2121-8 of French Local Authorities Code), municipal councils of municipalities with more than 1,000 inhabitants are required to draw up their own rules of procedure (<i>règlement intérieur</i>), which in theory ensures good internal governance.</p> <p>It sets out: the conditions under which municipal councillors may consult proposals for contracts or procurement offers, the procedures for the right of expression of elected minority councillors, the conditions for organizing the budgetary orientation debate, etc.⁴⁵</p>	<p>The functions of the elected officials are more and more wide and technical, and their task becomes extremely heavy:</p> <p><i>"It is clear that, in the face of the hyperinflation of normative texts and an ever more interventionist jurisprudence in the daily management of local affairs, the functions of elected officials are bound to evolve. The elected official must act in a constantly changing environment characterized by an unprecedented increase in the complexity of standards. Therefore, he/she must appear as a professional of local governance. Moreover, as competences are always increasing, the management of local affairs takes more and more time"</i>. Moreover, as competences are always</p>

⁴⁵ [Rules of procedure for municipal councils](#), Wikiterritorial [training platform for administrative competitions]

	<p>increasing, the management of local affairs takes more and more time"⁴⁶.</p> <p>In the 2020 elections, the primary reason for not running was the difficulty of reconciling personal and professional life in the position of mayor⁴⁷.</p> <p>The powers of the mayor are substantial, while the rights and prerogatives of the deputy mayors and municipal councillors are quite low</p> <p><i>"There is nothing today to prevent authoritarian mayors from turning their municipal councils into mere registration chambers and continuing to exercise power alone"⁴⁸ 'whereas in Italy the municipal councillors can vote to dismiss the mayor during his or her term of office, in France such a decision is taken by the Council of Ministers alone)</i></p> <p>It is suggested⁴⁹ to assigning the chairs of the finance and public procurement committees to elected opposition officials to provide checks and balances on executive power⁵⁰</p>
--	--

5.1.2.4 Key examples of good practices on citizens' participation engaging municipal councils

Here are some of good practices of citizens' participation engaging also municipal council

⁴⁶ Information report - Tome 1 "Facilitating the exercise of local mandates: issues and perspectives", delegation for local authorities and decentralization of the Senate

⁴⁷ Survey on mayors, their mandate and municipal elections, conducted jointly by the Centre de recherches politiques de Sciences Po (CEVIPOF) and the Association des maires de France et des présidents d'intercommunalité

⁴⁸ Municipal elections 2020: Manifesto for a real local democracy, Recommandation 9, Médiacités

⁴⁹ <https://www.mediacites.fr/manifeste-25-propositions-municipales-2020/>

⁵⁰ Municipal elections 2020: Manifesto for a real local democracy, Recommandation 17, Médiacités

- Initiatives and good practices of municipalities and inter-municipalities in the Covid-19 period⁵¹
- Projects of the sustainable cities⁵²
- The municipality of Marseille adopts a "transparency platform" allowing the general public to learn about the budget, public policies, and analyses of the city's situation, and sets up a permanent coordination body in charge of data governance within the city⁵³
- In 2019, four French municipalities received the ELoGE (European Label of Governance Excellence) award from the Council of Europe for their notable governance: Metz, Sceaux, Strasbourg, Suresnes.

In Strasbourg, a special price was awarded: the Citizen Summit approach and the Pact for Democracy committed to greater citizen participation, the provisions and mechanisms related to ethics (charter of ethics for elected officials, code of ethics for civil servants, etc.), policies for social cohesion and the fight against discrimination, the integration of the SDGs into territorial governance, the transformation and modernization of public services and administration⁵⁴.

In Metz, the jury was particularly impressed by the participatory approach: more than 300 citizen consultations carried out each year, projects designed and built with the residents, inclusiveness and diversity of the population groups consulted (Municipal Children's Council, Youth Council of Metz, Senior Citizens' Council) through the neighborhood committees. Following this award, the city has committed to working with other municipalities to support them in their good practices in democratic governance to share its know-how⁵⁵.

5.1.3 Electoral system for municipal councils

5.1.3.1 General description

The number of municipal councillors is, except for Paris, set by Article L2121-2 of the *Code général des collectivités territoriales*.⁵⁶ Municipal councillors are elected for six years. Citizens of the European

⁵¹ <https://www.amf.asso.fr/m/COVID19/>

⁵² <http://francevilledurable.fr>

⁵³ <https://madeinmarseille.net/86961-la-mairie-de-marseille-lance-sa-strategie-de-transparence-sur-les-donnees-publiques/>

⁵⁴ [Strasbourg receives the European label of excellence in governance](#), Lieu d'Europe

⁵⁵ [Citizen participation in Metz awarded by Europe](#), Infodujour

⁵⁶ The exercise of elective mandates and political responsibilities of local elected officials has been redefined by: the [law of March 31, 2015](#) aimed at facilitating the exercise, by local elected officials, of their mandate

Union residing in France, other than French citizens, may participate in the election of municipal councillors under the same conditions as French voters, subject to the provisions of this section.

The members of the Municipal Councils are elected by **direct universal suffrage** for a **renewable 6-year term**. The voting method used for this consultation is not uniform throughout the territory. It differs according to the population of the municipalities considered. In this respect, a distinction must be made between municipalities with fewer than 1,000 inhabitants, municipalities with 1,000 inhabitants or more, and the cities of **Paris, Lyon and Marseille**, which are subject to specific provisions.

Municipalities with fewer than 1,000 inhabitants

Members of municipal councils are elected by majority vote. In the first round, an absolute majority is required as well as a quarter of the registered voters. For the second round, a relative majority is required to be elected. Since the law of May 17, 2013, it is necessary to declare one's candidacy for the election. Candidates can present themselves as single or grouped candidacies. In all cases, the votes are counted individually. In addition, the combination of votes is allowed. Contrary to what is required for municipalities with more than 1,000 inhabitants, there is no obligation of parity between men and women.

At the end of the first round, the candidates who have obtained an absolute majority of the votes cast and a quarter of the registered voters obtain a seat on the municipal council. A second round is organized for the remaining seats. The election takes place by relative majority, with the candidates obtaining the highest number of votes being elected.

Municipalities with a population of 1,000 or more

The applicable voting method is the two-round party list system, with the submission of complete lists, with no possible additions or deletions and no change in the order of presentation during the vote. The lists must include parity, with one woman and one man alternating, or vice versa.

If a list obtains an absolute majority in the first round, it is allocated a number of seats equal to half the seats to be filled. The other seats are distributed among all the lists by proportional representation with the highest average. If this is not the case, a second round is held.

In the second round, only the lists that have obtained 10% of the votes cast may stand. These lists may be modified in their composition to include candidates who appeared in the first round on other lists, provided that the list of these candidates obtained at least 5% of the votes cast in the first round, and that they do not run. In this case, the order of presentation of the candidates may be modified.

The list that obtains the most votes is awarded a number of seats equal to half of the seats to be filled. The other seats are distributed among all the lists having obtained more than 5% of the votes cast according to the number of votes obtained by proportional representation with the highest average.

No primaries are held for municipal elections.

There are no legal ways to elect candidates with certain professional characteristics for the municipal elections. The legal requirements are those basic ones of being 18, being a EU citizen and being registered locally. The quality and professionalism of candidates and the wish of having them as proposed in the list, is a decision of the parties or the group of the civic list. Usually, it represents a combination of popular names and representatives expressing good qualities in terms of public governance.

The fact that candidates shouldn't or couldn't have any specific qualities for being selected means that once elected they can receive further training. A law provides for the right to training for elected officials, who can receive 20 hours of training covered by a specific fund (over the 6 years of their mandate). This allows for the financing of training related to the exercise of their mandate, a professional retraining or reintegration. The limit is 20 hours, and if the elected representatives need more, it is up to the local authority or the individual to cover these expenses.

Youth representation on a municipal council is not required by law. However, the possibility for local authorities to set up youth councils is enshrined in law. These councils can take several forms: Municipal Children's Council (CME), Communal Youth Council (CCJ) or Youth Forum or Municipal Youth Council (CMJ). They represent a municipal body for children or young people, created by deliberations adopted by the municipal council. It has a consultative role (its deliberations do not have regulatory force if they are not approved by deliberation of the elected municipal council or the mayor). As not mandatory, their functioning can vary greatly from one council to another.

Municipal employees may not be elected to the municipal council of the municipality that employs them.

Eligibility requirements for candidacy for the position of City Councillor

- Be at least 18 years old⁵⁷
- To be a voter of the municipality or a citizen registered in the roll of direct taxes⁵⁸
- Be of French nationality or a citizen of the European Union (under certain conditions: moreover, the latter cannot be mayor, deputy mayor, or even delegated municipal councillor)⁵⁹
- Not to stand as a candidate in more than one electoral district, nor on more than one list⁶⁰

Numerous conditions of ineligibility are set, prohibiting the combination of functions (See election law, from art. L230 to art. L239)

Officially, "the functions of mayor, deputy mayor and municipal councillor are free", according to the general code of local authorities. In fact, although they do not receive a salary or wages, elected officials may receive an "indemnity" set by the newly elected municipal council and considering the number of inhabitants.

The elected municipal officials who receive a functional allowance are:

- Mayors,
- Executive functions by delegation: the deputy mayors, the delegated municipal councillors;
- Simple deliberative functions: municipal councillors of municipalities with at least 100,000 inhabitants⁶¹.

The maximum rates of the function allowance, depending on the demographic segment of the municipality and the mandate of the elected officials are gathered in a scale.

The rates do not correspond to gross amounts in euros but to percentages of the amount corresponding to the terminal index of the civil service salary scale.

⁵⁷ Article L228 of the French Electoral Code

⁵⁸ Article L228 of the French Electoral Code

⁵⁹ Article LO228-1 of the French Electoral Code

⁶⁰ Article L263 of the French Electoral Code

⁶¹ (On an optional basis and under certain condition, may also receive an allowance: municipal councillors in municipalities with fewer than 100,000 inhabitants, municipal councillors who have been delegated by the mayor, and municipal councillors who deputize for the mayor in the event of the latter's absence, suspension, dismissal or incapacity)

As of January 1, 2019, the gross terminal index of the civil service has become IB1027 corresponding to a monthly gross amount of € 3,889.40.

In addition, according to art. L231 of the Electoral Code, the following may not be elected as municipal councillors in the municipalities located in the jurisdiction where they hold or have held office for less than six months:

- 1° Magistrates of the courts of appeal ;
- 2° Members of administrative courts and regional audit chambers;
- 3° Officers and non-commissioned officers of the gendarmerie as well as senior and general officers of other military corps;
- 4° Magistrates of the judicial courts;
- 5° Civil servants of the active corps of the national police force;
- 6° Accountants of communal funds acting as civil servants and contractors of municipal services;
- 7° Directors and heads of prefecture offices and chief secretaries of sub-prefectures;
- 8° Persons exercising, within the regional council, the departmental council, the collectivity of Corsica, the collectivity of Guyana or Martinique, a public establishment of inter-communal cooperation with its own tax system or their public establishments, the functions of director general of services, deputy director general of services, director of services, deputy director of services or head of service, as well as the functions of director of cabinet, deputy director of cabinet or head of cabinet having received delegation of signature from the president, president of the assembly or president of the executive council ;
- 9° In charge of a territorial road district: chief engineers, divisional engineers and state public works engineers, principal section chiefs and state public works section chiefs.

The voting system is different depending on the size of my municipality. For the communes of less than 1000 inhabitants, the voting system corresponds to a plurinominal majority vote with *panachage* (mixture).

For the communes of more than 1000 inhabitants, the voting system corresponds to a proportional voting system with majority bonus: the leading list always obtains at least the half of the seats of the municipal council (the remaining seats are distributed among all the lists by proportional representation with the highest average).

Special arrangements for Paris, Marseille and Lyon

The rules are the same as for municipalities with 1,000 or more inhabitants, but the election is conducted by sector. In Paris and Lyon, each *arrondissement* forms a sector. In Marseille, there are 8 sectors of 2 *arrondissements* each. **The seats of the members of the Paris council or the city council of Marseille or Lyon are therefore attributed according to the results obtained by sector and according to the same rules as for the municipalities of 1,000 inhabitants or more.** In addition, *arrondissement* councillors are elected at the same time as the members of the Paris council and the municipal councils of Marseille and Lyon. The seats are distributed among the lists under the same conditions.

Thus, we refer here to a “**list election with a majority bonus per sector**” (*scrutin de liste avec prime majoritaire par secteur*). It is the PML law (for Paris-Marseille-Lyon, the full reference being *law no. 82-1170 of 31 December 1982 amending certain provisions of the electoral code relating to the election of the members of the Paris council and the municipal councils of Lyon and Marseille*, codified in the General Code of Local Authorities) which governs the elections for these three cities.

This specific arrangement was developed by Gaston Defferre, former Minister of the Interior at the time, as part of the decentralisation policy and to **bring municipal administration closer to the citizens in large cities** (although this manoeuvre was also of political interest to the latter at the time, who was standing for election in Marseille). However, this system is ultimately criticised for not being democratic enough. Somewhat as in the USA, the candidate is not directly elected by direct vote, but will be elected in the end by the “electors”⁶². Indeed, the law creates a two-stage organisational model for these cities: the central level, which corresponds to the Paris council or the municipal councils of Lyon and Marseille on the one hand, and the level of the sectors or *arrondissements* – with the *Sector-arrondissement* Councils (which correspond to the division of the city districts⁶³) on the other.

⁶² The Conversation, La loi « Paris–Lyon–Marseille » : un scrutin opaque, complexe et peu démocratique: <https://theconversation.com/la-loi-paris-lyon-marseille-un-scrutin-opaque-complexe-et-peu-democratique-132289>

⁶³ See in the General Code of Local Authorities the territorial jurisdiction of the “*arrondissement*” councils in force for Paris: [Article L2511-5](#) ; Marseille: [Article L2511-6](#) ; Lyon: [Article L2511-7](#)

The Sector Council comprises the municipal councillors elected in the sector as well as a variable number of councillors, depending on the sector, taken from the lists of candidates following those elected to the municipal council.

The electoral process goes thus as follows:

- ➔ Voters simultaneously appoint sector councillors and municipal councillors ("conseillers de Paris" in the capital), whose mandate covers the whole territory of the city.
- ➔ The first elected members of each sector list are nominated to sit on the municipal council (or Paris Council in the capital).
- ➔ As in other cities, only the lists that obtained at least 10% of the votes in the first round were allowed to continue to the second round. In each sector, the list that received an absolute majority in the first round, i.e. more than half of the votes cast, or that comes out on top in the second round, will automatically obtain half of the seats of sector councillors and city councillors. The remaining seats will be distributed on a proportional basis among all the lists having obtained at least 5% of the votes. These lists may also choose to merge with each other.
- ➔ The municipal councillors (or Paris councillors) elect the City Mayor
- ➔ The sector councillors elect the sector Mayor (7 days after the election of the City mayor by the municipal council)

Thus, while for elections in other cities it is necessary to have 50% +1 of the votes, for the cities of Paris, Marseille and Lyon it is necessary to have 50% +1 of the municipal councillors.

Sectors play therefore a significant role in these elections, but this method of election could even allow the election of a mayor who has neither won the most votes nor the most sectors: a candidate in Paris who wins 50.1% of the votes in arrondissements 10, 13 to 16 and 18 to 20 (i.e. 8 sectors out of 17), and 0% in the others, would obtain 82 of the 163 seats in the Paris Council - enough to be elected mayor - with only 31.65% of the popular vote.

In 1983, Gaston Defferre was re-elected mayor of Marseille with fewer votes than his right-wing opponent Jean-Claude Gaudin, and in 2001, Gérard Collomb was elected mayor of Lyon with 10 000 fewer votes than his opponents⁶⁴.

Distribution of powers between Municipal Councils and Sector Councils

The sector council is not a local authority per se - thus the main deliberative and executive powers remain in the hands of the Municipal Council and its Mayor (Mayor of the Commune), while the sector councils and their mayors (sector Mayors) have more of a consultative role: they issue opinions on draft resolutions on projects to be carried out in the district before they are examined by the Municipal Council, as well as on questions concerning subsidies to local associations and modifications to the local urban plan. They may also be responsible for the management of local community facilities (parks, nurseries, sports facilities, etc.).

On the other hand, the sector councils can themselves consult the elected members of the city council, reporting important information about the sector in question, etc. The sector councils have no control over the management and voting of the municipal budget, nor over investments and expenditure.

Table of content: Advantages and disadvantages of the French electoral system⁶⁵

Advantages	Disadvantages
<p>The system allows creation of alliances between the two rounds⁶⁶</p> <p>This approach can encourage various interests to unite behind the candidates who won in the first round and who will therefore be in the second round, thereby encouraging horse-trading between parties and candidates. It also allows parties and the electorate to react to changes in</p>	<p>The current voting system is not conducive to minority representation on City Council⁶⁷:</p> <p>“Proponents of proportional representation complain that this system greatly strengthens the power of the municipal majority, far beyond its electoral weight, since the leading list always has an absolute majority on the municipal council. The 50 per cent majority bonus goes far beyond</p>

⁶⁴ The Conversation, La loi « Paris–Lyon–Marseille » : un scrutin opaque, complexe et peu démocratique:

<https://theconversation.com/la-loi-paris-lyon-marseille-un-scrutin-opaque-complexe-et-peu-democratique-132289>

⁶⁵ <https://aceproject.org/ace-fr/topics/es/esd/esd01/esd01e/esd01e01>

⁶⁶ [Electoral Systems](#), The ACE Electoral Knowledge Network

⁶⁷ [The relationship between executives and elected officials](#), Wikiterritorial [training platform for administrative competitions]

<p>the political landscape between the first and second rounds.</p> <ul style="list-style-type: none"> - The system reflects as fairly as possible the diversity of opinions of voters - The system envisages that citizens must register to vote -thus limiting the turnout in election 	<p>guaranteeing a majority for the leading list: it guarantees that the leading list will have at least three times as many councillors as the second-place list, and thus considerably weakens the opposition”⁶⁸. Other comments⁶⁹</p> <p>It has been recommended⁷⁰ to reduce the majority award from 50% to 25% of the remaining seats to be allocated, stating that this “would have important democratic virtues” to better represent the balance the composition of the Councils with the opposition.⁷¹</p> <p>Non-limitation of the number of mandates does not allow cities to be revitalized and can also have negative effects (concentration of power, favouritism, corruption, etc.).</p> <p>“Finally, it discourages citizens from taking over public affairs. For example, in Limonest, a town in the Lyon metropolitan area, Mayor Max Vincent has been in office since 1979. This elected official [is in his <u>eighth</u>] term as mayor in a row. Since the 2008 municipal election, no other list than his has been presented to the voters of the town...”⁷²</p>
--	--

⁶⁸ [Municipal Elections in France](#), Wikipedia

⁶⁹ <https://www.rtl.fr/actu/politique/municipales-2020-comment-sont-repartis-les-sieges-dans-les-conseils-municipaux-7800264442>

⁷⁰ <https://www.mediacites.fr/manifeste-25-propositions-municipales-2020/>

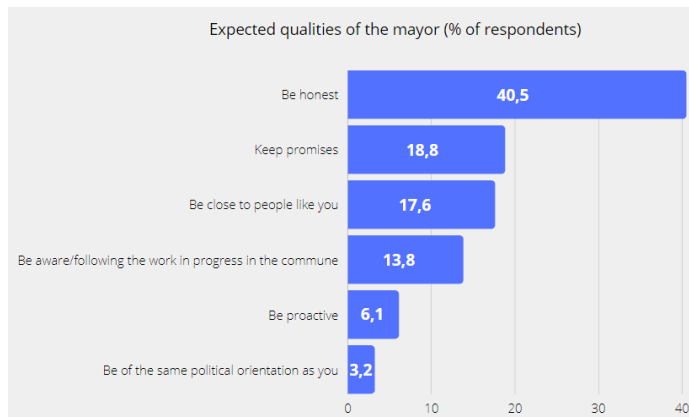
⁷¹ [Municipal elections 2020: Manifesto for a real local democracy](#), Recommandation 16, Médiacités

⁷² [Municipal elections 2020: Manifesto for a real local democracy](#), Recommandation 7, Médiacités

The electoral system for French municipal councils is not linked with any other elections.

Indeed, as for most of the elections in France (regional elections, departmental elections, European elections, presidential elections, legislative elections), the municipal elections are **direct** elections (“*suffrage universel*”), i.e. the citizens directly elect the candidates with preferences in lists.⁷³

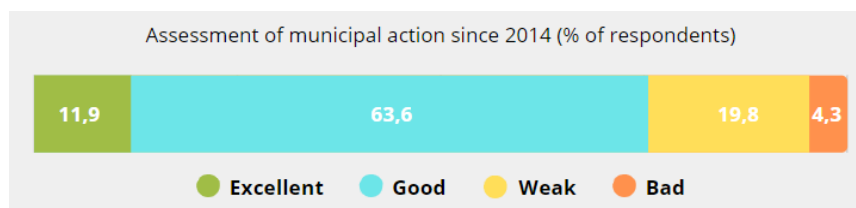
Table 7 : Expected qualities of the Mayors from citizens in France



Although the abstention rate was historically high in the last elections of 2020 (58.4% in the second round, up to 72.25% in Nice), a recent survey⁷⁴ shows that in general, citizens are largely satisfied with the work of their mayor, and many of them

would like to see him/her run again in the 2020 elections. The survey also shows that for French citizens, having a mayor with a "political sensibility" close to their own is of minor importance, relegating this quality to the least essential.

Table 8 : Assesment of municipal action since 2014 in France



⁷³ interesting articles on elections :

- [Good practices regarding medias during municipal elections](#)
- [Creation of a reporting platform for citizens in case of non-compliance with the General Data Protection Regulation \(GDPR\) by candidates and parties](#)
- [Many associations and institutions have developed support tools to guide the actions of future municipal and community councils towards the ecological transition](#)

⁷⁴ [https://medias.amf.asso.fr/upload/files/Enquete%20AMF-CEVIPOF-2019-9%20PAP\(2\).pdf](https://medias.amf.asso.fr/upload/files/Enquete%20AMF-CEVIPOF-2019-9%20PAP(2).pdf)

5.1.4 Relations of the municipal councils with the municipal administration, citizens and associations

5.1.4.1 Duties of municipal council members and their interaction with citizens and role (effectiveness) in the municipal decision making

The Mayor deputies in charge of a neighbourhood have their mission defined by article L. 2122-18-1 of the French Code of Local Authorities: they are aware of any issue of primary interest to the neighbourhood or neighbourhoods for which they are responsible of and ensure that residents are kept informed and are encouraged to participate in the life of the neighbourhood. This mission is not exclusive, and those deputies may, like any other deputy, receive from the mayor a delegation of functions freely determined by the latter, possibly but not necessarily limited territorially to the districts for which they are directly responsible.

The mission of the **neighbourhood deputies** is to facilitate relations between the municipal authorities and the inhabitants of certain districts with specific characteristics that need to be addressed, and to inform and consult the inhabitants of this district on decisions that concern them. The creation of these positions must therefore respond to a need and, depending on the case, a deputy may be responsible for following the affairs of one or more neighbourhoods. The law does not require that the entire municipal territory be monitored by neighbourhood deputies. In municipalities with more than 80,000 inhabitants, where neighbourhood councils is mandatory, the creation of the positions of neighbourhood deputies is decided in principle by the municipal council at the time of the determination of the number of deputies, during the installation session of the municipal council after the general renewal of the municipal councils.⁷⁵

5.1.4.2. Description of the relationship with the executive bodies (mayor, his/her own team)

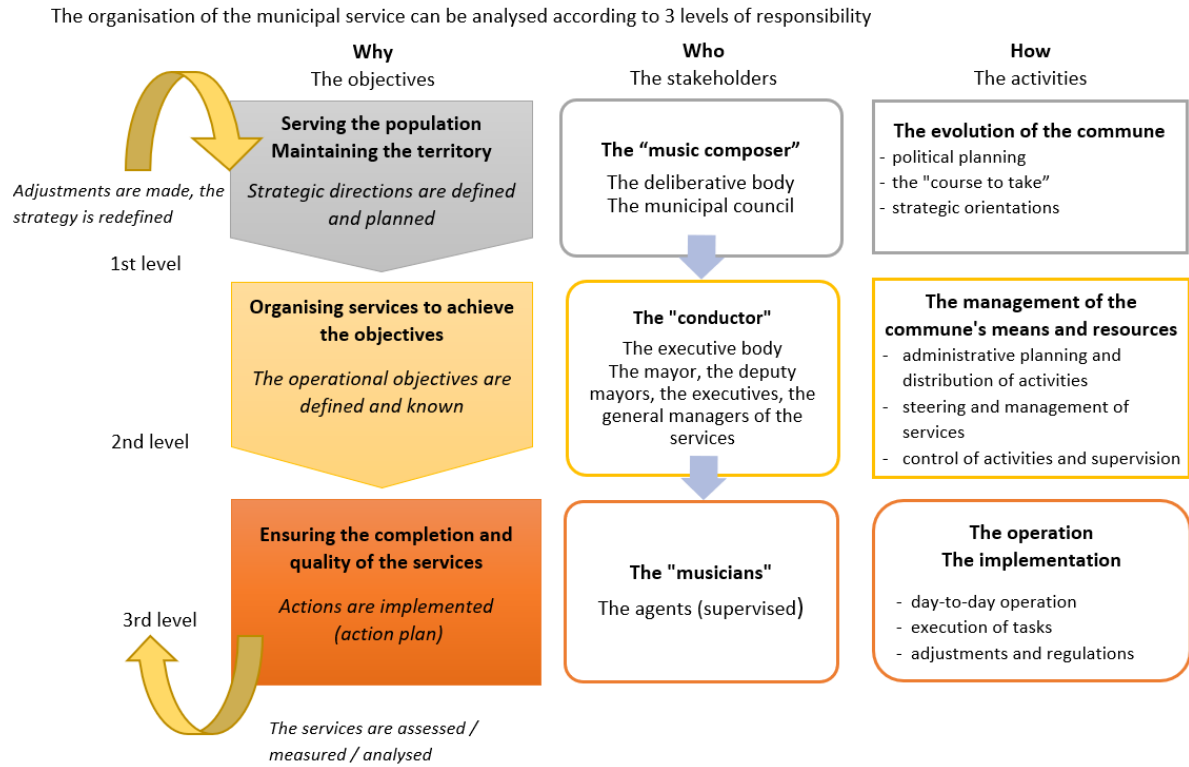
The organization of a municipality is characterized by a hierarchical duality. This duality is the result of the existence of two spheres: political and administrative.

The Mayor, the deputy mayors and the municipal councillors are elected political functionaries, while on the other hand, the administrative hierarchy is placed under the responsibility of a director general

⁷⁵ The deputy mayors, Local government site

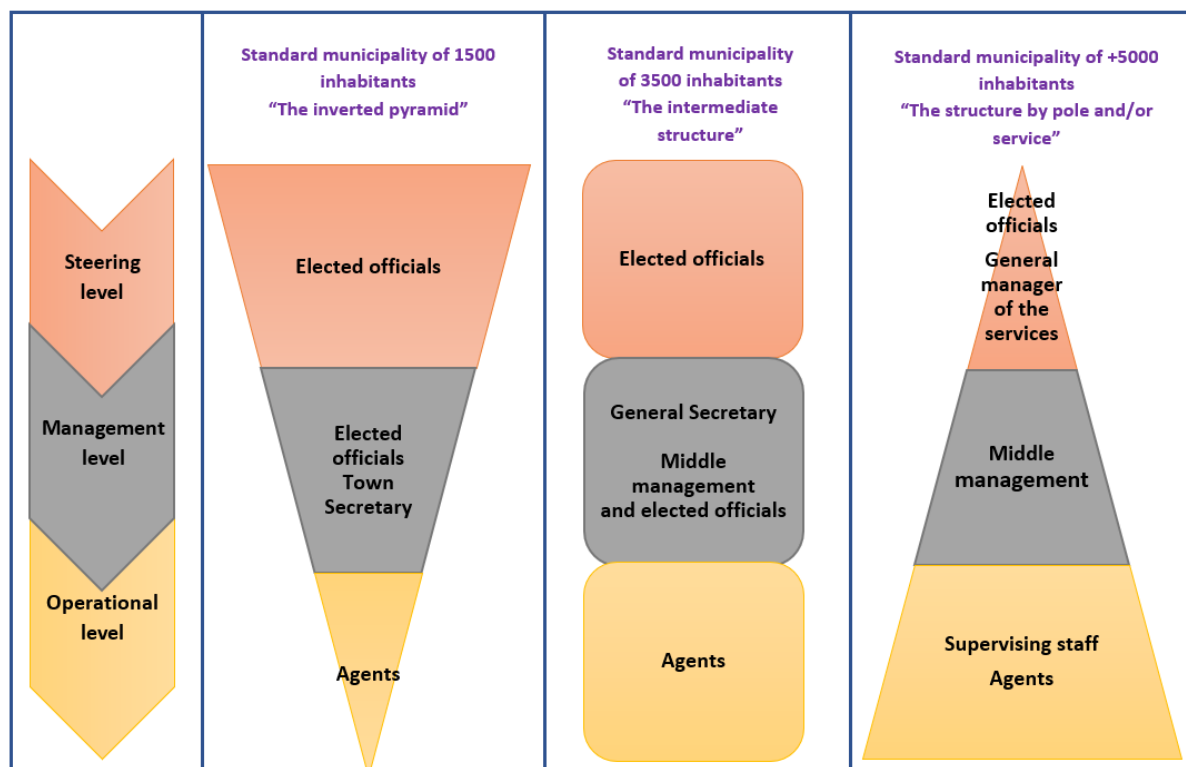
of services. The elected representatives determine the political orientations, and the administration implements them.

Table 9 : Organisation of the municipal services in France



REF: The organization and management of municipal services: Key principles, standard organization charts, CDG35 - Center for the Management of the Territorial Public Service, Consulting and Development Department, June 2020, p.6

Depending on the size of the municipality, the structure and organization of the municipality may differ. See the diagram below with examples of structures.



REF: The organization and management of municipal services: Key principles, standard organization charts, CDG35 - Center for the Management of the Territorial Public Service, Consulting and Development Department, June 2020, p.7

Table 10 : Organization and management of municipal service in France

5.1.4.3. Relations between the municipal council and the civil servants' structures

Elected municipal officials, as well as civil servants, sit together in the municipality.

The mayor and his deputies have the executive power, while the civil servants are responsible for implementing the mayor's decisions at the administrative level. It is this political-administrative partnership that enables local public policies to be decided and implemented, although this partnership is quite complex.

If this distribution of roles is very theoretical, the reality is far from being an accurate application of this theory, and we can see that the model of territorial organization presents a certain complexity of use. According to Denys Lamarzelle, "The political decision-maker, although he is the trigger for the development of new public policies, does not have the technical competence necessary to carry out his mission. The civil servant, on the other hand, does not have the legitimacy derived from universal suffrage to be fully involved in the decision-making process. This can be summarized in one sentence:

those who have the power to decide do not have the useful expertise, those who have the useful expertise do not have the power to decide."⁷⁶

5.1.4.4. Relationship with citizens/associations

Although the administration of local authorities is the responsibility of their bodies, which derive their legitimacy from their election by universal suffrage, citizens can nevertheless be involved through the following different mechanisms:

- Local referendum
- Consultation for the opinion of voters
- Neighbourhoods' councils (*Conseils de quartiers*)
- Petitions

Local Referendum

The previous arrangements for local democracy were considerably extended by the texts introducing the local referendum (constitutional law of 28 March 2003 instituting the decision-making referendum, organic law of 1 August 2003, amended law of 13 August 2004 and decree of 4 May 2005).

The local referendum allows the electorate to substitute itself for the municipal council in making a decision on a communal matter, whereas the consultation of voters takes place upstream of the decision-making process to inform the municipal council called upon to deliberate. The decision-making nature of the referendum is, however, conditional on a sufficient level of voter participation.

- The municipal council may decide to submit to a local referendum any draft resolution relating to a matter within the competence of the municipality.
- The mayor, alone, may propose to the municipal council to submit to a local referendum any draft act falling within the powers he or she exercises on behalf of the municipality, with the exception of draft individual acts
- It is adopted if at least half of the voters have taken part in the ballot and if it gathers half of the votes cast. Otherwise, it has only an advisory value⁷⁷.
- More information

⁷⁶ Relations between elected officials and civil servants: a complex duality, Denys Lamarzelle, ADT Inet - Association des Dirigeants Territoriaux et Anciens de l'INET

⁷⁷ <https://www.collectivites-locales.gouv.fr/referendum-local>

Consultations⁷⁸

Consultation of voters for their opinion complements the referendum. The electors of the municipality can be consulted on decisions that the municipal authorities are called upon to make in order to regulate the affairs of the municipality. In general, all voters in the municipality are consulted. However, it is possible to consult only those concerned with matters relating to a particular part of the municipality.

One fifth of the voters registered on the electoral roll of the municipality may request that a consultation on any matter within the competence of the municipal council be included in the agenda of this assembly. An elector may only sign one such request per year. The mayor shall determine whether the request should be placed on the agenda of the deliberative assembly.

Neighbourhood councils- conseils de quartier⁷⁹

In France, Neighbourhood Councils are structures that involve the residents of a large city in municipal management.

Neighbourhood councils were created by the law of February 27, 2002, known as the Vaillant law, relating to local democracy, the provisions of which are codified in article L. 2143-1 [archive] of the general code of territorial authorities. This law requires municipalities with more than 80,000 inhabitants to create one or more neighbourhood councils whose role is to develop citizen participation.

Neighbourhood councils may be consulted by the mayor and make proposals on any issue concerning the neighbourhood or the city. The mayor may also involve them in the development, implementation and evaluation of actions concerning the district, in particular those carried out under the city's policy

Petitions

They allow voters to "request that a matter within its jurisdiction be placed on the agenda of the deliberative assembly of that community. There is no law specifying the conditions of application of the local petition. Some communities have therefore set the applicable thresholds on their own. Otherwise, the consultation thresholds apply.

⁷⁸ <https://www.collectivites-locales.gouv.fr/consultation-pour-avis-des-electeurs>

⁷⁹ <https://www.collectivites-locales.gouv.fr/conseils-quartier>

Other participatory democracy tools developed by the Municipal Councils, without the existence of a specific legal framework: participative budget, citizens' jury, youth councils, etc.⁸⁰

Advantages and disadvantages of the present situation, opportunities and challenges

Advantages	Disadvantages
<i>Relationships with executive bodies / civil servants' structures</i>	
<ul style="list-style-type: none"> In theory, this structure seems to be balanced and allows not to put all the power in the same hands, while guaranteeing expertise input in the implementation of the municipality's plans. 	<ul style="list-style-type: none"> The interference between the political and administrative spheres is often a source of power conflict at the top of the organization⁸¹: “The management of local authorities leads elected officials and civil servants to work closely together to make the internal organization more dynamic and thus improve the service provided to users. The direct consequence is that the zone of interference between politics and administration is increasing proportionally. This is the famous "grey zone" of the political-administrative partnership evoked by Denys Lamarzelle in his book "<i>la face cachée de la territoriale</i>". As a direct consequence, it is becoming more and more common for newly elected officials to leave their former managers after a change of majority.”
<i>relationship with citizens/associations</i>	
<ul style="list-style-type: none"> Local democracy tools allow to involve citizens and prevent or moderate 	<ul style="list-style-type: none"> participatory tools are very little used by municipalities because they set

⁸⁰ See the article "[The legal framework of participatory democracy, from legal to extralegal](#)" Le Courrier des maires et des élus locaux ; and the "[report of the flash Mission on local democracy and citizen participation](#)" for the National Assembly

⁸¹ [The relationship between executives and elected officials](#), Wikiterritorial (training platform for administrative competitions)

<p style="text-align: center;">crises</p> <p>Eg: during the “Gilets Jaunes” protests in France, one mayor (Saint-Étienne-des-Sorts) deplored the fact that the citizens were totally opposed to the municipality as a "representative of the state". They have set up a "citizen delegation" within the councils, which has largely calmed the relationship between elected officials and citizens⁸²</p> <ul style="list-style-type: none"> • Good practice: some municipal councils implement local participatory tools without the existence of any legal framework (participatory budgets, citizens’ jury, etc.)⁸³ 	<p style="text-align: center;">conditions that are too restrictive, notably "impassable" thresholds⁸⁴</p> <p>according to a report on Local & Participatory Democracy and citizens’ participation.</p> <p>It was recommended in this report, among other things, concerning participatory decision-making tools, to⁸⁵ :</p> <ul style="list-style-type: none"> - Reduce the thresholds required to trigger a citizens' initiative consultation or to make the result of the referendum decisive; Establish thresholds in terms of positive vote share - Remove the ban on supporting more than one consultation per year - Undertake a training effort for executives, deliberative assemblies and agents - Develop a real methodology available to elected officials via a platform - Establish an obligation to devote an insert in the municipal bulletin to the various upcoming consultations, to current initiatives and to the means available to residents to engage in a participatory process - Consider the implementation of financial incentives for communities that use the various local participation methods.
---	--

⁸² [Avec les citoyens, restaurer une relation abîmée](#), Article from La Croix

⁸³ [“The legal framework of participatory democracy, from legal to extralegal”](#) Le Courrier des maires et des élus locaux, PART. II - “La démocratie participative extralégale”

⁸⁴ according to the MP Hervé Saulignac, as a result of a survey carried out in the framework of a Mission on local democracy and citizen participation for the National Assembly. See the article [“Le cadre juridique de la démocratie participative, du légal à l’extralégal”](#) ; and the [“report of the flash Mission on local democracy and citizen participation”](#) for the National Assembly

⁸⁵ See the [report of the flash Mission on local democracy and citizen participation](#) for the National Assembly ; as well as the article [“Towards an à la carte local participatory democracy”](#), La Gazette des Communes

5.1.5 Role and responsibilities of other local organisations and institutions (citizens, advisory councils, committees and neighbourhood committees or councils)

5.1.5.1 Existing formats of citizens engagement with committees, consultations and in particular the neighbourhood councils

About Neighbourhood Councils

Previously answered (Section 3 of this document, part: “Description of their relationship with citizens/associations”)

About Citizens’ Councils

Besides the neighbourhood councils, law no. 2014-73 of February 21, 2014 on programming for the city and urban cohesion has created **citizens’ councils**, which are structures independent of political power, with the objective of ensuring the active and direct participation of all residents and actors in the neighbourhoods, in the development and implementation of city contracts.

They are composed of citizens, associations and local actors of the concerned neighbourhood. However, there is apparently a confusion between the citizens’ councils and neighbourhood councils, and the creation of citizen councils has given rise to a feeling of illegitimacy among the representatives of neighbourhoods councils.

However, the citizens’ councils are different from neighbourhood councils for the following reasons⁸⁶:

- They operate at different territory from that of the neighbourhoods councils
- They guarantee the presence of a framework for citizens’ mobilization in all the municipalities concerned by the city's policy
- They are limited to city policy but with broader prerogatives than the neighbourhood councils, in particular participation in the steering bodies of the city contract
- They operate under a more flexible framework for action and enjoy a higher autonomy of organization

⁸⁶ Guidelines for setting up citizen councils, Prefet de l'Isère, MCI/PSEMP April 2015

Advantages and disadvantages of the present situation, opportunities and challenges⁸⁷

Advantages	Disadvantages
<ul style="list-style-type: none"> ● Neighborhood councils are compulsory for municipalities with more than 80,000 inhabitants = municipalities has to commit ● allows for a real integration of the inhabitants in the development and elaboration of projects at the local level (in Metz, for example, these councils are very effective and allow for the integration of many citizens in the decision-making⁸⁸). 	<ul style="list-style-type: none"> ● Neighborhood councils are regularly criticized for their lack of independence and for competing with neighborhood associations, especially neighborhood committees⁸⁹. ● Neighbourhood councils are often seen as purely consultative and "occupational": the many working committees are said to have few concrete achievements, since they are merely "extra-municipal committees", locked up by the mayor's office and considered to be competing with citizens' associations⁹⁰. ● Since 2002, the activity of the neighborhood councils has been in decline, characterized in particular by a great difficulty in attracting new people ● The creation of the citizens' councils has created a certain amount of confusion for some neighbourhood councils, which felt a lack of recognition⁹¹

⁸⁷ The involvement of the Neighborhood Councils by Metz Municipality to reach citizens, Paris launched a Neighborhood Council Toolkit in 2019, which offers innovative tools and methods to improve the functioning of Parisian neighborhood councils. Also see the cooperation of Paris Municipality with the organisation Democracy Ouverte on experiments with Neighborhood Councils ([short video](#))

⁸⁸ [Citizen participation in Metz awarded by Europe](#), Infodujour

⁸⁹ [Neighborhood councils, a revelation of the difficulties in the emergence of the new "consultative power"](#), Philippe Breton and Célia Gissinger, Open Editions Journal, p. 124-135

⁹⁰ [Neighborhood councils](#), Critics, Wikipedia

⁹¹ [Urban policy: a reform well underway but weakened by a lack of resources](#), Information report by Mmes Annie GUILLEMOT and Valérie LÉTARD, made on behalf of the Committee on Economic Affairs, No. 662 (2016-2017) - 19 July 2017, Senate website

5.1.6 The role and functioning of the metropolitan areas

5.1.6.1. Description and role of the metropolitan areas

In France, *Metropolises* are one of the models of "intercommunality"⁹². Intercommunality is at the centre of all recent French territorial reforms.

Intercommunality: Intercommunality consists of transferring the management of one or more public services to an intercommunal structure that has the status of a public establishment of intercommunal cooperation (EPCI). It allows municipalities interested in building a facility or providing a public service to pool their resources.

Since the 1990s, the strengthening of inter-municipal organizations has taken place along two lines:

- Enlargement of the perimeters by raising the minimum population threshold for the constitution of EPCIs with their own tax system.
- Increased scope of competencies of EPCIs.

Note: the generalization of intercommunity is **imposed**, through the attachment of the last isolated communes (With the adoption of the NOTRe law, which makes it mandatory for municipalities to be attached to an inter-municipal group).

In order to strengthen the territories, the status of metropolis was created by the law of December 16, 2010 to affirm the role of large agglomerations as engines of growth and attractiveness of the territory.

According to article L5217-1 of the French Code of Local Authorities, a metropolis is a public establishment for inter-municipal cooperation (EPCI) that groups together several municipalities "in a single block and without enclave" that join within "a space of solidarity to draw up and lead together a project for the planning and economic, ecological, educational, cultural and social development of their territory in order to improve its competitiveness and cohesion".

⁹² Models developed by territorial reforms for the purpose of intercommunality: unions of communes, SIVOMs, urban districts, urban communities, communities of cities, communities of towns, metropolises

The metropolis aims to develop the metropolitan economic functions and its transport networks and to develop university, research and innovation resources. It also ensures the international promotion of the territory.

The decision-making bodies of metropolitan cities

The deliberative body of the metropolis is the **Council of the metropolis**, composed of metropolitan councillors. It elects a president from among its members.

The development council brings together representatives of the economic, social, cultural, educational, scientific and associative sectors of the metropolis. The European metropolis of Lille and the Eurometropolis of Strasbourg involve the local public authorities of the neighbouring country, cross-border bodies and the European territorial cooperation groupings of which they are members in the work of the metropolitan development council.⁹³

5.1.6.2. Legislation, practices, opportunities and challenges

Main legal framework regarding Metropolis:

- French Code of Local Authorities
- Law no. 2010-1563 of December 16, 2010 on the reform of local authorities: based on the conclusions of the committee for the reform of local authorities chaired by Edouard Balladur, which drew up a severe assessment of the decentralization policy conducted since 1982. Its main objective is to achieve substantial management savings, in particular by reducing the territorial layers that characterize France. Although it has become partly obsolete, it is this law that created new structures of inter-municipal cooperation, the metropolises and metropolitan poles.
- Law n° 2014-58 of January 27, 2014 on the modernization of territorial public action and the affirmation of metropolises, known as the "MAPAM law" or "MAPTAM law", aims to clarify the competencies of territorial authorities by creating "territorial conferences on public

⁹³ **Which competences and which organization for the metropolises?**, Vie Publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]

action" (CTAP), bodies for consultation between authorities, and by reorganizing the legal regime of the most integrated French inter-municipalities, the metropolises.

- Law no. 2015-991 of August 7, 2015 on the new territorial organization of the Republic, also known as the NOTRe Law, is part of Act III of decentralization implemented under the presidency of François Hollande and aims, in particular, to strengthen the competencies of the regions and public establishments of inter-municipal cooperation.

In France, there are today:

- **12 "common law" Metropolises** (Bordeaux Métropole, Brest Métropole, Grenoble-Alpes Métropole, the Eurometropole of Lille, Montpellier Méditerranée Métropole, the metropole of Greater Nancy, Nantes Métropole, Nice-Côte d'Azur Métropole, Rennes Métropole, Rouen Normandie Métropole, the European Metropolis of Strasbourg, Toulouse Métropole);
- 2 metropolises with special status (the Greater Paris metropolis and the Aix-Marseille-Provence metropolis);
- 1 territorial authority with special status and the powers of both a metropolis and a department (the Lyon metropolis).

The "Pacte État-Métropoles"⁹⁴, signed in July 2016 with the presidents of French metropolises, aimed to commit the latter to contribute to the "alliance of territories" to strengthen cooperation with surrounding territories. This cooperation was targeted at 3 main themes :

- Mobility and transport
- Tourism
- Economic development

This pact has resulted in effective 173 co-operations⁹⁵, especially between metropolises and communities of communes.

The Metropolis's deliberative body (Council of the Metropolis) functions in much the same way as the municipal council (art. L5211-1 of the General Code of Local Authorities).

⁹⁴ #PacteÉtatMétropoles: innovation at the service of the territories, French Government Website

⁹⁵ Metropolises: the implementation of inter-territorial cooperation, Vie Publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]

In accordance with this article, all the law provisions concerning the functioning of the municipal council (Articles L2121-7 to L2121-28 of the General Code of Local Authorities) – are applicable to the functioning of the deliberative body of the EPCIs, and hence of metropolises. Thus, just as for the municipal council - except that the affairs they administer differ, according to the speciality principle⁹⁶ - the council of the metropolis functions in a similar way:

- It rules, through its deliberations, on the affairs that fall within its competence. It votes on the budget or the management delegations of a public service.
- It meets at least once every three months, when convened by the president. Its deliberations are public, unless a request is made for a closed session.
- The deliberative body is composed of community councillors appointed in different ways according to the size of the communes.

For further information, you can refer to the 'Governance' part of the section (1.2.2 Composition and governance of the Municipal Council) of the present research regarding the functioning of the municipal council.

However, as the functioning of the municipal council differs according to the size of the commune, it is specified in art. L5211-1 General Code of Local Authorities that for legal provisions setting out different terms according to the size of the commune, the law for the largest commune applies.

The Metropolitan Council

The Metropolitan Council is composed of Metropolis Councillors, a President and some vice Presidents.

- The Metropolis councillors are the deliberative body of the Metropolis. Since the law of 17 May 2013, they are elected by universal suffrage, at the same time as the municipal councillors. The voting system depends on the size of the municipality (see below: 1.6.3 *Relationship with municipal councils*).

⁹⁶ the general principle of speciality gives EPCIs competence only for the areas and matters that the law assigns to them or for those delegated to them by the member municipalities.

- The president of the Metropolitan Council is the executive body of the Metropolis. He/she is elected by the deliberative body according to the rules applicable to the election of the mayor (art. L2122-7 of the General Code of Local Authorities). The president:
 - Prepares and executes the deliberations of the deliberative body, he is the authorising officer for expenditure;
 - He/She is the head of the EPCI's services, which he represents in court;
 - He/She is assisted by vice-presidents, whose number, between 4 and 15, cannot exceed 20% of the community's workforce, and may, finally, delegate to them the exercise of part of his functions.

Note: The metropolises of Greater Paris and Aix-Marseille-Provence are metropolises with a specific status (although they do not differ much from ordinary metropolises, but are governed in part by specific provisions of the General Code of Local Authorities: L. 5218-1 and following for Aix-Marseille-Provence and articles L. 5219-1 and following for Grand Paris), while the so-called "Metropole of Lyon" is in fact not a Metropole in the sense of EPCI but a "territorial authority with special status"⁹⁷.

Each municipality that is a member of a metropolis is represented in the Metropolitan Council.

This representation is ensured through the **community councillors**, who are elected through direct ballot during the municipal elections (in municipalities of 1000 inhabitants and more).

The metropolis has the right to exercise a certain number of competences within the metropolitan perimeter, in place of the municipalities⁹⁸:

- Economic, social and cultural development and planning: creation of business parks, economic development actions, promotion of tourism, etc;
- Planning of the metropolitan area: territorial coherence plan and sector plan, organization of mobility, participation in the governance of railway stations, etc;
- Local housing policy;
- City policy: definition of the orientations of the city contract... ;

⁹⁷ More information: Wikiterritorial, L'affirmation des métropoles à l'issue de la loi MAPTAM : <https://www.wikiterritorial.cnfpt.fr/xwiki/bin/view/LesMetropoles/Laffirmation+des+m%C3%A9tropolises+%C3%A0+lissue+de+la+loi+MAPAM#HB.LesmE9tropolisesE0statutparticulier>

⁹⁸ [Which competences and which organization for the metropolises?](#), Vie Publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]

- Management of services of collective interest: wastewater treatment, cemeteries and cinerary sites, slaughterhouses, markets, etc;
- Protection and enhancement of the environment and living environment policy: household waste management, air and noise pollution control, support for energy management actions, preparation of the territorial climate-air-energy plan, etc.

Table 11 : Election of the community councillors in the Metropolitan cities in France

BALLOT MODE	
CANDIDATES TO THE MUNICIPAL COUNCIL	CANDIDATES TO THE COMMUNITY COUNCIL
Male candidate 1	Male candidate 1
Female candidate 2	Female candidate 6
Male candidate 3	Male candidate 7
Female candidate 4	Female candidate 10
Male candidate 5	Male candidate 11
Female candidate 6	
Male candidate 7	
Female candidate 8	
Male candidate 9	
Female candidate 10	
Male candidate 11	
Female candidate 12	
Male candidate 13	
Female candidate 14	
Male candidate 15	
Female candidate 16	
Male candidate 17	
Female candidate 18	
Male candidate 19	

The Metropolitan Council is indeed made up of community councillors.

How they are designated:

- in municipalities of - 1,000 inhabitants: it is the municipal councillors who have this role
- in municipalities with more than 1,000 inhabitants: they are elected by direct universal suffrage at the time of municipal elections (therefore citizens elect municipal councillors including those who will be community councillors).

-> "The voter designates the same day on the same ballot paper the elected officials of his municipality and those of the inter-municipality."

Note that a candidate from the community list cannot be appointed if he/she is not also elected municipal councillor (or district councillor in Paris and Marseille). The indications of the candidates, who can be appointed in the Conseil Communautaire, are already indicated.

According to art. L. 5211-6-1 of the French Code of Local Authorities, the number of seats and their distribution among the member municipalities of the metropolitan councils are either set by a local agreement or by the present article, in particular in accordance with the provisions of parts II and IV.

According to those provisions, in metropolises, the composition of the deliberative body is established according to the following principles:

- 1° The allocation of seats by proportional representation to the highest average to the member municipalities, according to the representativeness table, **guarantees an essentially demographic representation;**

2° The allocation of a seat to each member commune of the public establishment of inter-communal cooperation ensures the representation of all the communes.

Advantages and disadvantages of the present situation

Advantages	Disadvantages
<ul style="list-style-type: none"> ● Metropolises (in France as elsewhere) allow for the pooling of budgets, cooperation and the exchange of competencies, the dynamization of territories, innovation and job creation ● having community councillors directly appointed to participate in intercommunities, distinct from municipal councillors, facilitates processes and avoids the overlapping of mandates and tasks ● Opportunities: to face the current difficulties (notably listed in the red columns), some <u>recommendations has been developed</u>⁹⁹ to facilitate the involvement of municipal councillors in the intermunicipalities and strengthen their ownership of this process¹⁰⁰ <p>Examples of recommendations: Adopt a</p>	<ul style="list-style-type: none"> ● “the elected municipal officials regret that the strengthening of intercommunality imposed is accompanied by the transfer of municipal competencies, transforming the municipalities into empty shells”¹⁰⁴ ● Inter-municipalities cover increasingly large territories, which can create obstacles to management as close to the ground as possible / Distance from public services for rural communities¹⁰⁵ ● Risk of very low representation of municipalities with few inhabitants¹⁰⁶ ● The responsibilities placed on municipal councillors are increasingly heavy, and their skills must be increasingly broad, numerous and

⁹⁹ https://www.senat.fr/rap/r18-559/r18-559_mono.html#toc1

¹⁰⁰ Better involving municipal elected officials in the governance of intercommunalities: enhancing good practices, Information report No. 559 (2018-2019) by Mr. Antoine LEFÈVRE and Ms. Patricia SCHILLINGER, made on behalf of the Delegation to Local Authorities, submitted on June 11, 2019

¹⁰⁴ Inter-municipality, a constant feature of territorial reforms, Vie publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]

¹⁰⁵ Ibid.

¹⁰⁶ Representation of municipalities in metropolitan councils, Question n° 06373 from Mr Eric Gold submitted to the Ministry of Territorial Cohesion and Relations with Territorial Communities

<p>governance charter to define the respective roles of the communes and the community; Define a territorial project in co-construction with all the actors of the intermunicipality; Strengthen the capacity of municipal councillors who are members of the community council to participate fully in meetings, etc. (see the Recommendations section of the Report for more details)</p> <ul style="list-style-type: none"> • Opportunities: to face the current difficulties (notably listed in the red columns), the "Commitment and Proximity" law ("Loi Engagement et Proximité"¹⁰¹, promulgated on December 27, 2019, aims to enhance the value of the commune and put it back at the heart of French democracy. its objectives include ensuring better representation of the communes in the governance of the inter-municipality, and promoting a true status for elected officials by strengthening their rights and the role they play in their commune on a daily basis <p>This law allows, among other things, inter-communities to develop a governance pact¹⁰² with their member communes - aiming to strengthen the</p>	<p>technical¹⁰⁷. In 2018, this led to the "wave of resignation of mayors", and in 2019 according to a survey, 28% of them were sure not to run for re-election¹⁰⁸, as a result.</p> <p>"Over the past few decades, an increasingly sophisticated technicality has been imposed on the management of local affairs. Henceforth, elected officials must have precise knowledge in their many fields of intervention. The two forms of complexity - the distribution of roles and powers among the layers of the territorial "mille-feuille", and the maze of regulations to be implemented on a daily basis - combine to make local management, at least in small municipalities with no services, a balancing act. The holders of delegations, in particular, are called upon to specialize in specific, changing, often highly technical and, moreover, politically sensitive matters: environmental issues, public safety, legal issues. The workload on the shoulders of local elected officials has therefore increased considerably."¹⁰⁹</p> <ul style="list-style-type: none"> • According to a study on the expectations of the French citizens towards their mayor and
---	---

¹⁰¹ Law No. 2019-1461 of December 27, 2019, relating to engagement in local life and proximity of public action. *Information and summary of the law in the following articles: Engagement and Proximity - Practical Guide*, Ministry of Territorial Cohesion and Relations with Territorial Communities, and *Guide to the Engagement & Proximity Law*, Ministry of Territorial Cohesion and Relations with Territorial Communities.

¹⁰² Sheet n° 4 : *The Governance Pact*, Prefect of Haute et Garonne

¹⁰⁷ *Mayors in 2020: changing jurisdictions and continuing concerns*, Vie publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]

¹⁰⁸ *Survey on mayors, their mandate and municipal elections*, conducted jointly by the Centre de recherches politiques de Sciences Po (CEVIPOF) and the Association des maires de France et des présidents d'intercommunalité

¹⁰⁹ Information report - Tome 1 "*Facilitating the exercise of local mandates: issues and perspectives*", delegation for local authorities and decentralization of the Senate

role played by the communes in the major decisions taken by the intercommunity, but also to reinforce their place in its functioning. This has been adopted in particular by the community of communes (not a metropolis) of Terres du Lauragais¹⁰³.

municipality¹¹⁰, there is a growing fear of the citizens concerning the inter-municipality and the loss of local competences and local opportunities of their city. (see the diagram below)

¹⁰³ Terres du Lauragais. The elected officials of the 58 communes will draw up a governance pact, Actu.fr

¹¹⁰ The expectations of the French towards their mayors: proximity and renewal, Analysis by Martial Foucault, professor at SciencesPo and director of CEVIPOF

5.2. Poland

Recap¹¹¹

Poland is a unitary state composed of municipalities (**gminy**), counties (**powiaty**) and regions (**voivodship-województwo**).

2477 Municipalities

The municipal council (**rada gminy**) is composed of councillors elected by direct universal suffrage for a four-year term, since 2018 a five-year term. In addition to its legislative powers, the council votes the municipal budget and determines local taxes. The council is sub-divided into commissions responsible for the preparation and execution of decisions taken by the municipal council. Members of the commissions are elected by and from among the municipal councillors.

The mayor (**wójt** in rural municipalities, **burmistrz** in urban ones and **prezydent miasta** in cities of more than 100,000 inhabitants) is the local authority's executive body. He/she is elected by direct universal suffrage for a four-year term, since 2018 a five-year term, and officially

represents the municipality.

The head of the municipal administration (**sekretarz gminy**) is appointed by the mayor. He/she can act on the mayor's behalf, particularly when it comes to the organisation of the city hall's work and to the management of human resources.

Competences

- . Public transport
- . Social services
- . Housing
- . Environment
- . Culture
- . Pre-school and primary education

380 counties

¹¹¹ <https://www.ccre.org/pays/view/34>, , data are from 2021

The county council (**rada powiatu**) is composed of members elected by direct universal suffrage for a four-year term, since 2018 a five-year term. This deliberative assembly appoints members of the executive committee as well as the head of the county.

The executive board (**zarząd powiatu**) is composed of the head of the county and his/her deputies (or from outside of the Council) elected by the county council for a period of four years, since 2018 five-year period. This body is in charge of implementing council decisions.

The head of the county (**starosta**) is elected for a four-year term by the county council, since 2018 for a five-year term. He/she officially represents the county and is assisted by his/her deputies.

Competences

- . Road building and maintenance
- . Secondary education
- . Civil protection
- . Environment
- . Employment
- . Health

66 urban municipalities

In Poland, 66 urban municipalities have a special status whereby they are responsible for competences usually exercised by counties. The capital city of Warsaw, which is divided into 18 districts, also has this special status and thus exercises the competences of both a municipality and a county.

60 regions

The regional council (**sejmik województwa**) is composed of members elected by direct universal suffrage for a four-year term, since 2018 for a five-year term. This deliberative assembly elects the marshal.

The regional executive board (**zarząd województwa**) is composed of members and the marshal, elected by the regional council for a period of four years, since

2018 for a five-year term. The board implements decisions made by the regional council.

The marshal (**marszałek**) is elected by the regional council for a period of four years, since 2018 for a five-year term. He/she officially represents the region vis-à-vis the national and international levels.

The governor (**wojewoda**) represents the prime minister as well as the national Polish government at the regional level. He/she is appointed by the country's prime minister upon proposal by the minister responsible for public administration. The governor is responsible for the implementation of national government policy in the region.

Competences

- . Economic development
- . Higher education
- . Environment
- . Employment
- . Social policy
- . Regional road management

5.2.1 The development of local governance system in Poland

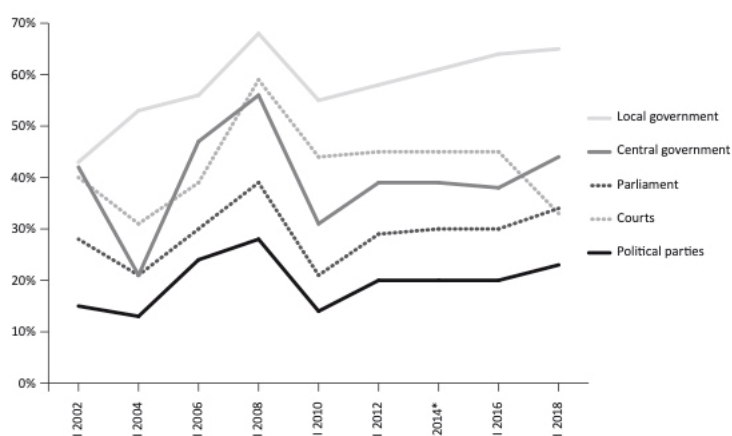
Poland regained its independence after World War I in the year 1918. Previously, from 1795 to 1918 Poland did not exist as an independent state, and its territory was under the occupation of Russia, Prussia/Germany and Austria. Interestingly, the Ottoman Empire was the only state that did not recognize the partitions of Poland. After independence in 1918 there were at least three basic types of local government in Poland, with additional and local varieties. In the period between 1918-1939, two levels of local government were created: municipalities and counties, and certain elements of regional self-government. However, the regional government was ultimately not established. Only regions functioned as part of the central government administration. After the Second World War from 1946 to 1990, when Poland was independent but not a democratic state, the function of municipal and district councils continued. However, they have become part of the central state apparatus and these institutions cannot be regarded as authentic local governments.

After the fall of communism in 1989, the municipal government was democratically formed in Poland on the basis of the Act on municipal self-government of 5 March 1990³. The first democratic elections to municipal councils in Poland took place on 27 May 1990. There are 2477 municipalities in Poland. The territorial division into municipalities was the same as that of 1946. In addition, in 1998 two additional levels of self-government were created: districts and regions. The territorial division into 314 counties and 16 regions was created from scratch.

Self-government reform and decentralisation of competences and finance is widely regarded as one of the most successful reforms introduced after 1989 in Poland¹¹². Decentralisation has become one of the main pillars of Polish success over the last 30 years. By creating democratic and competitive local elections, conditions have been created for the development of local communities. Local infrastructure has improved from roads to sewers, wastewater treatment plants to public space management, local culture and leisure activities etc.

Table 12 : Trust in institutions, in Poland

Figure 2: Do you have trust in those institutions? (sum of % respondents who answered "I definitely do" and "I rather do")



Source: CBOS (2018) *O nieufności i zaufaniu*.
Available [online]: https://www.cbos.pl/SPISKOM.POL/2018/K_035_18.PDF (in Polish)

The level of **trust to local authorities** is particularly high, still in present times (graphics see graphics)¹¹³.

In addition, in **1998 two more levels of self-government administration were created:**

- Counties (380 counties)
- Regions (16 regions)

Their activities are governed by the acts on county¹¹⁴ and regional self-government¹¹⁵. Both were adopted by Parliament on 5 June 1998.

The creation of 16 regions with their own self-government was dictated by Poland's joining the European Union. The regions are designed to meet EU requirements and, as NUTS II units, each region can manage the EU regional operational programme on its own. That is, regional development support programmes, funded by the EU.

¹¹² http://4liberty.eu/wp-content/uploads/2018/11/ALEKSANDER-ŁASZEK-RAFAŁ-TRZECIAKOWSKI_STATE-DECENTRALIZATION-IN-POLAND-HAS.pdf

¹¹³ http://4liberty.eu/wp-content/uploads/2018/11/ALEKSANDER-ŁASZEK-RAFAŁ-TRZECIAKOWSKI_STATE-DECENTRALIZATION-IN-POLAND-HAS.pdf

¹¹⁴ <https://www.infor.pl/akt-prawny/DZU.1998.091.0000578,ustawa-o-samorządzie-powiatowym.html>

¹¹⁵ <https://www.infor.pl/akt-prawny/DZU.2020.203.0001668,ustawa-o-samorządzie-województwa.html>

5.2.2. The role and responsibilities of the municipal councils/versus the Mayor

The role of a municipal council can be divided into two periods, which are radically different from each other.

- **From 1990 to 2002, the democratically elected municipal council elected and dismissed the mayor by absolute majority of the statutory number of the council members.**¹¹⁶

- **From 2002 to today the mayor is elected directly by the residents.**¹¹⁷ Since 2002, the role of the municipal council has fundamentally changed. **Today, the importance of the council and their influence on the municipality's policy is much less than it was before 2002.** Currently, the mayor needs a majority on the council during the discharge and budget vote. On the other hand, it practically does not need a majority for the day-to-day management of municipal affairs. **The influence of the mayor on the executive and decision-making in the municipality is very large.** The influence of council is often limited. **Calls are being made to increase the role of council by increasing their influence over the mayor.**

The deputy mayor may not be a member of the municipal council. If the mayor appoints a councillor at the position of deputy mayor, then the councillor's mandate must be resigned.

The Council consists of councillors in the number of:

1. Fifteen in the municipalities up to 20 000 inhabitants.
2. Twenty-one in the municipalities of up to 50 000 inhabitants;
3. Twenty-three in the municipalities up to 100 000 inhabitants.
4. Twenty-five in the municipalities up to 200 000 inhabitants and three for each further initiated 100 000 inhabitants, but not more than forty-five councillors.

¹¹⁶ Act of 8 March 1990 on municipal self-government, Article. 28
<http://www.isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19900160095/O/D19900095.pdf>

¹¹⁷ Act of 20 June 2002 about the direct election of the mayor of the municipality <https://www.wos.org.pl/ustawa-o-wyborze-wojta-burmistrza-i-prezydenta-miasta.html>

Currently, according to the act on municipal self-government¹¹⁸ the tasks and responsibilities of the municipal council are defined as follows:

1. Adoption of the Statute of the municipality.
2. Regulate the Mayor's remuneration, regulation of directions of its activity and receiving reports of its activities.
3. Appointment and dismissal of the Treasurer of the municipality, which is the main accountant of the budget at the request of the Mayor.
4. Adoption of the **budget of the municipality, the examination of the report on the implementation of the budget and make resolutions on the granting or refusal of discharge.** The council approves plans, strategies and so on. But the concrete implementation is up to the mayor.
5. Supervision of the municipal budget execution;
6. Adoption of directions of the **spatial planning of the municipality and the local land-use plans.**
7. Adoption of economic development programmes; taking development programmes, as specified in the rules about the principles of development policy.
8. Determines the scope of the operation of auxiliary units, the principles of transmission of the components of the property to use and the rules for the transfer of budgetary resources for the implementation of the tasks of these units.
9. Adoption of resolutions in matters of taxes and charges within the limits specified in separate laws;
10. Adoption of resolutions in the financial matters of the commune, relating to: the acquisition, disposal and burden on real estate and lease or rent; emit a bond and specify rules for their disposal, borrowing long-term loans and credits, determining the maximum amount of loans and borrowings short-term by the Mayor during the financial year, commitments in terms of investments and renovations, to create and to join companies and cooperatives, and resolve with them, specify rules for the lodging, reversing and dispose of shares, the creation, liquidation and reorganization of enterprises, establishments and other communal organizational units and equip them in such property, and for determining the maximum

¹¹⁸ Website Global-Regulations: Act on municipal self-government on 5 March 1990: <https://www.global-regulation.com/translation/poland/3353885/the-act-of-8-march-1990-on-the-municipal-government.html> (accessed on 19.03.2021)

amount of guarantees and loans; specifying the amount to which the Mayor can enter into commitments;

11. Adoption of decisions in matters of interoperability with other municipalities.
12. Adoption of decisions in matters of cooperation with local and regional communities of other countries and join international associations of local and regional communities.
13. Adoption of decisions on matters of the coat of arms of the municipality, the names of streets and squares which are public roads or the names of internal roads, as well as building the monuments.
14. Awarding the honorary citizenship of the municipality.
15. Adoption of decisions on the principles for the award of scholarships for pupils and students.
16. Regulation in other cases proprietary laws within the competence of the Municipal Council.

The Municipal Council elects from among its members a **Chairman/chairwomen** and a 1-3 Deputies, an absolute majority of votes in the presence of at least half of the statutory Council composition, by secret ballot.

The task of the Chairman/ chairwomen is to organise the work of the Council, setup the Council session agenda and to chair the session. The Chairman may designate a Deputy Chairman to perform their tasks. The statutes of many municipalities provide for the creation of a so-called main committee. The main committee composed of the Chairman of the Council, his/her deputies and the chairpersons of all councillors' groups. The task of the committee is to give an opinion on the agenda proposed by the Chairman of the Council and to advise him/her on the organisation of the Council's work.

The councillor is obliged to be guided by the good of the local self-government community of the municipality.

Act of 8 March 1990 on municipal self-government, Article 23 [Councillor]:The councillor is obliged to be guided by the good of the local government community of the municipality. The councillor maintains a constant connection with the residents and their organizations, and accepts the requests made by the inhabitants of the municipality and submits them to the municipal authorities for consideration but is not bound by the instructions of the voters.

This description of the councillor's duties is symbolic. It is impossible to determine what the good of the municipality is. Nowhere is there a definition of this term. The councillor's mandate is a "free

mandate". This means that no one can oblige a councillor to make a particular decision. The councillor makes the decisions indecently. Voters also do not have the right of dismissing a councillor during the term of office.

The councillor maintains a constant connection with the residents and their organizations, and accepts the requests made by the inhabitants of the municipality and submits them to the municipal authorities for consideration but is not bound by the instructions of the voters. Councillors have constant reception times for citizens. Reception's schedule shall be published on the Internet:

<https://bip.um.wroc.pl/artykul/795/36725/harmonogram-dyzurow-radnych>

Councillors have the right to submit interpellations and inquiries to the mayor on any matter. The Mayor is obliged to reply within 30 days. Councillors can plead in cases that their residents ask for, but they are not obliged to do so. This is up to individual decision of the Councillor.

The Councillors may set up **councillors' groups**, acting in accordance with the rules laid down in the statutes of the municipality.

An employment relationship may not be established with a councillor at the municipal office in which the councillor has obtained his/her mandate. The fee for councillors depends on the size of the municipality and on the function: chairperson of the council or committee. Councillors' allowances range from €100 in small municipalities to €400 in major cities for ordinary councillor, €500 for chairman of the committee and €600 for a chairman of the council. In comparison, the average wage in Poland is €1200 gross and the statutory minimum wage is €600.

A councillor may not act as head of a municipal subsidiary organisational unit and a deputy head.

The mandate of a **municipal councillor** cannot be combined with the mandate of a Member of Sejm or Senat (lower and upper chamber of the Parliament), performing the functions of Voivode or Vice-Voivode (representative of the central government in the region); membership in any official body of another local self-government unit.

Region is Voivodeship. Voivod is the Prefect. The Polish word for Voivod is Wojewoda and it means in old Polish – leader of the soldiers.

A resolution of the municipal council not to grant discharge to the mayor two times in the two consecutive years, should be tantamount to taking the initiative to hold a referendum on the dismissal of the mayor. The resolution on discharge should be adopted by the municipal council by an absolute majority of the statutory composition of the municipal council.

The municipal council may decide to hold a referendum on the dismissal of the mayor on grounds other than the non-discharge of the mayor only at the request of at least one quarter of the statutory composition of the council. The resolution referred shall be adopted by a majority of at least **3/5 of the statutory composition** of the council by personal vote.

Councillors have the right to table amendments to the municipal budget. Very often, during the work on the municipal budget, councillors request that investments important from the point of view of their constituencies or groups of their voters be included in the budget. **The vote on the budget is the most important moment when councillors can influence the mayor and the executive power.**

Councillors work in **thematic committees**. The number, composition and subjects of the committee should be determined by the council. Only the audit board responsible for supervising the work of the mayor and the municipal office and the committee on complaints, proposals and petitions must be established by law. The **audit board must be composed of representatives of all councillors' groups**. Councillors' groups are most often created by all councillors selected from a single electoral roll. At least three councillors are needed to set up the group.

In terms of protection of political groups, all councillors' groups must be represented in the audit board. There is no requirement for the chairperson of the committee to be a representative of the opposition. Many municipal councils appoint a representative of the opposition as chairperson of the audit board on the basis of good will. There is no one such legal obligation.

Municipal Councillors do not have rooms to work just for themselves. In the larger municipalities there are rooms for councillors' political groups, where group meetings or councillors consultation hours open to residents are organized. In smaller municipalities there is one room to use for all councillors. The decision to separate the premises for the needs of councillors depends on the mayor.

Advantages and disadvantages the present situation, opportunities and challenges

Advantages ¹¹⁹	Disadvantages
<p>Decentralization played an important role in the success of the Polish transition from socialism to democracy and market economy. It has increased political accountability, which helped to improve governance, and today local governments provide the major</p> <p>Local municipalities are financially independent of the state. They receive 38.23% of the amount of PIT (personal income tax) paid in their territory. They are therefore not dependent on subsidies from the central government. Municipalities own property, real estate, businesses in the municipality. In addition, they collect property tax on their territory.</p> <p>Municipalities have sufficient competence to shape their development, invest in infrastructure and create the conditions for private investment, through the possibility of reducing or exempting property tax. Municipalities can also carry out externally funded projects on their own, mainly from the EU.</p> <p>Municipalities create zoning plans and issue building permits. In this way, they can shape their urban development.</p> <p>Solid regional governance structure. Each of the 16 regions is a NUTS II unit and can manage the</p>	<p>As for public services to local communities, this new system proved to have improved efficiency and is reflected in high levels of trust in local governments among their citizens. Unfortunately, sub-central governments in Poland remain to a large degree, extensions of the central government. They deliver policies set by the central government and do it in a more efficient fashion, but actually have no significant power to run independent policies and to experiment.</p> <p>An improvement would come if the sub-central governments could be transformed more into laboratories of democracy, creating and testing new policies on the local level.</p> <p>The challenge for municipalities is to finance education at the primary level. The central government pays a grant calculated per pupil. These measures are not enough for education. Therefore, municipalities pay with their own budget. In most municipalities, 30% of the budget is spent on education.</p> <p>Too strong mayoral position and too weak council. The mayor must be elected direct by inhabitants, which often leads to populist decisions and PR dominance. The mayor can make decisions on his/her own, which increases the risk of making a mistake.</p> <p>Each level of self-government is independent of each other. It is difficult to coordinate</p>

¹¹⁹ http://4liberty.eu/wp-content/uploads/2018/11/ALEKSANDER-ŁASZEK-RAFAŁ-TRZECIAKOWSKI_STATE-DECENTRALIZATION-IN-POLAND-HAS.pdf

<p>EU regional operational programme on its own. It is the main source of funding for regional development projects in the region and in municipalities.</p> <p>The Act on Municipal Self-Government and other laws well and sufficiently defines the need for public consultation and the creation of a citizens' budget. Public consultation is widespread and effective in Poland</p>	<p>investments. Thus, there is the creation of an excess of infrastructure, e.g. recycling facilities in each municipality, swimming pools too close to each other, a hospital in each county without specialization, etc.</p> <p>Too many counties and their too few competences and budget.</p>
--	---

5.2.3 Electoral system for local authorities

The rules for the election of municipal councils are governed by the Act of 16 July 1998 electoral law for municipal councils, county councils and regional parliaments.¹²⁰

There are no legal requirements for candidates on electoral lists. To increase the electoral outcome, each party or electoral committee seeks to have people of different ages on the lists, representing different communities and professional groups. However, this is a decision of the party or electoral committee.

Municipalities with up to 20,000 inhabitants

In municipalities with up to 20,000 inhabitants, the city council is elected in single-seat constituency. The person who receives the highest number of votes is elected as the councillor. Below 20.000 there are candidate's names only, no party lists. However, the candidate is allowed to add the party or electoral committee name behind his/her first and last name.

¹²⁰ Beata Słobodzian, Polish electoral system to local self-government – changes and effects, Slovak Journal of Political Sciences, Volume 16, 2016, No. 3: https://www.researchgate.net/publication/305423553_Polish_electoral_system_to_self_local_government_-_changes_and_effects (accessed on 19.03.2021)

Primary lists for candidates at the local level do not exist. Lists of candidates for councillors shall be created by the leadership of the party or electoral committee.

Legal requirement for candidates to the municipal council: Persons who are over 18 years of age, at the latest on the day of voting, have EU citizenship, have not been punished by the court and have not been bereft of their civil rights, are registered in the municipality. Candidates for position of the mayor must: at the age of 25, do not need to be registered in the municipality, must have Polish citizenship. No reference to other qualities or professional background.

A councillor may not be employed at the municipal office where he/she was elected. He/she may not be a head or deputy in a instrumental entities of the municipality, may not carry out business activities using the property of the municipality, may not hold more than 10% of the shares in companies with a shareholding in the municipality. If any of the above conflicts of interest occur, the councillor has 3 months from the date of taking the oath of office of the councillor to remove the conflict of interest: resignation from the councillor's mandate or the termination of another professional or economic activity.

There is no system of compulsory training for municipal councillors. Voluntary training may be organized by parties, electoral committees or the municipality. Since 1990, the NGO: Foundation for the Development of Local Democracy¹²¹ has been operating in Poland, which offers comprehensive training for councillors and local government officials. The Foundation is independent, trainings are paid for or offered free of charge if it is in the frame of projects funded through government, EU or other sources.

Municipalities with more than 20,000 inhabitants

In municipalities with more than 20,000 inhabitants, councillors are elected in multi-mandate constituency. Parties, social organisations and groups of voters have the right to submit lists of candidates in each municipality. The order in the lists should be determined by the notifier of the list. The voter has one vote at his/her disposal, which he/she casts for one person from the selected list. This is a threshold - **only lists that have received more than 5%** of all votes cast at municipal scale are involved in the distribution of mandates.

¹²¹ <https://frdl.org.pl/foundation-in-support-of-local-democracy-fsld>

Each mayoral candidate has their own list to the municipal council. Often, a candidate for mayor is also a candidate for the municipal council. But this is optional, not mandatory.

Not every list has its own candidate for mayor. In Wrocław in the 2018 elections there was one list to the council, which supported the candidate for mayor from another list. However, the voter receives two ballot papers and can vote for the candidate for mayor from list A, and to the municipal council for a candidate from list B. In this sense, there is no link between the elections for the mayor and to the municipal council. It is theoretically possible that the mayor will win the elections, and from his/her list no one will enter the council. Or the mayoral candidate will lose, and the candidates on his/her list will have a majority in the council. This a system as the one in Italy with a possibility of "*voto disgiunto*" or in English "disconnected vote".

One has to vote for a person only. Automatically the vote is for the list. On the ballot paper there are party lists in turn. On each list the names of candidates (up to twice as many as mandates in the constituency). The voter has one single vote and has to put the sign "x" by the chosen person.

The system is proportionate. Only through the d'Hondt method and the 5% threshold is it possible for the list to receive about 35% votes and win more than 50% of the mandates. But this only happens if several lists do not exceed the electoral threshold of 5%. The votes of these committees shall then be "awarded" to the winner. It is also possible that the list will receive about 40% of the votes and will not win more than 50% of the mandates. It is decisive how many lists do not exceed the threshold of 5% and what is the difference in the number of votes between the list with the most votes and the second in order. The smaller the difference, the smaller the victory bonus. Seats in the council are divided by using the d'Hondt method. **It is possible that the mayor-elected by direct voting does not have a majority in the municipal council.**

Municipalities have the right to set up subsidiary bodies, such as **settlement councils**. The **municipal council determines the powers of the settlement councils, how they are elected, and may also make the budget available to them. Especially in large cities, settlement councils are appointed.** Typically, their competence is limited to reviewing, advising and initiating local affairs. **The budget available to the councils of settlements is usually small.**

Auxiliary units of the City - **settlements are the lowest**, auxiliary, level of municipal self-government and work closely with the City Council in Lodz and the Mayor of the City and participate in the life of

local communities of the inhabitants of the City. They were created by resolutions of the City Council in Lodz on the basis of the provisions of the Act of 8 March 1990 on municipal self-government and the Statute of the City of Lodz.¹²² On the territory of the City there are 36 auxiliary units - settlements. The formation of the settlement as an auxiliary unit of the City occurs as a result of important elections to the resolution body of the settlement.

By resolutions of the City Council, settlements were provided with the statutes defining their organization and scope of action. **The bodies of the Settlement are: the council of the settlement and the management board of the settlements.** Supervision and control over the activities of the settlement authorities in the field of legality is exercised by the City Council in Lodz and the Mayor of the City. The statutory activities of the settlements are financed by the funds allocated to them annually by the City Council.

The scope of operation of the settlements includes public matters of local scope, including: initiating, supporting and organising activities aimed at meeting the needs of the inhabitants of the settlement;

- Opinion on the city's draft budget;
- Participation of a representative of the Settlement Council, in tender committees organized by municipal organizational units, including real estate administrations, in the field of matters entirely implemented in the area of the Settlement together with an assessment of the implementation of these tasks,
- Supporting measures to protect the environment, nature and urban greenery on the territory of the Settlement;
- Co-operating with the city authorities, police, city guard and fire service in the maintenance of order, public order, security and the prevention of social pathologies on the territory of the Settlement;
- Co-operation with social organisations and other actors in the establishment of common rooms and housing clubs for children, young people and other residents on the territory of the Settlement;
- Co-operation with the administrations of real estate existing on the territory of the Settlement in priority to carry out renovations, participate in the reception of the work performed;
- Co-operation with NGOs on matters relevant to the Settlement;

¹²² Official website of the City of Lodz: <https://bip.uml.lodz.pl/samorzad/rady-osiedli/>

- Assessment of the functioning of urban organizational units operating in the settlement in the sphere of general interest;
- Requesting control of an urban organisational unit operating in the settlement in the sphere of general interest, with the exception of organizational units which cover the whole city;
- Expressing an opinion and requesting the authorities of the City of Lodz and the municipal organizational units in all matters belonging to the City concerning the Settlement;
- To request from the Chairperson of the City Council Lodz, the Council committees, the councillors and the Mayor of Lodz to take a resolution initiative on matters concerning the Settlement;
- Requesting the transfer of tasks and components of municipal property in order to cooperate in the implementation of matters, in the part concerning the settlement, in the field of: playgrounds, common rooms, clubs, playgrounds and recreation areas;
- Participation of a representative of the Council of Settlements in the programme councils of municipal cultural, educational and sports-recreational institutions operating in the area of the Settlement;
- Submission of proposals and opinions to the study of the conditions and directions of spatial planning of the City and draft local zoning plans in the course of their drawing up;
- Opinion on draft resolutions and other decisions of the City authorities, in the section on the Settlement:
- Opinion on the implementation of the City's budget in terms of tasks concerning settlement.

In 2018, the Sejm (Parliament) decided to extend the term of office of local self-government councils of all levels from 4 to 5 years. At the same time, the decision was taken to extend the term of office of the Mayor also from 4 to 5 years and to limit the term of office to two consecutive terms in the same municipality.

The electoral system needs be tailored in accordance with the expectations of local communities and be in line with the tradition and accepted customs of the community. From 1990 to 2002, the Mayor was elected by the municipal council in municipalities with up to 40,000 inhabitants in single-seat constituencies. In municipalities with the population over 40,000 in multi-mandate constituencies, election was held through party lists. There have been too many changes of the mayor. The Mayor, instead of dealing with the long-term management of the municipality, sought a majority support in the council. **Therefore, since 2002 the election for the Mayor are by direct vote that is practically irrevocable.** After 16 years of such system, it has been noted that the concentration of powers in

mayor's hands resulted in lack of transparency and increasingly populist approach to decision making. **Therefore, in 2018., the decision was taken to limit the number of mayor's mandate to two terms in office.**

The system of municipal elections in Poland was shaped with the development of self-government. Its individual elements were changed with emerging problems. Council elections are not very controversial. In small municipalities where voters usually know each other, elections have been introduced in single-seat constituencies. The aim was to ensure a close link between citizens and councillors. In larger cities where voters do not know each other, a system of electoral lists submitted by political parties, social organisations and voter groups has been introduced. . It is important that the voter also indicates a preference for person in addition to the list

Advantages and disadvantages of the present situation, opportunities and challenges

Advantages	Disadvantages
<p>The introduction of direct vote for mayor was instigated by frequent changes of mayors by councils. The idea was to stabilize the function of mayor in this way, to enable him/her to deal with the affairs of the municipality, and not constantly negotiate with councillors and seek a majority and conclude many compromises in this way.</p> <p>With the preferences, voters determine the final order on the list and who will win the councillor's seat. With such a solution, it is not enough to get a high place on the list, but you also need to win real votes of voters. Ultimately, it is the voters, not the party leaders, who determine the final order on the list.</p> <p>The limitation of the mayor's terms was due to the observation that a one-person strong power</p>	<p>The mayor is practically irrevocable. The mayor's dismissal requires great effort and destabilization of the municipality.</p> <p>The mayor has too much power. This creates informal agreements around the mayor of people who can exert influence without democratic legitimacy.</p> <p>The mayor can make populist decisions to win the support of voters. Council is too weak for a strong mayor.</p> <p>The mayor's one-person power and responsibility often led to burnout.</p> <p>Councillors must make declarations of assets published on the internet. This means that entrepreneurs and professionals do not want to stand as councillors. Increasingly, councillors are becoming employees of the public sphere. They are financially dependent on the administration</p>

<p>of the mayor can lead to the monopolization of power. Prevents you from creating an alternative. Strong non-transparent relationships are formed, which can lead to abuse of power and make it difficult to make changes.</p>	<p>and do not perform in sufficient way the control functions against the mayor.</p>
--	--

Polish electoral system at local self-government level has been shaped following the lessons learnt from past practice and seeking solutions to newly emerging problems. The legislator's intent is to continuously look for optimal solutions. It can be expected that the system will continue to evolve and adapt to the experience that has resulted from previous practices. The evolution of the system, the response to emerging new challenges and the courage to propose innovative solutions should be positively assessed. The electoral system changes according to the problems that arise. Parliament is observing the development of the electoral system of self-government and is making changes to eliminate the shortcomings of the existing solutions. Recently, the Parliament has decided to limit the number of mayoral terms to two. In the future, decisions related to strengthening the role of the Municipal council in relation to the Mayor could be expected.

There is a constant public debate about self-government and its electoral system in the media, among politicians and local self-government associations.

5.2.4 Relationship between the different tiers of governance

Each of the three levels of self-governance system in Poland is independent of each other. The lower level of self-government is not reporting to higher levels. All levels of the self-government are subject to the supervision of the Prime Minister of the central Government. In practice, the supervision is exerted by the Voivode. The Voivode is the representative of the central government in every of the 16 regions. The Voivode shall be appointed and dismissed by the Prime Minister. The Voivode is automatically dismissed with the resignation of the entire government. The Voivode has the right to annul any resolution of the municipal council, county council or regional parliament if it considers it illegal. The self-government has the right to challenge the decision of the Voivode to the administrative court.

Act of 8 March 1990 on municipality self-government, article 85:

The mayor is obliged to send each resolution of the municipal council to the Voivode within 7 days of its adoption. Within 30 days of receiving the resolution, the Voivode has the right to repeal it. The Voivode is obliged to justify his/her decision and indicate the incompatibility of the resolution of the municipal council in Polish law. The municipality has the right to appeal against the decision of the Voivode to the administrative court.

In the event of natural disasters, the Voivode manages the rescue operation, and the municipalities are obliged to comply with his/her decision. Currently, during the COVID pandemic, the Voivode manages the fight against the epidemic.

5.2.5 Relations of the municipal council with the municipal administration, citizens and associations

Relations between councillors and the executive power remain uneven, since the mayor's direct election introduced in 2002, led to a diminished role of the Municipal council.

When the introduction of direct mayoral elections was considered before 2002, supporters of this solution stressed that this would mean strengthening the position of the municipality's executive over the political representation of the municipal council. In their opinion, the mayor should have stronger legitimacy because of his/her individual responsibility. Attention was drawn to the fact that direct choice would promote the stabilisation of the executive and administration in the municipality. **It was also thought that this system would create new staff, allows to strength the civil servants aspect and less politically depended executive power.** It was stated that direct elections would bring the candidate closer to the citizens. Opponents, on the other hand, pointed out that such organized elections would be no longer the aim, as there was no change in the law and laws of competence. Such a situation could lead to conflicts between the mayor and councillors, especially if they represent the opposite political options. At the same time, it was stressed that a practically irrevocable mayor can conduct his personnel policy, and his position facilitates the occurrence of corruption and other pathological phenomena.¹²³

¹²³ Ibidem

Formally, the councillor shall be in contact with officials at the executive level during the meetings of the thematic committees of the Municipal Council. It is common practice for a mayor, deputies mayors or directors of substantive departments to attend committee meetings. During the committees, councillors listen to the administration's positions and have the opportunity to ask questions and express their opinions, which may be taken into account by the administration. **Councillors do not have the formal right to give specific instructions to the officials.** Instead, they can formulate expectations, strategies and guidelines of action that they consider are right. Councillors take part in the resolution process, which results in acts of local law laying down rules for the implementation of particular issues of the functioning of the local self-government.

Councillors are active in dealing with citizens because their election and re-election depends on citizens' decisions. Even in a high place on the electoral roll, no candidate is guaranteed a mandate. Hence the high level of activity in seeking individual recognition among voters in his/her constituency. **Councillors try to work with organised voter groups: associations, informal interest groups, neighbourhood groups, settlement councils.**

For example, in the city of Poznan there is a website dedicated to the initiatives of councillors. All interpellations and initiatives of councillors are published there. They concern in particular: the councillor's efforts to create a park, the construction of a student dormitory, inquiries on energy efficiency in the city or intelligent system of waste segregation, creation of parking lots, fight against air pollution, etc. See : <https://www.poznan.pl/mim/bm/news/inicjatywy-radnych,c,13/2/>

Councillors strive to represent the interests of large, influential professional groups such as teachers or social groups such as seniors, entrepreneurs, cyclists, etc. Another strategy for cooperation with the local community is for councillors to pursue **thematic specialisation**. Councillors deal with important topics of a horizontal nature e.g. education, public transport, environmental protection, etc.

A key instrument at the disposal of the councillor is to work in the **substantive committees and pilot draft resolutions in them**. The second instrument is to **submit interpellations and inquiries to the mayor**, who has a duty to respond to them. **Often councillors thus ask questions that they receive directly from residents or their organized groups**. Councillors often initiate and take an active part in

public consultations on socially important topics. Councillors organise meetings with voters or reception hours for individual residents.

Examples of councillors' initiatives:

- To include proposals to introduce the principle that only children who have completed all compulsory vaccinations (provided for by Polish law; many parents do not comply with this obligation) are accepted into city nurseries and kindergartens.
- To help ensure the city's funding of dental practices in selected schools in the municipality. Dental services are available free of charge to all pupils in a given school or other schools where there are no such services available.

These are examples from Wrocław. A group of councillors, based on discussions with parents of children going to kindergartens and schools, submitted both ideas. This is an example of an action on which everyone gains. Councillors are gaining popularity among voters. Parents are happy that their children will be healthier.

5.2.6 Role and responsibilities of local organisation and structures other than municipal councils

The Act on municipal self-government of 8 March 1990¹²⁴ article 5a regulates few possibilities of interactions with citizens and civil society, for local authorities : In the cases provided for by law and in other matters of commune's affairs, **consultations** may be held on its territory with the inhabitants of the municipality. The rules and procedures for consulting the inhabitants of the municipality shall be laid down in the resolution of the municipal council. Act of 8 March 1990 on municipal self-government

*Article 5b. mentions the consent to the creation of a **youth municipal council*** : The municipality shall take measures to promote and disseminate the idea of self-government among the inhabitants of the municipality, including in particular among young people. The municipal council may, at the request of the communities concerned, agree to the creation of a youth council of a consultative nature. The municipal council, when establishing the youth council of the municipality, gives it a statute specifying the procedure for the selection of its members and the rules of operation.

¹²⁴ Website INFOR: <https://www.infor.pl/akt-prawny/914800,ustawa-o-samorzadzie-gminnym.html#:~:text=%20USTAWAz%20dnia%208%20marca%201990%20r.o%20samorzadzie,z%20ty%20e%20dla%20za%20o%20stowarzyszenia...%20More> (accessed on 16.03.2021)

Here are few examples :

Info in English: Youth City Council of Wrocław

<https://www.highschool.fem.org.pl/project/our-representative-in-youth-city-council-of-wroclaw/>

Youth City Council of Wrocław in Polish. This is even the statute of the YCC, available in Polish only

<https://mrmw.um.wroc.pl>

Municipal Council of Senior Citizens:

1. The municipality promotes intergenerational solidarity and creates the conditions for stimulating the civic activity of older people in the local community.
2. The municipal council may, on its own initiative or at the request of the communities concerned, set up a municipal council for senior citizens.
3. The municipal council of senior citizens shall be consultative, advisory and initiative.

One of the first Senior City Council was established in 2010 in Poznan.

<https://extranet.who.int/agefriendlyworld/network/city-of-poznan/>

The Act of 8 March 1990 on municipal self-government introduced in the year 2018 the following amendments to the public consultation process:

The rules and procedures for consulting the inhabitants of the municipality should be laid down in the resolution of the municipal council. The particular form of public consultation is the **citizens' budget**. Within the framework of the citizens' budget, residents could decide annually on the part of the expenditure of the municipal budget by direct vote. The tasks selected under the citizens' budget should be taken into account in the municipal budget resolution. In the course of the work on the draft budget resolution, the municipal council may not delete or substantially alter the tasks selected within the framework of the citizens' budget.

In municipalities which are cities under the laws of the county (66 biggest cities in Poland), the creation of a citizens' budget is mandatory, with the amount of the citizens' budget amounting to at least 0.5% of the municipal expenditure contained in the last report on the implementation of the budget submitted. Currently, there are several hundred civic budgets in Poland, where residents can vote to

support specific projects from the municipal budget. The citizens' budget usually carries out small investments such as children's playgrounds and urban greenery, small public recreation areas. An important aspect of the citizens' budget is the **activation of local communities**, the formation of neighbourhood links and the training of local leaders and the development of cooperation between citizens and administrations.

Examples :

Kórnik, Nowy Targ, Jarosław, Łódź, Pabianice, Bydgoszcz: six projects for civic budgets from all over Polish were selected as the best opinion of experts and internet users in the competition "I live here- Wise ideas for a wise city". Competition was organised by Self-Government Website.

As a good practice, it is possible to point to the establishment of a Council for Social Participation in the city of Bydgoszcz. The scope of the Council's activities concerns broadly understood social participation, including the involvement of inhabitants in the life of the city. The Council deals with issues such as consultation, opinion and recommending activities under the Bydgoszcz Citizens' Budget programme and public consultation. The members of the council are representatives of councillors' groups from the City Council, representatives of civil society, chairpersons of the councils of settlements, chairpersons of the municipal youth council and senior council, local officials and deputy mayor of the city.

Municipalities are required to conduct **public consultations** with organised social groups and all willing citizens **on issues relating to zoning and investment**; development strategy; environmental issues. By law, the municipality is also obliged to create a program of cooperation with NGOs and consult with them on this program and the issues that organizations deal with. Other topics can be consulted optionally. However, the trend among Polish municipalities shows the increasing practice of public consultation.

In the case of mandatory consultations provided for in the law, failure to carry out consultations may result in the annulment of the decision by the Voivode. The Voivode is the representative of the central government in the region, appointed by the Prime Minister.

A very popular public consultation tool is the conduct of **citizens' panels**. The role of the panel is to discuss and develop recommendations to the municipal authorities on important issues for the municipality. Most often, the subject of citizens' panels are issues related to the organization of public transport, environmental protection etc. The participants of the citizens' panel are selected by random

drawing from among the willing residents who wish to participate in the panel. The municipal council hears complaints about the actions of the mayor and municipal organizational units; applications and petitions submitted by citizens. From 2018, the Council is required to set up a committee on complaints, proposals and petitions. The complaints, proposals and petitions committee should be composed of councillors, including representatives of all groups.

Every year until 31 May, the mayor submits **a report on the state of the municipality to the municipal council**. The report should include a summary of the activities of the mayor in the previous year, in particular the implementation of policies, programmes and strategies, resolutions of the municipal council and the civic budget. The municipal council may determine by resolution the detailed requirements for the report. The municipal council should examine the mayor's report during the session at which the resolution of the municipal council on granting or not granting discharge to the mayor is adopted. A debate is being held on the report on the state of the municipality. Councillors are allowed to speak without a time limit in the debate on the report on the state of the municipality. In the debate on the report on the state of the municipality, the inhabitants of the municipality may speak. The citizen who wishes to take floor during the Council session should submit a written declaration to the Chairman of the Council, supported by signatures at least 20 people in the municipality up to 20 000 inhabitants and at least 50 people in a municipality of more than 20 000 inhabitants.

Advantages and disadvantages of the present situation, opportunities and challenges

ADVANTAGES	DISADVANTAGES
<p>Solid legislation guaranteeing mandatory public consultation on: spatial development, municipal development strategy and environmental protection. Consultation on other matters is not compulsory, but most municipalities do.</p> <p>Effective statutory regulation regarding the need for the municipality to cooperate with non-governmental organisations and consult with them on local authorities' decisions.</p>	<p>The results of social consultations are not binding for the authorities, so often their effects are not taken into account when the authorities make decisions.</p> <p>Often, residents want to pursue their particular interests through public consultation and do not look globally at the general interest of the municipality as a whole.</p> <p>It is said that residents use the public consultation mechanism to block the municipal</p>

<p>Substantiated studies on social consultation tools. These tools have been developed by civil society, but also by a team of experts from the Ministry of Digitisation.</p> <p>The obligation to have a citizens' budget in 66 biggest cities, including examples citizens' budgets in many other municipalities.</p>	<p>development. They are trying to block the construction of roads or new housing estates, so as not to have increased traffic in the neighbourhood.</p> <p>In the public consultation, residents pressurise the mayor to finance selected social services from the municipal budget for selected social groups.</p> <p>In the public consultation, residents with more time off are the most active. These results, for example, in greater consideration of seniors' interests at the expense of young families with children who have less time to participate in public consultations.</p>
---	--

5.2.7 Cooperation with neighbouring municipalities, intercommunalities' cooperation

Municipalities have a **statutory obligation to consult with neighbouring municipalities** their zoning plans, development strategies and all activities with environmental impact. The opinion of the neighbouring municipality is not binding on the consulting municipality.

Municipalities can form common entities in three possible ways :

Compounds intercommunal¹²⁵ :

1. In order to do perform their public duties of the municipality can create compound intercommunal.
2. Decisions to form a compound shall be adopted by the councils of the municipalities concerned.
3. The rights and obligations of the municipalities participating in the intercommunal compound relating to the performance of the tasks delegated to the compound should be transferred to the compound on the date of publication of the statutes.

¹²⁵ Act of 8 March 1990 on municipality self-government, Article 64-73a

The Compound intercommunal MG 6 was established in 2012. The Compound consists of the following municipalities: Bogdaniec, Deszczno, Gorzów Wlkp., Kłodawa, Lubiszyn, Santok¹²⁶. It is a city Gorzow Wielkopolski with a population of more than 120 thousand inhabitants and surrounding small municipalities.

The compound has legal personality. The compound's task is to jointly plan and carry out environmental tasks waste management, animal care, technical and social infrastructure, the economy and tourism.

The compound was established for an indefinite period. The main task of the compound for all member municipalities is the joint management of waste. One company collects waste in all municipalities and deal with recycling issue. As a result, small municipalities do not have to organize a tender for these services or maintain municipal cleaning companies.

Intercommunal agreements¹²⁷

1. Municipalities may conclude intercommunal agreements on the entrustment of one of their public tasks.
2. The municipality carrying out the public tasks covered by the agreement should assume the rights and obligations of the other municipalities relating to the tasks entrusted to it and those municipalities should be required to share in the costs of carrying out the task entrusted to it.

Agreement of June 2004 between the city of Slupsk and the municipality of Kobylnica concerning a public task in the field of collective discharge of wastewater. The city of Slupsk will receive wastewater from the municipality of Kobylnica. The city of Slupsk has more than 90 thousand inhabitants, the municipality of Kobylnica is adjacent to the city. For the municipality of Kobylnica it is cheaper to pay the neighboring city for the reception of wastewater than to organize the whole system for its own municipality.

Creation of associations¹²⁸

¹²⁶ <https://zcg.net.pl>

¹²⁷ Article 74

¹²⁸ Article 84 and 84a

1. In order to promote the idea of local self-government and to defend common interests, municipalities may form associations, including with counties and regions.
1. The organisation, tasks and working mode of the association shall be laid down in its statutes.
2. The provisions of the Law on Associations should apply to associations, with at least 3 founders required to establish the association.

5.2.8 Description of the functioning and role of the metropolitan areas

On 9 October 2015¹²⁹ the act on **metropolitan unions** was adopted by the Sejm (the Parliament) Under the act, not a single metropolitan union was created whilst the law itself was repealed on 7 April 2017.

The Association of Regions of Poland issued its negative position on these regulations emphasizing the fact that the creation of a metropolitan union requires a positive opinion of at least 50% of municipal councils, of at least 70% of city councils, and at least 50% of county councils. This may mean imposing the will on individual local government units, membership of the metropolitan union despite expressing a negative opinion. The formation of unions would take place in a top-down manner, which is contrary to Article 165(2) of the Polish Constitution, which provides that the independence of local self-government units is subject to judicial protection.

In Poland there is only one metropolitan area in the Silesia region. There are 41 members of the metropolitan assembly, one representative from each municipality. Usually this is a mayor of the municipality. Decisions were taken by double majority: majority of the assembly's members, representing majority of the inhabitants of the metropolitan area.

It means that the law exists, but it has not been implemented yet, except for Silesia.

One of the reasons for the controversy surrounding the law is the fact that the government changed as a result of the parliamentary elections on 25 October 2015. Hence, the law adopted at the end of the parliamentary term was repealed by the new elected parliament, in which another party exercised a majority.

¹²⁹ Website of INFOR: <https://www.infor.pl/akt-prawny/DZU.2015.225.0001890,ustawa-o-zwiqkach-metropolitalnych.html> (accessed on 19.03.2021)

Below are the assumptions of the Act of 9 October 2015:

Composition of the metropolitan area: metropolitan area is an association of local authorities located in a given metropolitan area. The metropolitan union should be composed of: municipalities situated within the boundaries of the metropolitan area; counties in which there is at least one municipality located within the boundaries of the metropolitan area.

The Metropolitan Union should carry out public tasks on its own behalf and under its own responsibility. **The metropolitan union should have legal personality.**

The independence of the metropolitan association should be subject to judicial protection.

The setup of the metropolitan union should be regulated by its statutes.

The Council of Ministers creates metropolitan relationships and defines the boundaries of the different metropolitan areas for the establishment of metropolitan associations by identifying the municipalities which form part of metropolitan areas, while determining their names.

Creating the metropolitan area, the Council of Ministers should consider:

- the concept of spatial planning of the country and the zoning plan of the region; functional links and the advancement of urbanisation processes; the homogeneity of the settlement and spatial system, taking into account social, economic and cultural ties.
- A metropolitan area within the meaning of the Act is a spatially coherent zone of influence of a city which is the seat of the voivode or regional parliament (18 cities in Poland), characterized by the existence of strong functional links and the advancement of urbanization processes, inhabited by at least 500 000 inhabitants.

The Metropolitan Union should carry out public tasks in the field of:

1. Shaping spatial planning and management;
2. Development of the union area;
3. Public transport within the union;
4. Co-operation in determining the course of national and regional roads in the territory of the union;
5. Promotion of the metropolitan area.

The bodies of the metropolitan union should be:

- **Assembly of the metropolitan union**
- **Board of the metropolitan association.**

The new parliament adopted a law on the creation of only one metropolitan union in the Silesian Voivodeship. It is the Act of 9 March 2017 on the metropolitan union in the Silesian Voivodeship.¹³⁰

Description of the Metropolitan area of Silesia :

This issue has been highly politicised, with different interests at stake. The government is reluctant to create a metropolitan union because they are to be financed at the expense of part of the taxes assigned to the government. The government is not willing to increase the scope of powers of big cities. The metropolis in Silesia region was created because there it was impossible to organize transport differently. A unified urban area of 2 million inhabitants. Historically these were settlements formed at the mines. The settlements developed until they formed a de facto single city, divided into separate municipalities.

Efforts to create a metropolitan area in Silesia have continued since the beginning of the self-government reform of the 1990s. An important step was the establishment, in 2006, of the Upper Silesian Metropolitan Union. It consisted of 14 major cities of the Silesian Conurbation. The union's activities laid the foundations for further work on building a strong metropolitan centre.

On 29 June 2017, a regulation of the Council of Ministers on the creation of a first in Poland metropolitan union called "Metropolia Górnośląsko-Zagłębiowska" - GZM was issued.¹³¹ Two days later – 1 July 2017 – the Metropolis was established. Over the next few months, GZM structures were being built. Since 1 January 2018, the Metropolis has started to carry out its statutory. **The GZM consists of 41 cities and communes with a total area of 2,500 sq km**, where 2.3 million residents live, with 240,000 companies and enterprises, generating approx. 8 percent of country's GDP. This is Metropolis GZM – Poland's first metropolis.

¹³⁰ Website INFOR: <https://www.infor.pl/akt-prawny/DZU.2017.069.0000730,ustawa-o-zwiazku-metropolitalnym-w-województwie-slaskim.html> (accessed on 19.03.2021)

¹³¹ Website of Górnośląsko-Zagłębiowska Metropolia: <https://metropoliagzm.pl> (accessed on 19.03.2021)

The Assembly of GZM is the resolution and control body of the Silesian Metropolis. It consists of representatives of all 41 cities and municipalities of the members. The Chairman of the Assembly is a mayor of Bytom City and Deputies Mayors of Tychy, Chorzow and Gliwice.

The Management Board consists of five persons – the Chairman, two deputies and the other two members. The Board is elected by the Metropolitan Assembly. Candidates must obtain a double majority. This means that at least half of the delegates representing more than half of the Metropolitan population must vote for them. The Silesia Metropolis applies the "*gentleman principle*", according to which in the five-member board of its representative has each of the five geographical sub-regions of the Metropolis, that is, the subregion of Katowice, Sosnowiec, Bytom, Tychy and Gliwice.

GZM's priority task is the organisation of public transport. GZM has led to the merger of three existing public transport companies into a single entity of the Metropolitan Transport Board and led to the creation of a single, common ticket valid throughout the area.

GZM has also developed the concept of metropolitan railway.

Main activities of GZM:

- Shaping spatial order, sustainable "green metropolis", including: development of green areas; rational management of water resources; integrated waste management, including circular economy; optimising electricity consumption; development of a planning document, the so-called metropolitan study;
- Development of public transport and sustainable urban mobility and cycling policy, including: integration of public transport organisers and rationalisation of connections with the launch of bus lines to the airport in Pyrzowice;
- Introduction of an integrated tariff and ticketing system; purchase of zero-emission buses;
- Launch of bike rental, operating between cities; the designation of a road system of metropolitan importance and traffic studies relevant to the development of road systems and the planning of public transport;
- Social and economic development, including: supporting the implementation of tasks by members through grants from the Solidarity Fund;
- Creating a so-called Data Store, or open database, on the different areas of operation of GZM; carrying out projects related to the testing and dissemination of unmanned vehicles;

- Activities related to senior policy;
- Promotion of the metropolitan union and its area, including branding and metropolitan identity among the inhabitants; promoting the potential of Member Municipalities, as well as the metropolitan area as a whole, cooperation with similar institutions from abroad and participation in international events;
- Institutional development, including the creation of a Metropolitan Socio-Economic Observatory and a platform for good practice, as well as the development of an internal governance system, as well as the development of a common strategy for the development of GZM, etc.;

Metropole's activities are financed from two sources. Percentage of tax (personal income tax) paid by the inhabitants of the metropolitan area. The share of the tax was transferred from the part of the PIT due to the state budget. This is 0,2% of the total amount of tax paid in the first year and in the years following that in which the metropolitan association was established should be 5%. The second source of financing for the metropolis is the contributions paid by the member municipalities of the metropolitan area. They are paid in a fixed amount per resident of the municipality. Members of the agglomeration may also set an additional contribution depending on the tasks to be transferred to the metropolitan area.

The metropolitan association may carry out public tasks falling within the scope of the activities of a municipality, county or regional government or coordinate the performance of those tasks on the basis of an agreement concluded with a local authority or with a local authority association. The metropolitan association may carry out public tasks falling within the scope of government activities on the basis of an agreement concluded with a government body.

The main task carried out by GZM is the organisation of public transport in its area. The agglomeration consists of many cities directly adjacent to each other. It often happens that residents of one city, work in another or use services in neighbouring cities. Each municipality is not in a position to organise a coherent public transport system on the basis of a single. common ticket. Hence the need to delegate this task to the common structure of the metropolis.

For all the big cities in Poland, a big problem and challenge is to create a coherent public transport system covering the city and the municipalities that are entrancing it. This is due to the growing trend of suburbanization, that is, moving residents out of the city to neighbouring villages and small towns.

Residents are looking for a place to build a house on larger plots also for leisure purposes, as well as lower than in the city property costs. This necessitates commuting and the need to use the services offered by the city (education, shopping, entertainment, medicine, etc.)

Therefore, the creation of metropolitan structures for the organisation of public transport and the coordination of zoning plans involving a large city and neighbouring municipalities is a challenge for all cities. Due to the lack of universal regulation by law, agglomeration associations are created. Many of the cities and municipalities surrounding them have set up agglomeration associations, acting as associations of municipalities. They do not have a statutory mandate; their activities are financed by contributions from member municipalities or from projects financed by external means. **The disadvantage of this solution is the lack of funding through participation in taxes and the need to obtain consensus of all members for decisions taken by the association, as well as the possibility of withdrawing from the association of each of its members.**

Another example is the Metropolitan area of Gdańsk-Gdynia-Sopot (not as a form of metropolitan association indicated by the law).

Agglomeration associations act as a platform for dialogue between a large city and the small municipalities surrounding it. This is the case with the **Wrocław Agglomeration** or, as in the case of the Opole Agglomeration, the association is set up to manage the Integrated Territorial Investment programme under the EU-funded Regional Operational Programme. Many agglomeration associations carry out international cooperation projects, research and analytical projects on the topic of the functioning of agglomerations. The best example of such action is the **Metropolitan Area of Gdańsk-Gdynia-Sopot**.¹³²

The Gdansk-Gdynia-Sopot Metropolitan Area¹³³ was established on 15 September 2011 to strengthen cooperation and to achieve the harmonious development of the entire metropolitan area around Gdansk, by making the best use of the potential of the member cities and municipalities, while at the same time respecting their differences and particular characters.

Its establishment was an initiative of Gdansk Mayor Pawel Adamowicz¹³⁴, who in early 2011 invited dozens of local governments to discuss the issues of the metropolitan area.

¹³² Website of the Metropolitan Area Gdańsk-Gdynia-Sopot: <https://www.metropoliagdansk.pl> (accessed on 19.03.2021)

¹³³ <http://www.en.metropoliagdansk.pl/who-are-we/>

¹³⁴ https://en.wikipedia.org/wiki/Paweł_Adamowicz

The work of the Gdansk-Gdynia-Sopot Metropolitan Area is handled by committee meetings which focus on different themes. They discuss and implement specific projects such as the joint purchase of goods and services or the preparation of development plans and investment funds which cover several local authorities.

A key element of co-operation is the exchange of experiences and good practice in the projects carried out by local self-governments, public procurement rules, financial discipline, etc. Since February 2014, **the office of the Association has acted as the headquarters of the Association of Integrated Territorial Investments**, which is a new instrument for metropolitan cooperation.

The highest authority of the Association is the General Assembly of Members, which consists of all local municipality's members of the Metropolitan Area of Gdansk-Gdynia-Sopot. They are represented by their representatives - elected by resolutions of the Councils of Cities, Counties and Municipalities. The General Assembly shall be convened at least once a year.

The votes of the participants of the General Assembly are equal. One vote belongs to both the nearly half-million-city of Gdańsk, as well as several thousand municipalities such as Ostaszewo, Lichnowy, Sulęcyno or Linia. Despite these unbalances of representation, the association is relevant and working effectively for the whole area.

The most important competences of the General Assembly are the adoption of the **Association's action programme**, the adoption and amendment of its Statutes, the election of the Association Council and the granting of discharge from its activities.

5.3.Italy

*Recap*¹³⁵

8006 Municipalities

The council (**Consiglio**) is elected by direct universal suffrage for a five-year period. It is the main decision-making body of the municipality, is responsible for planning and controls governance matters. The city council in particular adopts the budget of the town.

The city board (**Giunta comunale**) is the executive body of the municipality. It implements decisions taken by the council. Its members are called deputy mayors (Assessori) and are appointed by the mayor.

The mayor (**Sindaco**) is elected by direct

universal suffrage for a of five-year period. He/she delegates some of his/her powers to the deputy mayor, who is appointed by the mayor. The mayor also heads up the local civil service.

Competences

Social services

Urban planning

. Economic development

. Public services

. Land development

. Environment

. Culture

110 Intermediate level (Provinces)

The members of the provincial council (**Consiglio provinciale**) are elected by, and from among themselves, i.e. from the mayors and councillors of the municipalities of the province concerned, for a period of two years. The council decides upon the policies of the province and approves the budget.

The assembly of mayors is composed of mayors of municipalities within the province. It has advisory and control powers as well as the power of initiative.

The president (**Presidente**) is elected by the mayors and councillors of the municipalities

¹³⁵ <https://www.ccre.org/pays/view/23>

of the province, for a period of four years, and who will be drawn from one of the municipalities' mayors coming from the province concerned. He/she represents the province, is the chairperson of the board and of the assembly of mayors. His/her functions

are to supervise the operation of the services and offices.

Competences

- Environment
- Transport and land use planning

14 metropolitan cities

The members of the metropolitan council (**Consiglio metropolitano**) are elected by, and from among themselves, i.e. from the mayors and councillors of the municipalities of the metropolitan city. They are elected for a period of five years. The statute of the institution may provide for the direct election of the metropolitan council. It performs a planning and control function.

The metropolitan mayor (**Sindaco metropolitano**) is the mayor of the provincial capital. The status of the institution may provide for his/her direct election. He/she represents the metropolitan city and supervises the operation of services and offices.

Competences

- Environment
- Education
- Transport
- Urban planning
- Public services
- Traffic management
- Economic and social development

The metropolitan conference (**Conferenza metropolitana**) is composed of the metropolitan mayor, who convenes and chairs it, and of the mayors of the municipalities within the metropolitan city. It has the power of initiative and consultative powers.

20 regions

The regional council (**Consiglio regionale**) is the legislative body of the region. It can present projects of law to the national

parliament and can dismiss the president of the regional executive committee.

The regional executive committee (**Giunta regionale**) is the executive body of the region. It consists of a president and aldermen appointed by the president for a period of five years.

The president (**Presidente**) is elected by direct universal suffrage if the statute does not otherwise provide for a period of five years. He/she chairs the regional committee and appoints or dismisses the members. The president represents the region, determines the regional policy and executes the laws and regional regulation. He/ she is responsible for executing the administrative functions delegated by the state to the regions, according to government guidelines.

Competences

- International relations with other regions and with the EU
- Trade
- Health
- Land development
- Transport
- Manufacturing and distribution of electrical energy
- Urban planning
- Agriculture

Five of Italy's twenty regions have a special status (Aosta Valley, Trentino-Alto

Adige/South Tirol, Friuli-Venezia Giulia, Sardinia and Sicily) for historical, linguistic and minority-related reasons. The regions of Trento and Bolzano have the status of autonomous province, with their own legislation and their own budget.

5.3.1 Evolution of local governance in Italy

5.3.1.1 Historical evolution

The principle of Italian local governments, mainly cities, are imprinted with a certain autonomy, referring to historical weight of cities in self-governance, and now also because of some important matters decided by the Statutes and internal regulations. Historically, Italy has been built around very strong City States, which governed relatively wealthy and powerful territories like the Venetian Republic¹³⁶, with an elaborate form of governance and management of public interest (the doge should refrain from his private interests during his mandate and the council should include the major families of Venice) and the Florence as the key capital of the Tuscany Ducat¹³⁷.

Modern Italy was born as a Republic after the Referendum in 1946¹³⁸. The Constitution was approved by the Constituent Assembly in 1947 and it came into force in 1948. The *Titolo V* (Title 5) (from art 114 to 133), mentions the lower level of governance, namely Regions, Provinces and Cities. In 2011, the Constitution was updated introducing a new level of governance, the *metropolitan cities*. A comprehensive collection of all the past legislation has been included in the *Testo Unico degli Enti Locali* (Consolidated text for local authorities)¹³⁹ in 2000¹⁴⁰. Italy ratified the **European Charter on Local Government of the Council of Europe**¹⁴¹.

The paragraph 2 of the art 114 of the Constitution affirms that the Communes (municipalities) are autonomous entity with their statutes, powers and functions according to the principle fixed by the

¹³⁶ https://it.wikipedia.org/wiki/Repubblica_di_Venezia

¹³⁷ <https://it.wikipedia.org/wiki/Firenze>. <https://www.studenti.it/eta-dei-comuni-nascita-e-sviluppo-tra-1200-e-1300.html>

¹³⁸ https://en.wikipedia.org/wiki/1946_Italian_institutional_referendum

¹³⁹ D.lgs.n.267/2000

¹⁴⁰ Amendments have been introduced with Decree 135m of 2018 and Urgent provisions for companies and public administration, 2019, law 36

¹⁴¹ law of 30th December 1989, n 439

constitution. Art 5 “ the Republic, one and indivisible, recognises and promotes the local autonomies” but also from an organisational point of view, since it focuses on its own statute.

In Italy the **Municipality is the basic tier of governance**. The principle of **subsidiarity** is fundamental (art 118) : “The institution, which is responsible is the one closest to the citizen and only can be the “major” one if there is evidence that those functions cannot be implemented by the Municipality”. Art 119, the municipality has its own resources for implementing its functions.

The autonomy of the municipality is defined by its Statute. Each local authority identifies the organisation, the roles of the organs, the organisation of the offices and public offices, the cooperation with other institutions, the forms of popular participation and the decentralisation, in line with the principle of the law¹⁴².

5.3.1.2 Actual trends and key issues

A new law of 2011 (n. 138 and n. 201) changed substantially some elements of the numbers of municipal councillors, especially for the small municipalities in order to limit the costs and make it more manageable¹⁴³ and the way the Provincial councils are elected (as a second level institutions, gathering elected leaders from lower levels, while it used to be issued from elections for the provincial councils). The principles have been also adopted in order to introduce more pragmatism (like the Mayor chairing the Council of cities of less than 15.000 inhabitants).

In Italy there are 5,509 municipalities under 5,000 inhabitants, which represent 69.71% of the total number of Italian municipalities. The bigger number of Italian municipalities is concentrated in the north of the country: 19% are located in Lombardy and 15% in Piedmont.

In the northern regions there are smaller and less populated municipalities. At a territorial level, Lombardy is the area with the smallest municipalities (less than 16 sq km), compared to an Italian average of 38 sq km per municipality. In the North the size of the local authorities of Piedmont (22 sq km) and Liguria (23 sq km) is also reduced, while in the South the smaller municipalities are located in Campania (25 sq km)¹⁴⁴.

¹⁴² Example of the Statute of the city of Vicenza : <https://www.comune.vicenza.it/file/197295-statutocomunedivicenza.pdf>

¹⁴³ In the past, the threshold was 12 for the small councils

¹⁴⁴ Fondazione Think Tank Nord Est 2020, *I comuni in Italia nel 2020*

The evolution of local governance is responding and is guided by the following principles:

- Digitalisation
- Reduction of costs of politics
- Participation of citizens
- Introduction of the metropolitan area and reduction of costs of provinces
- Strengthening of the role of the administration (with a more general role for municipal councils), Legge Bassanini¹⁴⁵
- The emphasis on the union of municipalities to reduce extra services costs and reduction of numbers of municipalities

5.3.1.3 Reduction of costs of politics¹⁴⁶

The last financial laws and the Stability Law¹⁴⁷ (when the municipalities have to reduce their debts along with the state efforts to reduce public debts) have been oriented to:

- Reduction of neighborhoods councils, *circostrizioni* (for the cities less than 250.000 inhabitants)
- Reduction of salaries for full time politicians and fees for the municipal councillors
- No fees for the representative of the union of cities and “*comunità montane*”
- Reduction of fees for the “instrumental” companies, delivering communal services
- Reduction of the number of councillors and components executive board (*giunta*)
- Cancelling the role of the director general for the cities with less than 100.000 inhabitants
- Many other limitations in public/private companies
- Limitation to the growth of any increase of personal staff in the municipalities (for cities less than 5000 inhabitants, the level of budget must remain what it was in 2008). The maximum of staff costs is 50% of expenses of the municipality. For the municipalities with less than 1000 inhabitants, some possibilities are offered for having more flexibility in job employment.

¹⁴⁵ Law 59, 1997 **Bassanini Law: Reform of the public administration and simplification**

- Simplified administrative procedures and limit to the bureaucracy in private activities (including auto certificates, introduction of smart working,
- “administrative” federalism, with the maximum decentralisation realised with ordinary law, without constitutional modification

Introduction of the principle of subsidiarity in order to reach the collective interests, it further strengthened the role of local authorities (including also strengthening the role of the executive positions for making moving faster the public administration).

¹⁴⁶ Massimo Pollini, Pier Attiio Superti, il Bilancio Comunale, ANCI Lombardia

¹⁴⁷ <https://leg16.camera.it/561?appro=292&La+struttura+della+legge+di+stabilita>

5.3.1.4 Unions and fusion of municipalities¹⁴⁸

The legislation provides for establishing the unions and fusion of municipalities without extra costs for the states in terms of public salaries.

The **Union of Municipalities** has as its purpose "the associated exercise of functions and services"¹⁴⁹. The term "functions" means all the tasks and activities of the Municipality or delegated to it, while the term "services" refers to public services that have as their object the production of goods and activities, aimed at achieving social purposes and promoting the economic and civil development of local communities¹⁵⁰.

The union of municipalities is made up of two or more municipalities for the joint exercise of functions or services of municipal competence. The union is endowed with statutory autonomy within the principles established by the Constitution and by community, state and regional norms.

Since 2010, the municipalities up to 5000, if they are mountains municipalities, have to work in union of municipalities. So there is a compulsory norm.

Examples:

Union of municipalities of the "Lago Maggiore"¹⁵¹ The mountain union of municipalities of Lake Maggiore is a supra-municipal local authority, with statutory autonomy, established in 2013, which aggregates the seven municipalities of Cannero Riviera, Cannobio, Ghiffa, Gurro, Oggebbio, Trarego Viggiona, Valle Cannobina. Total inhabitants : 10.361.

Services managed together :

- schools, public services, social services, transport, civil protection, waste, local police, urban planning and public works.
- The associated management of "mountain functions": soil protection, mountain territory security and food, agricultural and forestry policies.
- The protection of the territory with tourism and commercial activities: tourism promotion, sport, culture and cross-border cooperation.

¹⁴⁸ Legge Delrio, 56/2014, L'Unione di comuni come soggetto di diritto: dalla legge n. 142/1990 alla legge n. 265/1999

¹⁴⁹ https://it.wikipedia.org/wiki/Unione_di_comuni#Provincia_di_Alessandria

¹⁵⁰ As required by art. 112 of the consolidated text for local authorities

¹⁵¹ https://it.wikipedia.org/wiki/Unione_di_comuni_del_Lago_Maggiore

Fusions of municipalities¹⁵² :

Since 2009, 138 mergers of municipalities have been approved, of which 137 are already operational and one will be in the coming years. Overall, considering all the mergers, 321 municipalities will be suppressed, and the number of Italian municipalities will have decreased by 200 units, passing from 8,101 to 7,901 municipalities. There are 12 mergers approved without the Yes referendum from all the municipalities involved. The Regional Councils of Calabria (1), Emilia-Romagna (1), Friuli Venezia Giulia (2), Lombardy (1), Marche (1), Piedmont (5) and Tuscany (1) have expressed a favourable opinion on these mergers.

Advantages and Disadvantages local governance system

Advantages	Disadvantages
<p>The current system has created a strong regionalisation of local governance, attributing an important budget to regions and also legislative powers. In times of pandemics, the regions have even more been important since the health regulations (in coordination with the ministry of health) has been under their responsibility. The regions have the competence and the financial means to organise themselves, bypassing the often-inefficient central level.</p> <p>The municipalities have maintained their important role in the Italian system of local governance.</p> <p>The new metropolitan areas represent a good opportunity to manage in a better way (than the provinces) vast areas which represent key elements in terms of economic and population seize for the whole country.</p>	<p>The strong regionalisation has even created differences among the already long present unevenness in the country, even though a system of balances is in place to compensate poorer regions. The coordination is not always efficient (as shown in the pandemics situation).</p> <p>The smaller and medium cities are penalised and the resource at disposal is clear. The bigger cities are better equipped in terms of management and resources. the fusion and union and municipalities are not giving enough added value to save small and rural municipalities from poor services and chronical lack of funds and resources.</p>

¹⁵² Massimo Simonetta, la fusione dei comuni, ANCI Lombardia

5.3.2 Summary of the legislation defining roles, responsibilities and structure of the municipal councils

5.3.2.1 Local governance system

Municipalities are governed by the **Municipal council**, the executive team appointed by the Mayor (la Giunta) and the Mayor.

Provinces are governed by a Provincial council and a President¹⁵³.

In 2014, was introduced a new level of local governance, the **Metropolitan cities**¹⁵⁴

The Regions are governed by a Council and executive board.

Some would say that **Italy is a unitary state with very strong region (ie a regionalised state)**, to which have been delegated numerous competences such as legislative powers and the relevant budget (like for the sanitary system) and the competence to raise own taxes. Italy has 5 autonomous regions that for seize and geographic reasons (Sicily and Sardinia) or for historical reasons (relevant minority groups or border regions). The regions, very important organ of governance (to which were attributed resources¹⁵⁵ through a constitutional reform in a federal sense¹⁵⁶), have been finally operational in 1972¹⁵⁷ (after almost 30 years of the adoption of the Constitution).The governance is led by the principle of subsidiarity¹⁵⁸.

5.3.2.2 Composition of the Municipal councils¹⁵⁹

¹⁵³ Before 2011, Law 22, there are also was an executive team of the province)

¹⁵⁴ See L.7the of April 2014, n. 56

¹⁵⁵ The financial setting of local authorities and regions in Italy is based on : own taxes, contribuitons from the State and entry from the equality funds (for disadvantaged regions).

¹⁵⁶ <https://www.gazzettaufficiale.it/eli/id/2001/10/24/001G0430/sg>, the Law attributed financial autonomy to all the local authorities, including municipalities.

¹⁵⁷ D.P.R. 15 gennaio 1972, n. 8, it took therefore 30 years to Italy to establish them after the end of the second world war.

¹⁵⁸ Art 118, Consolidated Act for local authorities

¹⁵⁹ Art 7 of the Testo Unico degli Enti Locali

The Municipal Council is composed of the Mayor and from a minimum of 6 councillors (for municipalities of 1000 inhabitants and less¹⁶⁰) up to a maximum of 60 for a population of the million¹⁶¹.

60 councillors	For more than 1 mil inhabitants
50 councillors	For more than 500.000
46 councillors	For more than 250.000
40 councillors	For more than 100.000 (or with less but being capital of provinces)
30 councillors	For more than 30.000
20 councillors	For more than 10.000
16 councillors	For more than 3000
12 councillors	For more than 1000
6 councillors	For less than 1000 (since 2011)

The provincial councils are now composed of the President and a maximum of 10 “components” elected by the councils of the municipalities of the province itself (it is a second tier body). The law abolished the provinces where we have metropolitan cities and the others do not have a provincial executive board and all the others are represented by elected representatives of the municipalities¹⁶².

5.3.2.3 Functioning and tasks of the municipal council

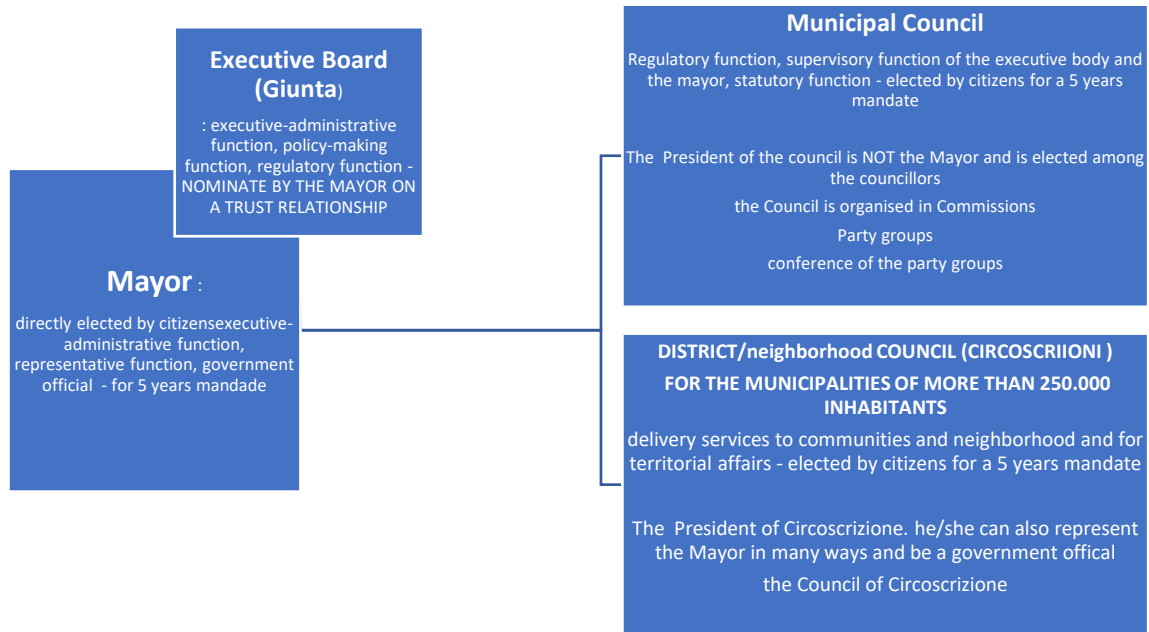
Scheme of local government system at the municipal level in Italy

Table 13 : Structure of local governance in Italy

¹⁶⁰ DL 13th of August 2011, n 138.

¹⁶¹ Italy has 2 cities with more than a million people, 31 cities with between 100,000 and 1 million people, and 892 cities with between 10,000 and 100,000 people. The largest city in Italy is Rome , with a population of people 2,837,332, The new law of 2011 has introduced a diversification of numbers of number of councillors.

¹⁶² Composition of the Metropolitan cities, provinces and union of municipalities, see law 7th of April 2014, n.56.



The municipal council comprises:

-The Chair of the Municipal Council, he/she has autonomous powers to direct the works and activities of the Council, as well as to convene the same. He/she is elected at the first session of the Council. **The Chair is elected among the councillors and he/she is necessary for cities more than 15.000.** Below 15.000 inhabitants, the privilege is given to merge executive and assemblies to make it easier. The President guarantees the good proceedings of the session. If he/she does not well the job, the prefect can take over – if he/she doesn't convene the sessions. He/she secure the balances participation and rights of majority and minority, the votes and elections. He/she is not instrumental to reach a certain objective of the majority, but he/she works more o the proceedings; namely she/he can not in a partisan way. He/she can be dismissed if he is not neutral or if she/he does not implement well his/her function. This a relationship of trust among the Council and the president but not a political one. He/she has to be neutral and run well the proceedings.

-Council commissions (*commissioni consiglieri*): they have consultative, or control, investigative or cognitive functions. The **commissions** have a proportional political representation (issued from the elections). They are competent on single issue according to the statute, while the regulations define the functioning. The Council establishes their power and organisation and whether they are public or not.

- **Right of the councillors from the minority groups** ¹⁶³

The statute foresees forms of guarantee and participation to minorities by giving them the *presidency of commissions which have a control and monitoring role*. The council can (with its absolute majority) establish internal commissions of inquiry for activities of the administration.

-**Council groups** (*gruppi consiliari*), composed of councillors of the same political orientation.

-**Conference of council groups leaders**, made up of representatives of the various council groups, is chaired by the Chair of the Council. Its purpose is to coordinate and plan the work of the Council.

-**Delegated councillors**: the Mayors can attribute to some councillors some specific tasks : they are *delegated councillors*. It is therefore a valorisation of their role. But some are commenting the fact that it is implying the increase of executive bodies. It is therefore very critical, and it is recommended not to give roles of executive to councillors and to the president.

The Municipal Council is the **political-administrative organ of direction and control of the municipality**¹⁶⁴. The Council has competences for those fundamental acts, which are political/strategic :

- Statute of the municipality and agencies working for delivering services for the municipalities (such as energy supply, transports, etc), which see mainly the participation of the public authority and they are also called “municipalizzate” or “instrumental agencies”
- Programmes and future strategies, financial plans, annual list of public works, annual and multiannual financial balances as well as their reports, territorial and urbanisation plans and plan for their implementation/amendments
- Urban planning (plan of the territory)
- Establishment and regulations of decentralised bodies and participation with citizens
- Organisation of public services, establishment of institution and special agencies for delivering services

¹⁶³ Art 44 of the Testo Unico

¹⁶⁴ Organo di indirizzo”

- Establishment and regulation of local taxes, regulations as for the fees for the public services that needs to be applied by instrumental agencies (mentioned above), as well as the strategies for those same agencies
- Decision over most of the costs that would commit the following financial years
- Sell and buy properties of the municipalities
- Indications for representatives of the municipality in other institutions and organisation
- Participation in the definition and regulation of the monitoring of the strategic plans of the mayor or of his/her executive team.
- At the Municipal Council, the Mayor, after consulting the executive board, presents the "**mandate programmatic document**" which has replaced the much more generic document containing general government guidelines.
- They also have a political/administrative control role. Art 42, TU, the Statute identify the way the council define and implement the regular control of the implementation of the programme by the Mayor and the executive board. They study the annual report of the executive board and propose it to the council (art 48) they also so have **interrogazioni, interpellanze and motion** (the right to question, the right to appeal) They can also intervene in commission where there is a role for the minority groups, where they chair the commission of control (art 44) they can establish commission of inquiry (art 44).
- The council and the executive board are in dialogue also as for public works. The **council approves the plan of the public works but the plan and draft is a competence of the executive board**

Municipal councillors do not have separated rooms for every one of them. They however use common facilities at the municipality. They might ask of use of facilities of the municipality in *circoscrizione*, not for their own single use but more for collective and more collegial meetings. In municipalities of more of 250.000 *inhabitants*, where *circoscrizioni* are in place, the municipal councillors can use those facilities. They don't have specific other resources for interacting with citizens (like pocket money or dedicated resources)

The sessions of the Municipal Council can be ordinary, that is, those in which the proposals for resolutions relating to the approval of the government programmatic lines, the annual and multi-annual budget and the management report are entered. The others are considered extraordinary. They can be public, or secret, that is, without public, when the topics covered can harm the privacy of

people. The vote of the municipal councillors is as a rule clear. It's secret in case it involves people. They vote at a majority principle.

The functioning of the municipal council is described in their **statute** and regulations approved by the absolute majority of the council. It regulates the way the council is conveyed and the presentation of proposals. The regulations are indicating the number of councillors necessary for having the proceedings valid. The regulations also identify how the resources are allocated as for the functioning of the **groups of councillors**. The proceedings are public¹⁶⁵ And the flag of Italy and of the European Union should be both displayed during the sessions.

When at least 1/5 of the councillors submit the request, the Chair of the Council should convene the council within maximum 20 days for a session dealing with the matter requested.

The chair of the Council should provide the councillors (and commissions) with all the necessary information.

KEY point : Transparency¹⁶⁶ : for the municipalities with more than 15.000, it is compulsory to make annual public communication (usually through the local media) on the material possession and income of all the elected officials.

5.3.2.4 Prerogatives and rights of the municipal councillors

The law gives¹⁶⁷ to the councillors the right of initiative about any questions posed to the deliberation of the Council.

- **Political direction with a motion** – presented from a councillor or from a councillors' group, with the aim to promote a deliberation to be proposed to vote

- **Resolution**, a councillor or a group of councillors may ask questions to get orientation and identify a direction on specific argument.

- **Interrogation** for control and information provision, in the form of a simple request written to a councillor or a group or to the executive board in order to check if an information is true and if the mayor and executive board have information which are correct. The response is usually verbal in the session or in written to the person asking.

¹⁶⁵ For cities less than 15.000 sessions are held not during working hours' time.

¹⁶⁶ Art 41-bis, Testo unico

¹⁶⁷ The TU art 43

- **Interpellation**, written notes to the mayor or to the executive board in order to check the behaviour of the mayor of a certain aspect of political life. They are obliged to answer within 30 day. The ways to present those elements are regulated by the rules of procedures of the council.

The councillor has **the right to have access to the acts** of the municipalities and instrumental companies. The administration should help them. He/she should not justify why he/she is asking. The request is specific and not generic.

- They **can initiate** a topic on any questions which is submitted to the deliberation of the councils. They can ask the municipal council to be conveyed (and the chair has to do so if at least 1/5 of the councillors request it)

The councillor is a public official, and he/she can authenticate signatures, for instance- **he/she represents citizens in the municipality where he/she is elected**. She/he does not have a mandate constrain and can change councillor groups, in any moment. The Councillors can resign. The resignation cannot be revoked, and they are immediately effective. The councillor incumbent has the right to move in.

The Municipal councillors receive a fee for participating to the meetings of the council and commissions¹⁶⁸. Norms are regulated for the participation of the councillors to the events of associations of local authorities¹⁶⁹ and they are paid by local authorities themselves. They have a token of presence for municipal councils and for commissions and the president of the councils has something more substantial. It cannot be assimilated and compared to a salary.

The practice of having a deputy mayor from the Council is not present in Italy, since he/she is from the executive Board (giunta)

5.3.2.5 Other levels of governance at the municipal level and liaison with the council

5.3.2.5.1. The Mayor

¹⁶⁸ Art 82, Testo Unico, in a month they can not receive more than a ¼ that what the mayor receives. For those who have a salary, they don't receive a fee for participating to the meetings. The councillors which are also Members of the Parliament, Members of the European Parliament or members of the Regional Council can not receive twice the fees. For the councillors or mayor go on misisn, they are authorised of being reimbursed for those expenses.

¹⁶⁹ Art 85 of the Testo Unico

The **Mayor** is the “responsible” of the administration¹⁷⁰ of the city and its head. He/She conveys the meeting of the **executive Board** as well as the municipal council when this is not foreseen by the Chair of the Municipal council. The Mayors overlook the functioning and delivery of service and implementation of decisions. In particular cases of sanitary emergency or public health¹⁷¹, which have a local dimension, he can take the emergency decisions¹⁷². He/she deals also with other provisions that have to deal with the common living together¹⁷³.

The Executive Board¹⁷⁴ (giunta) has often a full-time job while the councillor is attending commissions and councils¹⁷⁵. The Mayor appoints the head of the office and the directors in the Municipality, as well as the possible consultancies.

The State secures to the Mayor and councillors time and means to realise their public mandate¹⁷⁶. They are authorized to take leave from their job (various rules are applied if there are private and public jobs)¹⁷⁷. The municipality should reimburse the company in case the employee take time off to participate to public duties. For those who have a full-time job (like mayor), they can take a non-paid leave from their job. They should follow the principle of impartiality and good governance¹⁷⁸. The Mayor receives a salary (*indennità*) fixed by the law.

All of local government functions (councillors, mayor, president of provinces, councillors of metropolitan cities) are considered “local administrators” not the regions though, art 77 and 78 of the Testo Unico.

Example *The average monthly salary of a municipal councillor in the City of Vicenza (125.000 inhabitants) is about 1500 Euro¹⁷⁹.*

¹⁷⁰ Art 50, Testo Unico

¹⁷¹ So called, *odinanza del sindaco*

¹⁷² That can also regard the situation as for the problems of territory management and cultural heritage.

¹⁷³ Those who are breaching the “decisions of the Mayors” in terms of opening hours of the shops or other dealing with the good living in the city, have to pay 5000 Euro.

¹⁷⁴ As for the Mayor’s position, relatives up to the 3rd grade, can not be member of the executive board.

¹⁷⁵ This is possible in the municipalities

¹⁷⁶ Art 77 of the Testo Unico

¹⁷⁷ Art 82 TU foresees an indemnity and fee for the Mayor, the president to province, the mayor of metropolitan city, president of neighbourhood council, president of municipal council and other organs executive (so the executive board). Those are salaries. The salary is half for employees who are not leaving off their job. The municipal councillors receive a token of presence for the council and commission. Their salaries cannot be doubled.

¹⁷⁸ Art 78 del Testo Unico

¹⁷⁹ <https://www.comune.vicenza.it/file/271505-compccons20204.pdf>

5.3.2.5.2. The Executive Board (Giunta)

The Mayor appoints – following the principle of equal opportunities between women and men – the components of his/her own executive Board. **The Board is not elected with the Mayor, but it is a body appointed by him/her to support his/her action.** The relationship is based on *trust*. Among them **a deputy Mayor** and he/she informs the Council of the choice. The Mayor presents to the Council, after discussion with his/her own Board¹⁸⁰, the strategic lines to be realised in the mandate. The Executive Board can be composed of people not elected in the council (and this is actually very often the case). The Executive Board works with the Mayor and they perform the task of governing the municipality in all the tasks which are not those of the Council or of the decentralised bodies of the municipality.

They are responsible to the Municipal Council for drafting and for execution of municipal budget. They are the real engine of the life of the municipality. They can reassess the budget (urgently) which has to be approved by the Council in 60 days (otherwise the reassessment is not approved). They exert residual competences, ie all what is not for the Mayor and the council.

5.3.2.6 Relations among local governance bodies

The Mayor and his/her executive team can be dismissed if the Council approve a no-confidence vote requested by an absolute majority of the council. The no-confidence vote should be explained and subscribed by at least 2/3 of the councillors and it should be discussed within 30 days of the presentation. If approved, the Council is dissolved, and a commissioner is appointed¹⁸¹. The mayor can resign, in this case, the council is dissolved, and a commissioner is appointed till the next elections.

The mandate of the Mayor and the mandate of the Council are linked and if one ceases, so need to do the other.

The Mayor has also tasks which are relevant as representative of the national level¹⁸², especially in terms of security of the territory. They can work together with other Mayors. For those aspects

¹⁸⁰ Mayor can dismiss members of his/her own Board and then communicate it to the Council. The executive Board cannot be composed of more than 1/3 of the members of the Council and in any case no more than 12.

¹⁸¹ By the Minister of Interiors. If the Mayor dies or can't implement his/her functions permanently, the executive Board is dissolved and so is the council. The council is operational though till the next elections and the position of Mayor is taken by the Deputy Mayor.

¹⁸² Acts and decisions for public security and judiciary police, he/she is representative of the state for weddings and other celebrations, he/she is acting for protecting from dangers the population (including actions against diffusion of drugs, human trafficking etc.)

(national relevance), the Mayor can delegate them to the decentralised representatives on the district level (*circostrizioni*).

In the Consolidated text for local authorities, the principle of separation of roles between political sphere and the administrative one is confirmed (art 109). It refers to Art 97 of the Constitution, and law 142/90 on the impartiality of the administrative bodies of the public institutions. The political bodies provide orientation in decision making, while the administration is responsible for implementation and delivery of the results. Only in municipalities with up to 5000 inhabitants, it is possible to delegate to the executive Board some responsibilities of implementation like technicians.

Advantages and disadvantages in relations between the Mayor and Municipal Council

Advantages	Disadvantages
<p>The direct election of the Mayor has introduced efficiency and clear identification of representativeness between citizens and the executive. The strong relation between the Mayor and the council (interconnected for their same mandate and survival) avoids the system becoming too autocratic around a strong figure.</p>	<p>The maximum two mandates in a row sometimes, especially in small communities, creates a crisis to find new good and dedicated mayors, while the old one is still very good.</p>
<p>The limit of two years mandate in a row for the Mayor avoids having strong presences, then also naturally oriented to consolidate a network of support in public and private affairs.</p>	<p>The municipal council is attributed often too vague responsibilities and recently we see a very low frequency of meeting of the councils, while the mayor and the executive board are entirely running the cities.</p>
<p>The protection of minorities having the chair of the audit and control commission represent an added value in terms of transparency.</p>	<p>The executive board is very/too much important in the management of the city, and they are not elected but people appointed by the Mayor based on his/her own trust. Often, they are responding to parties' allocation rather than competences. The changes of names in the executive boards represent the first place of</p>
<p>The gender representation in the executive board represents a good added value to the system.</p>	<p>fight against parties in the political arena of the municipality.</p>

5.3.3 Electoral system of local governance

5.3.3.1. Elections of the Mayor¹⁸³ and her/his Executive Board (giunta)

The Mayor is elected by the universal suffrage, for 5 years. For cities less than 3000 inhabitants, the mayors can be elected exceptionally 3 times in a row¹⁸⁴.

It is not possible to be elected more than 2 times in a row¹⁸⁵. It used to be elected by the Council. **The Mayor is member of the municipal council but not the Chair of the Council.**

If a Mayor (city of more than 20.000 inhabitants) wants to candidate for being member of the national parliament, he/she has to resign from his/her mandate¹⁸⁶. The Mayor cannot be regional councillor¹⁸⁷. For transparency reasons and avoiding overlap of responsibilities¹⁸⁸, the Mayor cannot have relatives until 2nd degree as Secretary General of the municipality or the person in charge of public works and contracting.

Popular action for removing the Mayor¹⁸⁹. The end of the mandate of the Mayor or councillor can be asked by any citizen who has an interest in front of the civil tribunal. It can also be proposed by the Prefect.

Example:

A lawyer has exercised a popular action so-called corrective, aimed at declaring the ineligibility of the Mayor of Rome, Virginia Raggi, and inferred, in support of his initiative, the existence of a contractual relationship between the same Raggi and the 5 Star Movement Association, Mr. Giuseppe Grillo and Mr. Davide Casaleggio. The adhesion of the Mayor to the so-called code of conduct of the 5 Star Movement would be capable of infringing constitutional and democratic principles and, therefore, on the one hand, the action should have led to the declaration of the contract void, while, on the other, it should have resulted in the assessment of the ineligibility of the Mayor. The action was then refused by the Tribunal.

¹⁸³ Art 46 of the Testo Unico

¹⁸⁴ Art. 138, law 54/2014

¹⁸⁵ It could be a third mandate but if the other two are not full 5 years (for voluntary resignation of the former Mayor for instance)

¹⁸⁶ Art 62, Testo Unico

¹⁸⁷ Art. 65 Testo Unico

¹⁸⁸ Art 61, Testo Unico

¹⁸⁹ Art 70 testo Unico

For the Mayors of the cities with less of 15.000 inhabitants, only simple majority is requested for his/her election and therefore no double round.

5.3.3.2. Elections for the Municipal Councils/Mayors

Passive electorate: Elected councillor or Mayor can be the person with Italian citizenship, aged at least 18,¹⁹⁰ or any citizen of the EU, registered in respective communal lists. The mandate is 5 years, taking place together with the mandate of the Mayor.

Active electorate: comprise the **voters**, Italian nationals who are 18 at the day of the elections and also **any citizen with residency in the EU, who have presented a specific request to the Mayor (namely registered in the communal lists), 40 days prior to the elections.**

Election for municipal councils for cities with up to 15.000 inhabitants¹⁹¹.

The election for the councils in these municipalities is conducted by **majority vote**, simultaneously with the election for the Mayor. The lists of candidates indicate the name of the proposed Mayor they support and the programme. Each Mayor candidate must have a list of possible councillors with a maximum of the number of available councillors and not less than $\frac{1}{3}$ of the possible ones. Both genders must be represented. For municipalities between 5000 and 15.000 inhabitants one gender cannot be represented by more than $\frac{2}{3}$ of the members of the council. In municipalities of less than 15.000 inhabitants, the seats of the council are attributed as of $\frac{2}{3}$ to the list of the candidate mayor who is winning with the principle (first past the post) (*maggioritario secco*), while the other remaining seats are attributed according to the proportional system of lists to the lists of other candidates' mayors. On the list, the voters can express one or two preferences for names among the councillors, while the name of the Mayor is already marked on the list already as such. If the preferences are two, they need to be a man and a woman (otherwise the second preference is void).

The mayor with majority vote is elected¹⁹².

¹⁹⁰ A person can not be elected in more than one municipality

¹⁹¹ In Italy there are 5,509 municipalities under 5,000 inhabitants, which represent 69.71% of the total number of Italian municipalities.

¹⁹² In case of equal votes, there is a second turn and in case of another equal votes, the older is elected.

For cities with less than 3000 inhabitants (since 2014) the municipal council is composed of the mayor, 10 councillors and max 2 member of the executive Board. As for the Executive board, it says that none of the gender could be represented with more than 40%. They can be bigger but without extra cost for the municipality.

Election for municipal councils of cities with more than 15.000 inhabitants¹⁹³.

In the municipalities of more than 15.000 inhabitants the seats to the councils are attributed with the **proportional system corrected with a majority price** assigned to the list of candidate mayor who is winning. If there is no mayor with majority the first time, there is a second round. **For the lists of the winning Mayor, are attributed 60% of the council positions¹⁹⁴**. Other council positions are distributed proportionally among the other lists using the D'Hondt system¹⁹⁵. The candidates of the councils who received a nominal preference see their position strengthen in the municipal list. The first position in minority lists is attributed to the candidate mayor who lost the elections.

If there is only one list, all the candidates are elected, and the Mayor is elected too but they need to receive at least or more than 50% of the votes of those registered in the electoral register otherwise the election will be declared void.

The mayor must declare at his/her candidature as associated with one or more lists. The ballot for the mayor is the same as the ballot for the council. The ballot has the name of the mayor, clearly identified, and below the list of councillors connected to him/her.

The mayor is the one with the absolute majority of votes. If there is not absolute majority, there is a second round after two weeks between the two best ones. For the second round, the connections with the lists remain the same but they can have more supports for the second round. The second round has again lists connected to the mayor.

¹⁹³ In Italy there are 5,509 municipalities under 5,000 inhabitants, which represent 69.71% of the total number of Italian municipalities.

¹⁹⁴ "If a candidate for the office of statutory auditor is proclaimed elected in the second round, the list or group of lists connected to it that has not already obtained, pursuant to paragraph 8, at least 60 percent of the seats on the board, is assigned the 60 per cent of the seats, provided that no other list or other group of lists connected to the first round has already exceeded 50 per cent of the valid votes in the same round. The remaining seats are assigned to the other lists or groups of linked lists pursuant to paragraph, <http://www.gazzettaamministrativa.it/servizicu/bancadatigari/viewnews/64a7157cf3932bf74755aa3cf586f2ec>

¹⁹⁵ "If a candidate for the office of statutory auditor is proclaimed elected in the second round, the list or group of lists connected to it that has not already obtained, pursuant to paragraph 8, at least 60 percent of the seats on the board, is assigned the 60 per cent of the seats, provided that no other list or other group of lists connected to the first round has already exceeded 50 per cent of the valid votes in the same round. The remaining seats are assigned to the other lists or groups of linked lists pursuant to paragraph, <http://www.gazzettaamministrativa.it/servizicu/bancadatigari/viewnews/64a7157cf3932bf74755aa3cf586f2ec>

The attribution of position is defined at the end of the nomination of the Mayor. No positions are given to the lists which received less than 3% of the valid votes¹⁹⁶.

Each voter can

- Either vote with a single sign the mayor and correlated list
- Either he/she can vote a mayor but another list (voto disgiunto)

Il *voto disgiunto* for the mayor and the list of the council disconnected for the municipalities of more than 15.000 makes the relationship between the mayor and the council rather particular even though a relationship of trust and support between the council and the mayor should exist (as well as with the executive team).

The end of the Mayor's mandate implies the end of the council but also the council can provoke the end of the Mayor's mandate. The strengthening of the role of the mayor is more a behavior than really in competences and redistribution of them¹⁹⁷.

The primaries are usually organized as for the nomination of the mayor and not the list of the candidates for the municipal council, which remain a pure political choice, organized within the parties of the civil groups proposing themselves.

There are no legal procedures to have "quality" candidates for the municipal elections. The legal requirements are those basic of being 18 and being a EU citizens. The quality and professionalism of candidates and the wish of having them as proposed in the list, is a decision of the parties or the group of the civic list. Usually, it represents a combination of popular names and representatives expressing good qualities in terms of public governance.

The fact that candidates shouldn't or couldn't have any specific qualities for being selected means that once elected they can receive further training. Public administration is providing training for councillors. Nevertheless, that is provided on a quite ad hoc basis and certainly not at the level expected for such an important task. An investment on training local municipal councils could also contribute to their capacities to interact with the decision-making process.

¹⁹⁶ Some more precise provisions are made in case the winning mayor is supported by lists which did not get majority (voto disgiunto), they are granted more seats.

¹⁹⁷ Il governo Comunale, Alberto Fossati, L'organizzazione e il governo del Comune, ANCI Lombardia

As for women representation, there is a clear rule for drafting the lists of candidates, that is not the case for the youth representation. That remains among the strategy proposed by the parties, which are favoring young candidatures in some cases¹⁹⁸.

The **conflict of interest** as for being a candidate is linked to the position and work in some companies run or co/run by the municipality (like services). It would imply that the municipal council would overlook the result of municipal companies where the candidate has a management of representation role, presenting a clear signal of conflict of interest.

A councillor cannot be the Mayor¹⁹⁹ or member of the executive team at the same time (for municipalities more than 15.000 inhabitants). One can be councillor of the municipality or its decentralised district (*circoscrizione*) only for one municipality²⁰⁰. The municipal councillors cannot be representative or administrator of an instrumental entity of the municipality. The art 59 clearly states the suspension of the role of municipal councillors for the same reasons as art 58.

Who cannot be elected mayor or councillor for the municipality and for the metropolitan area²⁰¹ :

- The high representative of the police
- The representative of the state on that territory (like prefects)
- The priests and officials of the church
- Other organs that are controlling the public administration
- The judges and other representatives of the justice on the territory
- Those elected in other municipalities
- The employees of the municipality
- The higher representatives of the hospital and health public institutions.
- Etc

The election majority is given to the municipal list with the majority vote and not the mayoral majority, that may end up in having a mayor from one party and municipal council lead by another party. This happens rarely.

¹⁹⁸ Said that, the expert is aware of cases (not studied here) where youth representation quota has been proposed by law (Libya local governance).

¹⁹⁹ Art 64. Testo Unico

²⁰⁰ In case of being elected as councillor of 2 municipalities or more, the person has to decide within 10 days to which one he/she will serve

²⁰¹ All these following, can candidate but they have to cease their functions 180 days before. They can have their job suspended for the time of the candidature and the mandate, if elected (called "aspettativa"). Other clauses of incompatibility are mentioned in the art 63 and they regard incompatibility of interests (if legal actions are presenting conflict of interests, for instance).

Advantages and disadvantages of the election law

ADVANTAGES	DISADVANTAGES
<p>The vote with preferences (and not with closed lists) introduced certainly an added value in terms of the role of municipal councillors, who are aspiring to win the elections and become accountable to citizens. The women/man for the double preference is a great opportunity of gender balance.</p> <p>The 40% of gender representation in the list is also an added value in terms of gender balance.</p> <p>The majority “system” is strengthening the winning parties allowing them to have stability in governing.</p> <p>The Mayor is elected separately from the Council, but they are strongly interconnected (one cannot exist without the other). That creates a good balance in terms of governance and accountability.</p>	<p>The system of lists presenting the same mayors introduces “strange” mechanisms of production of “artificially” created lists in order to be then redistributed in the D’Hondt system. This system is more confusing the citizens than creating a clear idea of political alliances.</p> <p>the so called “voto disgiunto” when someone can elect a Mayor from on party and a councillor from another party, has created situations (few) where the Mayor was from one side a majority in the council form the other side of the political spectrum. Those are extreme situation, but they brought to a substantial stalemate in terms of activities.</p> <p>The majority system is considered uneven in terms of representation of the minorities.</p>

5.3.3.3 Electoral lists²⁰²

The declarations for the presentation of the list for the candidates to the municipal council and the connected candidature to Mayors must be subscribed by :

²⁰² Law 25, 1993 and DPR 579, 1960

Not less than 1000 and not more than 1500 valid voters	In municipalities with more than 1 mil inhabitants
Not less than 500 and not more than 1000	For municipalities between 500.001 and 1 mil
Not less than 350 and not more than 700	For municipalities between 100.001 and 500.000
Not less than 200 and not more than 400	For municipalities between 40.001 and 100.000
Not less than 175 and not more than 350	For municipalities between 20.001 and 40.000
Not less than 100 and not more than 200	For municipalities between 10.001 and 20.000
Not less than 60 and not more than 120	For municipalities between 5.001 and 10.000
Not less than 30 not more than 60	For municipalities between 2.001 and 5.000
Not less than 25 and not more than 50	For municipalities between 1000 and 2000
No registrations of signatures are requested for the list	For municipalities having less than 1000 inhabitants

The presentation of the lists must be done at the secretary of the municipality from 8.00 of the 30th day and up to 12.00 of the 29th day before the elections.

The elections take place for the first round and the second round from 8.00 to 22.00 on Sunday and from 7.00 to 15.00 Monday, the next day.

Sample of voting lists

1 2 3 are the lists

Everyone connected to a candidate Mayor

The line is available for indicating the preference

Table 14 : Samples of electoral lists in Italy

1 round with less than 15.000

A ballot paper template for the first round of an election with more than 15,000 voters. It features a blue background and a white area on the left containing seven numbered boxes (1-7) for candidates. Each box is labeled 'NOME e COGNOME' and '(CANDIDATO ALLA CARICA DI SINDACO)'. The boxes are arranged in two columns: boxes 1-4 on the left and boxes 5-7 on the right. A diagonal line in the bottom right corner is labeled 'FAC SIMILE'.

1 round with more than 15.000

A ballot paper template for the first round of an election with fewer than 15,000 voters. It features a blue background and a white area on the left containing nine numbered boxes (1-9) for candidates. Each box is labeled 'NOME e COGNOME' and '(CANDIDATO ALLA CARICA DI SINDACO)'. The boxes are arranged in two columns: boxes 1-5 on the left and boxes 6-9 on the right. A separate white area on the right contains five numbered boxes (10-14) for candidates, each labeled 'NOME e COGNOME' and '(CANDIDATO ALLA CARICA DI SINDACO)'. Box 15 is a larger area for a candidate, also labeled 'NOME e COGNOME' and '(CANDIDATO ALLA CARICA DI SINDACO)'. A diagonal line in the bottom right corner is labeled 'FAC SIMILE'.

2 round with less than 15.000

A ballot paper template for the second round of an election with fewer than 15,000 voters. It features a blue background and a white area on the left containing two numbered boxes (1-2) for candidates. Each box is labeled 'NOME e COGNOME' and '(CANDIDATO ALLA CARICA DI SINDACO)'. A diagonal line in the bottom right corner is labeled 'FAC SIMILE'.

2nd round with more than 15.000



The ministry of Interiors registers all the elected.

5.3.4 Communal district or neighbourhood councils – circoscrizioni

The evolution of the district councils and forms of decentralisation followed numerous evolutions in the course of the modern history of Italy, first by enlarging the practices of district and neighbourhood in particular through the law on 278/1976²⁰³ for then being further defined in the Consolidated text of 2000 and then substantially reduced in 2007 and 2010. The reduction was also due to economic reasons. These reductions of representation have produced therefore new forms of participation in order to be heard and valorised. Many have also adverted the inefficiency of the model of the districts not entirely representing the instances of citizens²⁰⁴. The districts were considered more a multiplied political assembly than an engaging dialogue with citizens. They represent an added value of proximity, but they also are an indirect participation of citizens. The abolition of the “districts” was perceived positively by the citizens as a “cut” to the costs of the political system.

²⁰³ <https://www.gazzettaufficiale.it/eli/id/1976/05/20/076U0278/sg>

²⁰⁴ https://www.regione.emilia-romagna.it/affari_ist/Rivista_1_2017/Massarenti.pdf

The abolition of the district though in the medium and small cities could not happen without considering the actual role of the neighbourhood and new forms of aggregation have taken place. Some municipality, without official district, have established organ (non-elected) whose components are appointed by the municipal council.

Example:

Modena in 2014, the district (abolished) has been substituted by “organisations of neighbourhood” (istituto di quartiere), with a council (appointed by the municipal council but considering the results of the elections as for the sections of those neighbourhoods) and a President. They all work for free. They are a first reference for the citizens with the municipality. Pisa has introduced the “territorial councils”. The commission of those territorial councils are also open to citizens. Some municipalities maintain the elected bodies (like Cesena and Ravenna) with different sorts of elections (sometimes with a single list or other mechanisms) and with different solutions adopted in autonomy²⁰⁵. Some other are organising more ad hoc consultations with innovative forms like Piacenza with “incubators of active citizenship “more organised on thematic basis than territorial.

The municipal district²⁰⁶ (also called, in current language, municipal district or simply district) is, in the Italian legal system, an organ for participation, consultation and management of basic services, as well as the exercise of delegated functions, established by the municipality with competence over a part of its territory including one or more contiguous fractions. They were regulated by the Consolidated text of 2000. **In 2007, they were drastically reduced and foreseen in this form only for municipalities of more than 250.000 inhabitants.** For the municipalities for more of 300.000 the districts have an enforced autonomy.

Some municipal statutes have differently named these bodies which, for example, take the name of “*municipi*” in Rome, Milan, Bari and Genoa, “*municipalità*” in Venice and Naples and “*quartieri*” in Florence and Bologna. In addition to the previous ones, only Turin and Verona, among the cities of the regions with ordinary statute, exceed the limit of 250,000 inhabitants (provided that the average population of the districts is not less than 30,000 inhabitants) that the law sets for the establishment of the districts, which have therefore been maintained. The regions with special statutes have established their own rules, so that Trento, Bolzano and Trieste maintain these bodies, while in

²⁰⁵ https://www.regione.emilia-romagna.it/affari_ist/Rivista_1_2017/Massarenti.pdf, p. 271-272v

²⁰⁶ https://it.wikipedia.org/wiki/Circoscrizione_di_decentramento_comunale

Sardinia they have been suppressed as well as in Sicily, where they remain only in Palermo, Catania and Messina.

Districts are not *local authorities*, as they have no legal personality that **assigned to the municipality**, albeit complex and granted with autonomy (and, therefore, of a certain legal subjectivity, if this concept is kept distinct from personality)²⁰⁷

Municipal statutes in the cities with a population exceeding 300,000 inhabitants, may provide for particular and more accentuated forms of decentralization of functions and organizational and functional autonomy, also determining the bodies, the status of the members and the methods of election, appointment or designation. The districts were introduced into the Italian legal system in 1976, acknowledging the requests for decentralization expressed by the "neighbourhoods councils", spontaneous bodies that had sprung up since the 1960s²⁰⁸.

Their governing bodies are :

- **District Council;**
- **President of the district council**, who can also represent the Mayor in his/her representation of the State

The election for the **district council** takes place at the same time as the elections of the municipal council and with direct suffrage of resident citizens with the right to vote. The zone councils remain in office for the same period as the municipal councils.

In general, the statutes and regulations of municipalities, governing the organization of the districts, have maintained the bodies provided for by law 278/1976: the district council (or city council, municipality, area, district, etc.), elected by the citizens residing in the constituency, with deliberative functions, and the president of the same, elected in some municipalities (eg. Turin) by and among its

²⁰⁷ Their discipline is now contained in art. 17 of Legislative Decree 18 August 2000, n. 267 (Testo Unico 2000) [1].

²⁰⁸ It should be noted that, while the law of 8 April 1976, n. 278 contained a detailed discipline of the districts, the law 142/1990 and the Legislative Decree 267/2000 are limited to the principles, delegating to the municipal statute and a specific municipal regulation the discipline regarding the organization and functions of the districts. They were therefore governed by art. 13 of the law 8 June 1990, n. 142 [4], on the organization of local autonomies, now merged into the aforementioned art. 17 of Legislative Decree 267/2000 They were therefore governed by art. 13 of the law 8 June 1990, n. 142 [4], on the organization of local autonomies, now merged into the aforementioned art. 17 of Legislative Decree 267/2000

members, in others (eg Rome) directly by the electoral body. Some municipalities, however, have also provided for an intermediate collegial body, on the model of the council of local authorities; in Rome, for example, this body takes the name of city council and its members, other than the president of the council, are called assessors; in Turin, on the other hand, the district council is made up of the president of the district council and the coordinators of the permanent working commissions of the council.

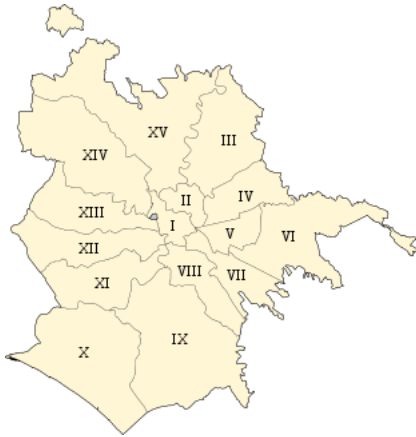
The role of the District Council :

District Council supervises the efficiency of municipal services in the district. It has consultative power and powers of initiative towards the Municipality, expressing opinions on building permits, implementation programs of the General Town Plan and revisions and updates of the Urban Traffic Plan. It carries out administration of basic services and the other functions delegated to them. It presents proposals to the central bodies of the Municipal Administration regarding public works, parks and gardens and the Municipal building heritage. It may submit a request for a **municipal referendum**, and it receives requests and petitions from citizens. It directs the activity of the Territorial Social Centers and appoints its own representatives within the collegial management bodies of schools and within the Municipal Building Commission.

The mayor, after notifying the prefect, can delegate the exercise of the functions of government official, to the president of the district council; only if the municipal decentralization bodies are not constituted, the mayor can delegate the delegation to a municipal councillor for the exercise of functions in the neighborhoods and hamlets (the so-called prosindaco).



Examples - Districts of Rome (municipi di ROMA), so called instead of Circoscrizioni di Roma



The functions attributed to the municipal districts vary from municipality to municipality. In Rome, for example, they are the following:

- Demographic services;
- Social and welfare services;
- School and educational services;
- Cultural, sporting and recreational activities;
- Urban maintenance services, management of the municipal heritage and regulation of private building;
- Initiatives for economic development in the craft and trade sectors;
- Urban police functions within the guidelines established by the Municipal Police Corps of Rome.

Example of the activities of the Municipi (district of Milan) :

<https://www.yesmilano.it/esplora/itinerari/i-quartieri-di-milano>

*The municipalities of Milan (called zones until 2016) are the nine districts into which the municipal territory of Milan is divided. In each municipality there is a **president and a municipal council**, elected at the same time as the mayor and the municipal council. They have been a budget since January 2017. Each Council is made up of 30 members plus the president, already indicated in the electoral phase by the coalitions, as happens for the mayor in municipal elections. The president represents the town hall to the outside.*

See Municipio 2 : **<https://www.comune.milano.it/web/municipio-2>**

Its president : Samuele Piscina

with his presentation <https://www.comune.milano.it/web/municipio-2/municipio/presidente-del-municipio-2>²⁰⁹

Advantages and disadvantages of the system of district councils

ADVANTAGES	DISADVANTAGES
Abolishment of district council (circostrizioni) in the municipalities of less than 250.000 has been considered positive in terms of reducing the	For the medium seize cities (below 250.000 inhabitants) but still relatively big, the abolition of district councils created a vacuum of

²⁰⁹

<https://www.comune.milano.it/documents/20126/95930101/Milano+2020.++Strategia+di+adattamento.pdf/c96c1297-f8ad-5482-859c-90de1d2b76cb?t=1587723749501>

<p>costs of politics and in cancelling often non effective bodies, which were replicating the political setting present at the municipal council level. On the other hands it opened the possibilities of alternative ways of participation.</p> <p>On the other hand, the empowerment of the role of district councils in cities with more 300.000 inhabitants give them more possibilities to be closer to citizens in bigger cities.</p>	<p>representativeness in the neighbourhoods that could not have been, straightaway being compensated by alternative forms of representations. Some cities, with less dynamic's local authorities or citizens, left entire parts of the community without references and alternative ways of being represented and heard.</p>
---	--

5.3.5 Practices of participation²¹⁰

5.3.5.1 Practices of horizontal subsidiarity, citizens' participation

The Constitutional Article 118 states that “the State, Regions, province, metropolitan cities and municipalities facilitate the initiative of citizens, single or associated, in order to promote the general interest, on the basis of the **principle of subsidiarity**”. It means that the general interest is not exclusively the one of the public institutions, but it regards the action of citizens, acting as single or associations. The implementation of the principle of subsidiarity is also a way of modernising the Public Administration.

The constitutional principle of subsidiarity puts the citizen to a central role in public life as well as a power of initiative. The “**horizontal subsidiarity**²¹¹ introduces a new paradigm, where all the actors have their own autonomy, citizens (single or through associations), the public administration, the elected representatives. Therefore, the Public administration does not only deliver services, but it creates together with citizens policies and introduce the concept of the *multi-stakeholder governance of the territory*²¹².

²¹⁰ Strumenti normativi per la partecipazione, Formez http://egov.formez.it/sites/all/files/partecipazione_-_strumenti_normativi_per_la_partecipazione_civica.pdf

²¹¹ The vertical subsidiarity is based on the municipalities are the entities closer to citizens, representing the role of the State, but that also those who are in need at a lower level, can expect support from the higher level.

²¹² <http://qualitapa.gov.it/sitoarcheologico/www.urp.it/sito-storico/www.urp.it/Sezione.jsp-titolo=Processi+decisionali+inclusivi&idSezione=193.html>

Many regions have also introduced legislation on citizens' participation. *For example, the region of Tuscany (law 69/2007) has a law on participative democracy. In all cases, the participation of citizens is part of the decision-making process and not binding. This law has promoted 116 participative processes in various issues, which were strategic for the region, engaging 10.000 directly people with 80.000 people indirectly engaged.*

In the art 8 of the Consolidated texts for Local Governments, says that "The municipalities, even on a neighbourhoods or fraction basis, enhance the free forms of association and promote organizations of popular participation in the local administration. The relationships of these associative forms are governed by the statute." So, it authorizes various forms of consultation with citizens to improve, **public interest**. The objective is always the results of engaging citizens while the final responsibility of the decision lays attributed to the public body and the council/mayor/executive board, they mention of the "**dilution**" of the power in principle of democracy (Alberto Fossati, il Governo Comunale, ANCI Lombardia).

The law 150/2009²¹³ strengthens the role of citizens in the public administration in order to :

- a) Enhance the citizens control on public administration and improve it
- b) Enhance the information of citizens and their awareness
- c) Fight corruption and enhance ethical behaviour of the public officials.

The way to implement the horizontal subsidiarity and the multi-stakeholder governance can be articulated in²¹⁴ :

- **Information and communication**
- **Consultation and active listening**

The most frequently used approaches, techniques and tools for active listening are: Outreach, Territorial Animation, Participatory Research-Action, Neighbourhood Walks, Points, Focus Groups, Brainstorming.

- **Cooperation, co-creation and co-decision**

²¹³ <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2009-10-27;150!vig=>

²¹⁴ <http://partecipazione.formez.it/sites/all/files/A%20più%20voci.pdf>

New technologies, now increasingly used by public administrations, offer new possibilities and new opportunities for the establishment of channels for listening and active participation of citizens and various stakeholders: the development of e-democracy, participation through ICT, it is in fact one of the most important changes, together with e-government, of the citizen-administrations / institutions relationship with a view to better inclusion in political choices and local governance.

As mentioned by the several studies²¹⁵, a profound differentiation between the various forms of municipal decentralization in Italy has been given by the wide margins of regulatory autonomy left to the municipalities on the subject. With the abolition of the districts, in municipalities within the threshold of 250,000 inhabitants, we often see the establishment of new bodies, eminently voted for participation and consultation. On the other hand, where the districts remain, in some cases they accentuate the connotations of active administration and decentralization in the management of delegated services, often entangled with the complex dynamics of metropolitan cities.

Examples:

i. Participative evaluation of the services of the Municipality of Trieste :

The City -call project has the dual objective of increasing citizen participation and improving the service offered to them by the Municipality of Trieste. Citizens are given the opportunity to report the problems of the city through the website and smartphone applications, in addition to traditional channels (mail, telephone and counter). The City-call portal automatically processes the reports, considerably reducing the work required, eliminating duplication of activities and simplifying the entire resolution process. The " City-call" platform makes it possible to identify the most important problems for citizens and to concentrate resources on their resolution. Furthermore, the internal statistics allow us to understand the quality of municipal activities and their trend over time, thus triggering a process of continuous improvement. The goal is to simplify the processes in order to devote more energy to the quality of the relationship with citizens.

ii. Proposal and dialogue to the Mayor, city of Valdagno

²¹⁵ https://www.regione.emilia-romagna.it/affari_ist/Rivista_1_2017/Massarenti.pdf

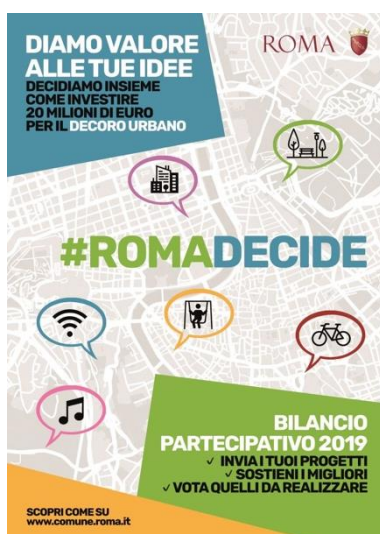
Participation also through the Web. This is the new project of the Municipality of Valdagno, which is part of the citizens' consultation plan, using the potential of web 2.0 and the new communication and multimedia. Collaboration with the media partner Via Vai Tv Online, provides for a periodic video column, published online and on the main social networks in which the Mayor answers the most frequently asked questions from citizens collected through the network. Citizens can send their questions to the e-mail addresses, on the active social networks of the Municipality: Facebook, Youtube, Twitter and to the Via VaiTv newspaper. The answers to the most frequently asked questions will be periodically given by the Mayor through short video interviews that will be made public online through the Municipality and Via Vai TV channels. The aim is to offer new spaces for participation, in addition to those already organized and stimulate dialogue and active discussion on the city by exploiting the potential and tools of web 2.0.

iii. Bologna, incubation of participatory democracy

In the meantime, the choice made in Bologna to make neighborhoods a place of incubation and production of forms of deliberative democracy deserves attention, both as active citizenship and as opportunities for co-decision. This is a solution that, in the long term, could prove to be strategic, making proximity a strength and making the districts a place to bring citizens closer to administration, to politics in the territory, and to bring citizens closer to decision making.

iv. Participatory budget of the city of Rome (2019)

#ROMADECIDE



With the 2019 Participatory Budget of *Roma Capitale*, citizens and the Administration decide together, for the first time, how to invest 20 million euros throughout the territory for the protection of urban areas. The proposals, presented by residents in Rome and by those who study or work in the city, were published on the institutional portal of Roma Capitale and received support until 21 July of 2019. Those who have obtained at least 5% of the overall support received from projects in the same area have been admitted to the evaluation phase by an Administration Board.

The Administration Board assessed the technical-financial feasibility of 193 proposals received from citizens, admitting 73 to the next phase. To these were added the 38 project ideas presented by the Municipalities, for a total of 111 proposals that reached the final online consultation. The main topics dealt with were the empowerment of green areas, squares and urban spaces, the creation of cycle and pedestrian paths, playgrounds, dog areas and fitness trails.

The final voting took place online from 12 to 21 October and each participant was able to express a maximum of three preferences. See the options here : <https://www.comune.roma.it/web/it/processo-partecipativo.page?contentId=PRP322060>

v. *The example of a municipal Statute on inclusiveness, the city of Vicenza*

The inclusiveness and participation of citizens is also often mentioned in the Statute of the municipality. See the example of the City of Vicenza (last revision 2013) :

Fundamental principles : Peace and co-operation :

- The municipality encourages mutual knowledge of peoples and their respective cultures and promotes a culture of peace and human rights through cultural and research, education and information initiatives and with the support of associations, which promote solidarity with people and with the poorest populations
- The Municipality promotes the inclusion of immigrants and political refugees in the local community, removing the obstacles that prevent people residing in the municipal area from using the essential services offered to citizens

Art 13, who can participate through various means :

The subjects holding the rights relating to the holding institutions referred to in this chapter are:

- a) Citizens registered on the electoral lists of the Municipality;
- b) Citizens residing in the Municipality, not yet voters, who have reached the age of sixteen; c) citizens of the European Union residing in the Municipality;
- d) Foreigners and stateless persons residing in the Municipality and registered in the registry for at least five years (but not voting for municipal elections)

The subjects referred to in the previous paragraph may exercise the participation rights individually or in associated form.

Namely :

Art 14 : Initiative of citizens : application of the subsidiarity principle, the Municipality favors autonomous initiatives by citizens aimed at pursuing the general interest of the community

Art 15 : Associations of citizens : The Municipality recognizes and promotes the value of free associations set up by citizens with the aim of contributing to the common good of the population through cultural, social and economic activities inspired by the principle of democracy

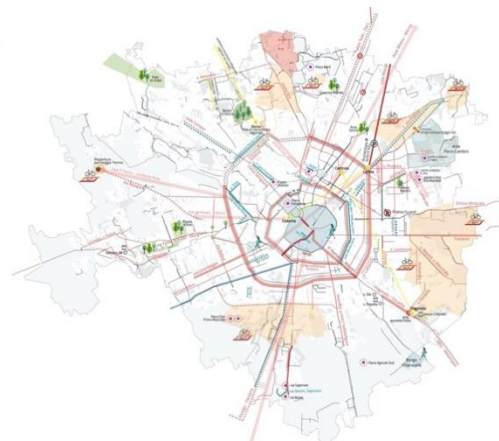
Art 16 : Instances and citizens petitions : Citizens, individuals or associates, resident or domiciled in the Municipality, may submit to the Mayor requests asking the reasons for certain behaviors or aspects of administrative activity, or petitions aimed at activating the initiative of the Municipality's bodies on issues of collective interest. The Mayor is required to respond, with a reasoned deed, within 60 days of submitting the application or petition. 2,500 citizens, registered in the electoral lists of the Municipality, whose signatures must be authenticated in accordance with the law, can exercise, within the times and in the manner established by the regulations, the initiative of the acts of competence of the Municipal Council

Art 17 : Popular consultations and public investigation : Public assemblies, Inquiries and polls²¹⁶

vi. **City of Milan 2020, Adaptation strategy after COVID 19²¹⁷**

Proposte e azioni

Geolocalizzazione



The Covid 19 challenge has posed an immense question for the city of Milan heavily impacted. The **strategy for the adaptation** has been shared with citizens with a long and detailed process of consultation²¹⁸.

²¹⁶ <https://www.comune.vicenza.it/file/145179-sei.pdf>

²¹⁷ <https://www.comune.milano.it/documents/20126/95930101/Milano+2020.++Strategia+di+adattamento.pdf/c96c1297-f8ad-5482-859c-90de1d2b76cb?t=1587723749501>

²¹⁸ Indications of all the comments and contribution arrived : <https://www.comune.milano.it/documents/20126/95930101/Milano+2020+risultati+finali.pdf/ed03823a-94d9-9ef8-f8ce-2ec84a486e59?t=1593436694366>

Summary :

https://www.comune.milano.it/documents/20126/95930101/Milano+2020+_+proposte+cittadini.pdf/c0c91946-6e95-f285-fdda-00c9dd019339?t=1593436737523

Vii: Social plans, a shared responsibility : the zone plans²¹⁹

Provision of social services in the area is a complex exercise, including public, non- profit and private entities. The participation of various stakeholders, over the municipal borders, is called the “Zone plans”, “ piani di zona” and they include social and health services. It has the role of planning at the local level the network of social offers, integrating social services but also hospitals and education. The zone plan is the fundamental instrument thanks to the municipalities, including all the various stakeholders, design the integrated system for social services. The mayors meet in the Assembly of Mayors of the district of the health system (distretto). The Health district is the way the territory is organized. The definition of the programme is very inclusive and identifies the way to intervene for each part of the “system”. They are integrated in the system of governance of the Regional laws, since the health system is managed at that level.

5.3.6 A new level of governance : the Metropolitan Cities

5.3.6.1. Creation of the metropolitan cities and transformation of provinces

Table 15 : Map of the Metropolitan cities in Italy



With the Law 2014/56 (about the metropolitan areas, provinces and unions and fusions of municipalities), also called Legge Delrio²²⁰, the metropolitan cities were added to the various level of governance, in the Constitution of Italy, in 2011. They are 14 and they are subdivided by the seize of the population, density, number of cities and regions they belong to. The forms of competences and autonomy varies.

The law governs the ten metropolitan cities of the regions with ordinary statute, whose territories coincide with those of the pre-existing provinces: Roma Capitale, Turin, Milan, Venice, Genoa, Bologna, Florence, Bari, Naples

²¹⁹ Vannia Sandretti, Servizi sociali : definizione e principi costituzionali, ANCI Lombardia

²²⁰ <https://www.gazzettaufficiale.it/eli/id/2014/4/7/14G00069/sg>

and Reggio Calabria. To these are added - to date - the four metropolitan cities of the regions with special status: Cagliari, Catania, Messina, Palermo²²¹.

The territory of the metropolitan area coincides with the provinces (substantially transformed by the same law), but it is also possible that an initiative of the municipalities derogates to it. **The mayor of the metropolitan cities is the mayor of the mayor of the capital city of the region**, but it can be different, if we want that the mayor could be elected by universal suffrage and the statute of the metropolitan cities will decide. **But it is always the cities** which are creating the metropolitan cities. The Metropolitan city is a second tier body, composed of other cities.

It should be borne in mind that the vote is not the same for everyone included in metropolitan city. For example the vote of a Milan councillor representing a large number of inhabitants weighs more than the vote of a small municipality .

The **Metropolitan Council**, an elected body of the second degree is made up of the metropolitan mayor and a varying number of councillors depending on the resident population (minimum 14 and maximum 24 councillors)-

There is also the **Metropolitan Conference** is made up of the metropolitan mayor, who convenes and presides over it, and the mayors of the municipalities of the metropolitan city.

Recent research by Studio Ambrosetti (2016) :

The Metropolitan cities are involving 36 percent of the population, 40 percent of value added, 35 percent of businesses; 55 percent of the universities and more than half of the innovative start-ups are based there. It should be noted that these constituent elements might be lost in a modest administrative bricolage. As Ferruccio de Bortoli warns in the Corriere della Sera: obscure rules, non-existent resources and redundant institutional architecture (in other words real "institutional ghosts"), perceived by the Regions and associated with the collective image of the Provinces represented is the worst example of waste of public resources from the Unification of Italy to the present day (De Bortoli, 2016).

²²¹ As regards the regions with a special statute, the principles of the law are valid as principles of major economic and social reform, in accordance with the respective statutes, for the regulation of cities and metropolitan areas in the regions of Sardinia, Sicily and Friuli-Venezia Giulia, which adapt the own internal regulations within twelve months from the entry into force of the law (Article 1, paragraph 145, Law no. 56/2014). So far there are 4 metropolitan cities established by the regions with special status: Cagliari, Catania, Messina and Palermo.

Advantages and disadvantages of Metropolitan cities

ADVANTAGES	DISADVANTAGES
<p>They represent a more effective governance of the territories, which are complex and integrated, and a reduction of costs of politics.</p> <p>They are the eligible for attracting the funding from the state and from the European union in terms of smart cities and development of urbanization.</p>	<p>They were contested and not entirely understood for at least the first years, in terms of handing over and in terms of responsibilities.</p> <p>There is no sense of belonging to the metropolitan area so far. The sense of belonging is still and only referred to the single municipality.</p> <p>The metropolitan cities are not considered and added value as for citizens participation</p> <p>In a recent interview, the president of ANCI, which is the highest institutional representative body of Italian municipalities, said very frankly, following the approval of the new law: "metropolitan cities are neither known nor recognized".</p> <p>The budget available to the metropolitan cities is not clear yet and apparently insufficient to the task.</p>

5.3.6.2. Decision making bodies of the metropolitan cities

The decision- making bodies of metropolitan city are

- **Metropolitan Mayor**, the mayor of the main/biggest town is elected by the virtue of the right of the biggest city in the metropolitan area (in case of Metropolitan city of Milan, the mayor of Milan). He/she is the representative of the body, convenes and chairs the Metropolitan Council and the Metropolitan Conference, supervises the functioning of the services and offices and the execution of

acts and exercises the functions attributed by the statute; has the power to make proposals for matters relating to the entity's financial statements.

- **Metropolitan Council**, an elective body of the second degree; **it is composed of the metropolitan mayor and a varying number of councillors based on the resident population** (minimum 14 and maximum 24 councillors). **It is elected by a proportional list system: the mayors and councillors of the municipalities of the metropolitan city have the right of active and passive electorate.**

The election takes place based on competing lists, made up of a number of candidates not less than half of the directors to be elected, signed by at least 5 per cent of those entitled to vote. The metropolitan council is elected with a weighted vote according to the population size of the municipality represented, attributed to lists of candidates competing in a single constituency corresponding to the territory of the metropolitan city, through a proportional system with the D'Hondt method and preferential voting.

Details of the elections in the Bologna metropolitan city 2016 :

The "weight" of the vote of each voter is not identical but depends on the population of the municipality in which they hold office: as the population increases, the weight of the vote increases. The municipalities were divided into 6 bands on the basis of population and for each of them a weighting index was determined (with the calculation required by law).

The vote of each person will be multiplied by the weighting index. For example, the vote of the councillors in the range of the smallest municipalities will be multiplied by 19, that of the councillors of Bologna by 945, that of the councillors of one of the intermediate bands by 192.

Each range corresponds to a color; administrators who go to the polling station will be given a card of the color corresponding to the population segment of the municipality in which the office is exercised. For example, the councillors belonging to the municipalities with the lowest population (from 3000 to 5000 inhabitants) will be given a blue card, those of the Municipality of Bologna yellow, etc. The voter will vote on the ballot for one of the 4 admitted lists and may express a preference vote for one of the candidates on that list, writing his surname. Following the count, the weighed electoral figure of each

list will be calculated. In other words, the votes expressed multiplied by the weighting index of the corresponding group of municipalities will be attributed to each list.

The weighted individual figure of each candidate will also be calculated: also in this case the preferences expressed for each candidate will be multiplied by the corresponding weighting index. After the vote, seats will be assigned with the D'Hondt method (ART 1, paragraph 36 of Law 56/2014. In the event of a tie, the seat will be assigned to the list with the highest weighted electoral figure and in the event of a further tie by drawing lots.

The seats will then be allocated to the candidates with the highest number of preferences within each list. In the event of a tie, the seats will be assigned to candidates whose sex is less represented on that list and secondly to the younger candidate.

The termination of the municipal office entails the forfeiture of the metropolitan councillor. The Council remains in office for five years: however, in the event of the renewal of the council of the chief town, a new election for the metropolitan council will be scheduled within sixty days from the proclamation by the mayor.

Metropolitan Council is responsible for direction and control, approves regulations, plans, programs and approves or adopts any other act submitted to it by the metropolitan mayor and exercises the other functions attributed by the statute; it also has the power to propose the statute and its amendments and final decision-making powers for the approval of the financial statements.

- **Metropolitan Conference** is made up of the metropolitan mayor, who convenes and presides over it, and the mayors of the municipalities of the metropolitan city. It is responsible for the adoption of the statute and has consultative power for the approval of the financial statements; the articles of association may grant it other proactive and consultative powers.

The law also defines the fundamental content of the metropolitan city statute.

As said previously, the provinces were substantially transformed by the Legge Del Rio, either they were transformed into metropolitan cities or they also became an organ of governance of second level. With the modification of the legislation, the provinces are a direct expression of the municipalities : The president is elected by the mayors and municipal councillor of the municipalities of the provinces and so are the provincial councils.

The reform of local authorities carried out with law 56/2014 has profoundly changed the legal structure of the territorial autonomies²²²: the functions and methods of election of the provincial bodies have been redefined and the metropolitan cities referred to in Article 114 of the Constitution have been established. The **provinces** have thus assumed the role of large-area entities and the relative bodies - the president of the province and the provincial council - have become second degree elected bodies; a similar system is followed for the council in metropolitan cities. The assembly of mayors, for the provinces, and the metropolitan conference, for the metropolitan cities, are made up of the mayors of the municipalities of the body. The reform also affected the staff of the provinces, affected during the term by some reorganization provisions. They are therefore the decision – making bodies of the province: the President of the province (who is however an elected body of the second degree), the Provincial Council and the Assembly of Mayors.

The law therefore determined a broad reform on the subject of local authorities, providing for the establishment and regulation of metropolitan cities and the redefinition of the provincial system, as well as a new regulation on the subject of mergers and mergers of municipalities. In order to do this, the law defines both metropolitan cities and provinces as "large-area territorial entities". The law also defines the fundamental functions, respectively, of metropolitan cities and provinces, recognizing a broader content to the former, and outlines, with reference only to the provinces, the procedure for the transfer of non-fundamental functions to municipalities or regions.

5.3.6.3. Scope of responsibilities of the Metropolitan cities

Metropolitan cities are recognized as large territorial entities, with the following general **institutional purposes** (further provinces + coordination and planning)

- Strategic development of the metropolitan area;
- Promotion and integrated management of services, infrastructures and communication networks of the metropolitan city;
- Inter-institutional relations, including those with European cities and metropolitan areas.

Metropolitan cities are attributed the following competences:

- Fundamental functions of the provinces;

²²² <https://www.camera.it/leg17/465?tema=province-1>

- Functions attributed to the metropolitan city as part of the reorganization process of the functions of the provinces;
- Fundamental functions of the metropolitan city which are:
 - a) Strategic plan of the metropolitan territory of a three-year nature, which constitutes an act of guidance for the municipalities and unions of municipalities in the territory, also in relation to functions delegated or attributed by the regions;
 - b) General territorial planning, including communication structures, service networks and infrastructures, also by setting constraints and objectives to the activity and exercise of the functions of the municipalities;
 - c) Structuring of co-ordinated systems for the management of public services, organization of public services of general interest in the metropolitan area; in this regard, the metropolitan city may, in agreement with the municipalities concerned, prepare tender documents, perform the function of contracting authority, monitor service contracts and organize competitions and selection procedures;
 - d) Mobility and viability;
 - e) Promotion and co-ordination of economic and social development;
 - f) Promotion and coordination of computerization and digitization systems in the metropolitan area;
 - g) Additional functions assigned by the State or by the regions, based on the principles of subsidiarity, differentiation and adequacy.

The State and the Regions, each for their own competences, may assign additional functions to Metropolitan Cities in implementation of the principles of subsidiarity, differentiation and adequacy referred to in the first paragraph of Article 118 of the Constitution. (paragraph 46)

The budget of the metropolitan cities is still referring to a large extent to what was attributed to the provinces with further cuts²²³. They have their own taxes, plus other taxes due connected to the “use of the cities”, mainly around the transportation and use of the city and environmental costs. They are also considered being optimal seize for getting European Commission’s funding.

Examples of metropolitan cities - Metropolitan city of Milan

<https://www.cittametropolitana.mi.it/portale/>

²²³ http://www.irpet.it/wp-content/uploads/2016/10/ppt-metrotax_aisre-2016-agnolettic-.pdf

Milano has put in place a proper structure of implementation :
https://www.cittametropolitana.mi.it/export/sites/default/portale/amministrazione-trasparente/organizzazione/Organigramma/02_Organigramma_CM_01_03_2021.pdf

Table 16: Metropolitan city of Milan's composition



The Metropolitan Council is a second-degree elected body, composed of the Metropolitan Mayor and 24 councillors. The mayors and municipal councillors in office of the municipalities included in the territory of the metropolitan city of Milan are holders of the active and passive electorate.

Case study : Metropolitan area being appropriate for the smart cities' concept

A "smart" city is primarily considered as a city capable of effectively satisfying the needs of its citizens in compliance with the rules imposed by the environmental context. Are the metropolitan areas more structured to respond to the Smart cities concept²²⁴ ? The Smart city paradigm starts "for the redesign and modernization of urban services for residents and users of cities", identifying the metropolitan scale as urban environment suitable for the development of "intelligent" solutions to improve the performance, usability and environmental compatibility of urban services aimed at citizens, businesses and city users".

²²⁴ Federico II Open Access University Press, 2016, Città Metropolitane e Smart Governance, Rocco Pappa, Carmela Gargiulo, Rosaria Battara

6. [Recommendations for the policy paper](#)

Based on comprehension of the local governance and electoral systems in Turkey, observed through the lenses of the comparative approach and the European perspective on the matters and considering the reports of the focus interview and the working groups (to be added), these are possible key recommendations.

In general, there are indications in favour of adjustment of the model in place without changing it, since it appears to have a broad appreciation among the various stakeholders.

The objectives are :

- To diminish the strong Mayor's model and enhance the role of the Municipal Council, without introducing inefficiencies and instability
- To facilitate the candidature to the electoral lists of relevant groups of citizens such as women, public official and academicians.
- To facilitate a more effective engagement of citizens in local governance with a higher representation of women, youth and disadvantaged/marginalised group
- To improve the representation in the governance of the Metropolitan cities and facilitate their governance, over bureaucratic approaches
- To elaborate further and empower the practice of neighbourhood management concept

[6.1 In order to improve election law](#)

- **To lower the threshold for the list that could have candidates** in the council, reaching less than 10% of votes and to introduce more flexibility or use the 10% classical way (some recommend 3 or 4 % threshold).
- To reflect (abolish) on the **application fees** for candidates to offer the possibility to apply in an easier manner
- To introduce a **gender balance in the party lists of candidates**, following the examples of France or Italy

- To introduce the **system of preferences for candidates in the lists proposed by parties**, so to valorise the relationship between the candidates' councillors and citizens (present in the three countries studied). A good case of having a women/man preference in Italy could be proposed.
- **Elaborate policies for facilitating the candidature of women especially for the election of the Mayor**. This is not reflected in any laws and practices in the three countries studied, however, this is up to today a practice followed by the parties to propose more often women's candidates.
- **To favour candidatures of young people**, as seen in other situations and countries by the expert.
- It seems difficult to improve the qualification of candidates by imposing rules as for the level of education or professionalism. No examples exist in this sense. However, **efforts in civic education and in training for municipal councillors** are available in the countries studied. This should be clearly stressed here.
- It is suggested to include **recommendation of the GRECO for identifying the absence of conflict of interest**. The rules proposed by Italy as for control of possible of conflict of interest seem to be relevant and complete.
- It is worth considering a **more flexible rule which does not allow public servants to be candidates in the local municipal councils**, even though this list exist in all the countries studied.

6.2 In order to improve and make more efficient the role of municipal councils and municipal councillors:

- **It is important to attribute a stronger role of the Municipal Council** (through the elections system mentioned above in particular the *preference* vote)
- To improve the dialogue and the engagement of councillors in the governance of the city with possible **delegate councillors** as in France (the delegate councillors have a particular responsibility in some topics or neighbourhood)
- Upon assignment of the Mayor, it is important to assign the councillors of the ruling party the **responsibility of meeting with mahalle citizens** on a periodic basis. Each councillor may be responsible for an assigned *mahalle*.

- **To ensure a more effective role to the political minority groups**, by giving them a specific role in the audit commission of the municipalities or to have more members from the minority groups.
- **To introduce the opportunity for councillors to be present and appointed in the instrumental companies** for services of the municipality
- **To distribute more tasks to councillors** (rather than the Mayor, who has too many responsibilities and tasks). The Chair of the municipal council could be given to an elected municipal councillor, as it is the case in Italy.
- To make sure that **the municipal specialised commission include also more representatives of various groups of citizens, such as disadvantaged groups**. The Council and its work will be more known and shared by the citizens.
- **Municipal councillors should be trained** so that they can have more effective roles and bear responsibilities in the council. **Councillors must be better prepared with documents and material.**
- **There is a need for a more active council structure and communication channels**, in which the council members can monitor the municipal activities, receive necessary information from administrative units and pass them to the voters.
- Councillors should be offered facilities and support for **being active so** to be a real support to citizens.
- **Participation and accountability in the making, executives and control processes of the strategic plan should be increased**
- The practice of having a **deputy mayor among the councillors** is also something which is considered an added value and should be valorised. It may also create a mitigation as the strong mayor model. It will enhance the level of participation, as it is in France.
- To reduce the percentage for the non-**confidence to vote the mayor** and get back to 2004-2005 so to revalorize the role of council, as it is in the countries studied.
- **It is not proposed to act on fees and salary for councillors**. The dynamics created around this topic is not constructive and in no countries observed, it seems to be a crucial point for motivation and efficiency of municipal councillors.

6.3 In order to strengthen the neighbourhood council and management

- To establish district council elected (*circoscrizioni*) or Neighbourhood council (*conseil de Quartier*) or Settlement (in Poland) to have a decentralised democratic representativity.
- The system of **Mukhtar** could be in a way maintained as part of the tradition but improved. A further empowerment of their role and competence could be further studied to represent an empowered go-between the municipal institutions (council and Mayor), maybe linked to the proposal of the district council. So far, their role is not recognised as important in the sense of participation of citizens. We are therefore not recommending being them as members of the councils, as regularly elected, but rather empowering their relationship between institutions and citizens with a better and effective communication mechanisms between rural neighbourhood mukhtars and their municipality (they might act more for their neighbourhood than for the whole community). If mukhtars stay within participatory mechanisms, they can contribute more to the effectiveness of the activities of local authorities. They can be invited to specialised council commissions.
- To establish more direct links between the councillors and the neighbourhood
- It might be possible to allocate seats to *muhtars* and give them the right to speak within limits but difficult to give them voting right in the municipal councils as the councillors are legally responsible against law for their decisions. However, a legislation enforcing to assign *mahalles* to councillors and holding periodic meetings between councillors and the citizens in the neighbourhood may be considered. A precondition for this is to establish neighbourhood councils coordinated by *Muhtars* or the neighbourhood management. This may trigger the citizens participation (even co-production) at the lowest level and will pave the way for a more effective bottom-up interaction with the municipalities and government institutions beyond their existing passive role

6.4 In order to improve the system of metropolitan cities

- A review of the working methods of the metropolitan municipal councils appears to be necessary : decision making, overseeing functions, fair representation.
- The governance and representation of the metropolitan cities needs to be improved since they represent 77% of the Turkish population. It is important to avoid a new “localised centralisation” around top-down institutions but better implement a participative approach to them, including in the governance the municipalities and citizens.
- The governance and representation of the municipalities needs to be improved, as they are included within the district municipalities so that they also build inclusive democratic

capacities. Some good examples are present in France and Italy where the proportion of population is maintained.

- Metropolitan conference (a collegial organ including all Mayors of the metropolitan city), in addition to the council and the metropolitan mayor could be perceived as a wide platform for participation of diverse and balanced representations.
- It could also be introduced a more differentiated model of metropolitan cities depending on the seize of population and territory, as it is in France, with three models.
- The elections of the councillors could follow the example proposed in France or Italy, with clear elections and indications where citizens are giving their votes for the candidates of the municipalities, who will be accessing the metropolitan council.
- Adequate reimbursement of travel costs for those who are travelling from far away in the metropolitan cities needs to be considered.

6.5 In order to improve the practices of citizens participation

- Further improvements of the representation and activities of the citizens' assemblies are needed, in order to make them more effective and more engaging with communities, considering youth and other disadvantaged groups and less represented ones.
- To favour also in municipal regulations and statutes the options of various forms of participation, not only the citizens' assemblies. In Italy, the Statute of cities are identifying the various forms of participation that they want to adopt : petition, permanent consultation, consultation mechanisms and requested feedback. The participation is, in a way, self-determined.
- Introducing practices of participatory budgeting could be further considered and elaborated (see also the numerous examples in Poland)
- To empower the participation of qualified experts in the specialized commission and board audit so to support the work of the Council and create a better link with civil society. The council commissions in France and Italy could invite external experts to elaborate policy making proposals so to make them more participative and inclusive.
- Engaging youth in citizens assembly and other citizens participation instrument, requires more focus on civic education.
- Strengthening the role and effective functioning of the Citizens' assemblies combined with knowledge and information flow in the community, may provide solid grounds for interaction between local authorities and citizens.

7. [Matrix](#)

	Turkey	France	Poland	Italy
1. General information				
General information	1,394 municipalities, with 81 provinces. Among these, 30 are designated metropolitan municipalities (MMs). MMs are subdivided into districts, where each district includes a corresponding district municipality, which is a second-tier municipality. The district municipalities are part of an integrated urban area or peripheral, distant from the central city.	France is a unitary state . However, its administrative subdivisions- regions, departments and communes - have various legal functions, and the national government is prohibited from intruding into their normal operations. In 2019, France had 34 960 communes . The country is then organised in Regions and Departments. <u>There are 12 metropoli</u>	Poland is a unitary state composed of 2477 municipalities (gminy) , 380 counties (powiaty) and 16 regions (voivodship-województwo). The creation of 16 regions with their own self-government was dictated by Poland's joining the European Union. Only 1 metropolitan area is now working (in Wroclaw. Silesia Region). Another one adopted a self-organised system, in the region of Gdansk.	Italy has 8006 municipalities, 110 Intermediate level (provinces), 20 regions and 14 metropolitan cities.
Model of local governance adopted	Strong Mayor model ", where the Mayor is the head of the Executive and chair the other organs of local governance.	The Mayor is elected among the Council members. The Municipal Council keep many responsibilities despite the executive role of the Mayor. France, after being a very centralized State, is moving towards stronger decentralization.	The model of governance is based on the strong role of the Mayors , after the reform of 2018, where the municipal council has been greatly limited in its functions. The elections of the mayors is now only for two terms, to limit this very strong role.	The Mayor is elected by citizens and do not chair the council. The Giunta (executive board appointed by the Mayor) and the Mayor are the executive bodies and they mainly run the municipality. The council has a more strategic and control role. Attention is given to political minorities.
Additional elements	Despite their autonomy and the devolution of powers to local authorities, their potential is strongly limited by a system of tutelage from the central level and ministries.	A new territorial reform took place in 2014 and it goes towards a stronger regionalisation . The focus is also on compulsory intercommunalities . An <i>agglomeration</i> is urban unit: metropolis, "Métropole" (more than 450,000	After the fall of communism in 1989, the municipal government was democratically formed in Poland based on the Act on municipal self-government of 5 March 1990. Self-government	Various reforms introduced recent changes, including the creation of metropolitan cities (in 2011) and the transformation of provinces into second level structures

		inhabitants), a urban community , “communauté urbaine” (more than 400,000) Smaller are ; a agglomeration community and a community of communes	reform and decentralisation of competences and finance is widely regarded as one of the most successful reforms introduced after 1989 in Poland.	(with members from the elected municipalities). The focus has been on reduction of costs of politics , differentiation between small and big municipalities and strong introduction of intercommunalities for services. Italy is a strong regionalized states with many competences devolved to them.
Organs	The Municipal Council, the Municipal Executive Board, the Mayor	The Municipal Council is composed of : A Mayor, Deputy Mayors appointed from the councillors themselves (<i>adjoints au maire</i>), Municipal Councillors (<i>conseillers municipaux</i>)	The Municipal council is composed of elected municipal councillors. The mayor is elected directly by citizens and can have Deputy mayors, who cannot be municipal councillors.	The municipal council, which elects its chair among its members, the Mayor and his/her appointed executive board members (Giunta), who are not elected.
2. Reform of local government elections system				
Electoral system	The elections for local administrations are every five years. Mayor is elected directly by the popular vote. Elections of the Mayor and the Council are held at the same time. The electoral system is a proportional system with a majority price (quota candidates)	The elections for local administrations are every six years. The mayor and his/her deputies represent the municipality's executive branch. The mayor is elected by and from within the municipal council. The voting method used for this consultation is not uniform throughout the territory. It differs according to the population of the municipalities considered. In this respect, a distinction is made between municipalities with fewer than 1,000 inhabitants, municipalities with 1,000 inhabitants or more, and the cities of Paris, Lyon and Marseille , which are subject to specific provisions. For more than 1000 inhabitants, the applicable voting method is the two-round party list system, with the submission of complete lists, with no possible additions or deletions and no	The Municipal council is composed of councillors elected by direct universal suffrage for a five-year term. The mayor is the local authority's executive body. He/she is elected by direct universal suffrage for five-year term. Each mayoral candidate has their own list to the municipal council. There is no link between the elections for the mayor and to the municipal council. It is theoretically possible that the mayor will win the elections, and from his/her list no one will enter the council. For the Mayor, it was decided to limit the term of office to two consecutive terms in the same municipality.	The Municipal Council and the Mayor are elected for 5 years. The Mayor is elected directly by citizens , who can also cast disconnected votes, while voting a mayor from one majority and for the council and other political group. This is a majoritarian system for small municipalities and for citizens with more than 15.000 inhabitants, it is a proportional with a majority price. For those with more than 15.000, it is proportional system with a majority price (quota candidates). The mayor can not be elected more than 2 times in a row.

		change in the order of presentation during the vote. For the communes of less than 1000 inhabitants, the voting system corresponds to a plurinominal majority vote with <i>panachage</i> (mixture). They are no limit to the number of the mandates of the Mayor. The electoral system is a proportional system with a majority price (quota candidates).	The electoral system is a proportional system with a majority price (quota candidates).	
Conditions to be a candidate	To be a Turkish citizen, over 18 years of age, to be graduated from primary school, to have completed the military service, if under obligation, not to be banned from civil service, not to have been sentenced to prison or not have been convicted to a specific series of offenses, even if pardoned.	Being a French or EU citizens, registered in the voting lists. There are no legal ways to have on the list of candidates, person of a certain quality ore education, or with professional characteristics for the municipal elections. It is not possible to stand as a candidate in more than one electoral district, nor on more than one list	Being Polish and over 18 years of age, at the latest on the day of voting, have EU citizenship, have not been punished by the court and have not been bereft of their civil rights, are registered in the municipality. Candidates for position of the mayor must: minimum age of 25, do not need to be registered in the municipality, must have Polish citizenship. No reference to other qualities or professionalism.	Being an Italian citizens or EU citizens, registered in the voting lists. There are no legal ways to have on the list of candidates, person of a certain quality ore education, or with professional characteristics for the municipal elections.
Creation of the lists of candidates	To be a candidate to the municipal councils , it is possible either to run as a member of a political party, or independently. Political parties can also organise primary elections to approve, reject or amend the proposed list to run for local elections. An application fee is foreseen	No primaries are held for municipal elections. Lists can be drawn by parties or by independent candidates.	Primary lists for candidates at the local level do not exist. Lists of candidates for councillors shall be created by the leadership of the party or electoral committee. Lists can be drawn by parties or by independent candidates	The list can be proposed by parties or by independent groups. There are no primaries for the candidates among the municipal councillors but there are more often primaries for the mayor candidate.
Representation of various groups (gender, youth, for example)	No legal provisions for women's candidatures or any other groups	The lists must include parity, with one woman and one man alternating. Youth representation on a municipal council is not required by law. However, the possibility for local authorities to set up youth councils is enshrined in law.	Gender representation must be secured with at least 35% of women's candidate in the lists.	Gender is considered in the list creation since the maximum representation of any gender cannot be more than 60%. So we need either a minimum of 40% women or a minimum of 40% men. The gender is also considered in the preferences expressed

				during the vote, since if there are 2 preferences expressed, they must be on a man and a woman (if not, the preferences are not considered). No other considerations are made as for youth representation.
Public officials can be candidates? do they have to resign?	Public servants must leave their job to be candidates.	Municipal employees may not be elected to the municipal council of the municipality that employs them.	A councillor may not be employed at the municipal office where he/she was elected.	An employee of the given municipality cannot present herself/himself in the electoral lists. The person can be given a sabbatical period (without retribution with the possibility to come back) but nobody does it because the councillor position does not give salary
Preferences/fixd party list	Fixed party list (without expressed preferences)	Fixed party list (without expressed preferences).	With the preferences, voters determine the final order on the list and who will win the councillor's seat. With such a solution, it is not enough to get a high place on the list, but you also need to win real votes of voters. Ultimately, it is the voters, not the party leaders, who determine the final order on the list.	The system is with preferences and not a fix lists (for preferences see above as for gender issue).
Threshold for being elected in the municipal council's seats	The determination of elected municipal councillors and mayor is based on the <u>d'Hondt method</u> . It depends first on the threshold of 10% of the valid votes in an electoral zone. The 10% threshold is subtracted from all candidates including the independent candidates.	The system is with two possible election rounds. In the second round, only the lists that have obtained 10% of the votes cast may stand. These lists may be modified in their composition to include candidates who appeared in the first round on other lists, provided that the list of these candidates obtained at least 5% of the votes cast in the first round, and that they do not run.	This is a threshold - only lists that have received more than 5% of all votes cast at municipal scale are involved in the distribution of mandates.	No positions are given to the lists which received less than 3% of the valid votes.

		In the second round, the list that obtains the most votes is awarded a number of seats equal to half of the seats to be filled. The other seats are distributed among all the lists having obtained more than 5% of the votes cast according to the number of votes obtained by proportional representation with the highest average. The seats of the members of the Paris council or the city council of Marseille or Lyon are therefore attributed according to the results obtained by sector and according to the same rules as for the municipalities of 1,000 inhabitants or more		
Quota candidates or majority price/bonus	Political parties nominate proportionally (from 2 to 6) quota candidates . When the elections results are realized in this way, the candidates for quotas are not given to the party of the mayor but to the party that has won majority in the council elections. The political party who obtains the highest number of votes in an electoral district takes up all the quota candidates' seats. It represents the <i>majority price</i> .	For the communes of more than 1000 inhabitants, the voting system corresponds to a proportional voting system with majority bonus: the leading list always obtains at least the half of the seats of the municipal council (the remaining seats are distributed among all the lists by proportional representation with the highest average).	In the municipalities of more than 15.000 inhabitants the seats to the councils are attributed with the proportional system corrected with a majority price assigned to the list of candidate mayor who is winning. If there is no mayor with majority the first time, there is a second round. For the lists of the winning Mayor, are attributed 60% of the council positions . Other council positions are distributed proportionally among the other lists using the D'Hondt system.	For the lists of the winning Mayor, are attributed 60% of the council positions . Other council positions are distributed proportionally among the other lists using the D'Hondt system. candidates of the councils who received a nominal preference see their position strengthen in the municipal list. There is a double round of elections if not majority obtained at the first one.
3. Empowerment of the municipal council and councillors				
Composition of the governance and model adopted	Municipal Council comprises elected Municipal Councillors and the Mayor. The Executive board has administrative tasks and is chaired by the mayor and should comprise council members elected by council for a term of one year. The Executive Board includes the head of the Fiscal Services as well as heads of units appointed by the Mayor. The executive power	The Mayor is elected among the Council members and by the council members. He/she chairs the council. He/she is assisted by Deputy Mayors , representing an executive team. The model is based on the fact that all functions must be elected and issued from the council.	The Mayor is elected directly by citizens. The Mayor is not the Chair of the Council. He/she works with deputies, who are not members of the councils and are appointed and dismissed by him/her.	The Mayor is elected by citizens and does not chair the Council. The Executive Board is appointed by the Mayor but receives, collectively, the approval of the Council.

	though almost exclusively rests with the Mayor.			
Deputy Mayors	The Mayor appoints Deputy among the elected Municipal Councillors.	The deputies are determined by the municipal council and may not exceed 30% of the legal number of municipal council members.	The deputy mayor may not be a member of the municipal council. If the mayor appoints a councillor at the position of deputy mayor, then the councillor's mandate must be resigned	Deputy Mayors are appointed among the Executive Board (Giunta), by the Mayor him/herself.
Chair of the municipal council	The Municipal Council is chaired by the Mayor and a Council Chair committee (Belediye Meclisi Başkanlık Divanı) , composed by the first deputy chairman (who chairs the Municipal Council meetings if the Mayor is unable to attend), the second deputy chairman and at least two secretaries, elected by the Municipal Councillors.	The meetings of the municipal council are chaired by the mayor or by the person who replaces him/her.	The Municipal Council elects from among its members a Chairman/chairwomen and a 1-3 Deputies.	The chair of the municipal council is elected among the councillors.
Role of the Mayor versus municipal council	The mayor is both member of the municipal council and the chair of the municipal council at the same time. The agenda of the municipal council is prepared by the Mayor. A qualified majority of $\frac{3}{4}$ is now needed, instead of $\frac{2}{3}$ as it was before 2004, to recall the Mayor.	The Mayor has an executive role but being issued from the Council, he/she is more related to the assembly.	A resolution of the municipal council not to grant discharge to the mayor two times in the two consecutive years, should be tantamount to taking the initiative to hold a referendum on the dismissal of the mayor. The resolution on discharge should be adopted by the municipal council by an absolute majority of the statutory composition of the municipal council. The municipal council may decide to hold a referendum on the dismissal of the mayor on grounds other than the non-discharge of the mayor only at the request of at least one quarter of the statutory composition of the council. The resolution referred shall be adopted by a majority of at least	The end of the Mayor's mandate implies the end of the mandate of the Council. The Mayor and his/her executive team can be dismissed if the Council approve a no-confidence vote requested by an absolute majority of the council. The no-confidence vote should be explained and subscribed by at least $\frac{2}{3}$ of the councillors and it should be discussed within 30 days of the presentation. If approved, the Council is dissolved, and a commissioner is appointed.

			<p>3/5 of the statutory composition of the council by personal vote. The vote on the budget is the most important moment when councillors can influence the mayor and the executive power. The mayor is practically irrevocable. The mayor's dismissal requires great effort and destabilization of the municipality.</p>	
Competences of the municipal Council	<p>Municipal Councils are decision-making bodies, the exercise a control over the municipal management and they represent citizens</p>	<p>All issues on all matters of local interest, the budget, the administrative account, create municipal public services, public elementary and nursery schools (after consultation with the State representative in the department); draws up and updates the territorial coherence plan, elects the members of the board of directors of the municipal social action centre (CCAS), a public institution whose role is to help the most vulnerable people (disabled, poor, or excluded).</p>	<p>The council approves budget of the municipality, the examination of the report on the implementation of the budget and make resolutions on the granting or refusal of discharge, to adopt the study of the conditions and directions of the spatial planning of the municipality and the local land-use plans.</p> <p>It adopts economic and development programmes; as specified in the rules about the principles of development policy.</p>	<p>The Council approves the budget and the strategy of the municipality and has a control role, with the different commissions and in particular the audit commission. The Delegate councillors can also receive particular mandate (like following economy or international relations).</p>
Functioning of the municipal council and commissions	<p>The Council works through specialized commissions, composed of municipal councillors. It is mandatory to set up a planning and budget commission and a land development planning commission. These Commissions can be open to participation, without voting rights, to experts, neighbourhood masters (<i>muhtar</i>). Municipal Audit Board (Belediye Meclisi Denetim Komisyonu) of Municipal Councillors are set up to audit the Municipality's revenues and expenditures and related accounting records and transactions for the previous year.</p>	<p>The city council may form committees to examine questions submitted to the council either by the administration or on the initiative of one of its members.</p>	<p>The council is sub-divided in commissions responsible for the preparation and execution of decisions taken by the municipal council. Members of the commissions are elected by and from among the municipal councillors. Councillors may set up councillors' groups, acting in accordance with the rules laid down in the statutes of the municipality</p>	<p>The Council works thanks to dedicated commissions, where all the parties are included. The Audit commission is always chaired by a representative of the political minority. The council works also with political group commissions (gruppi consiglieri), which coordinate their actions. They also meet in Council groups' leaders (conferenza dei capi Gruppo) so to organize the work of the</p>

				council among the various political groups.
Resources and support available to municipal councillors	Municipal councillors do not have facilities to receive citizens or any kind of practical support in engaging with the constituency.	When local elected officials primarily perform their duties in the context of the municipal council, they may request to be provided with office space. This is particularly true for elected officials who do not belong to the municipal majority.	Municipal Councillors do not have rooms to work just for themselves. In the larger municipalities there are rooms for councillors' political groups, where group meetings or councillors consultation hours open to residents are organized. In smaller municipalities there is one room to use for all councillors. The decision to separate the premises for the needs of councillors depends on the mayor.	The municipal councillors are given premises for their meetings, however collectively, in the municipality. No other support is offered.
Relationship between the municipal councils and the civil servants	The key municipal staff is appointed by the mayor. The Municipality Law does not further regulate the relations between the Municipal Council and the civil servants	The mayor and his deputies have the executive power, while the civil servants are responsible for implementing the mayor's decisions at the administrative level. It is this political-administrative partnership that enables local public policies to be decided and implemented. The relationship with the municipal councillors is rather limited.	The head of the municipal administration is appointed by the mayor. The administration has less contacts with the civil servants. Councillors do not have the formal right to give specific instructions to officials. Instead, they can formulate expectations, strategies, and guidelines of action that they consider are right.	The municipal councillors have less contact with civil servants than the executive board but they are allowed to receive all the information they may need.
Role of political minority groups	No specific provisions are highlighted to valorise the role of political minority groups in management and control of municipality, rather than balanced representation in commissions.	No provisions are mentioned to valorize the minority political groups, except the balanced representation in the municipal commissions.	The audit board must be composed of representatives of all councillors' groups.	The political minority groups are valorized in the various commissions. The chair of the audit commission is given to the political minority group.
Payment to councillors	The municipal councillors do not receive salaries but fees and are not considered employees.	Councillors do not receive a salary or wages, elected officials may receive an " indemnity " set by the newly elected municipal council and considering the number of inhabitants. Mayors and delegated councillors with specific functions may receive an allowance.	An employment relationship may not be established with a councillor at the municipal office in which the councillor has obtained his/her mandate. The fee for councillors depends on the size of the municipality and	A symbolic participation fee to meeting is offered to the municipal councillors. Only the chair of the council and the chairs of the commission, and of course the Mayor and executive board, have allowances.

			on the function: chairman of the council or committee	
4. System of neighbourhood management and of representation				
Neighbourhood councils or other forms	<p>With recent legislations, the towns and villages were turned into neighbourhoods (mahalles) and became part of municipalities. At the lowest level of territorial organisation, within the borders of district municipalities there are <i>muhtarlıks</i> (neighbourhood management units) in charge of <i>mahalles</i> (neighbourhoods) which may be part of a city or distant rural settlements <i>kırsal mahalle</i>, within borders of district municipalities. <i>Muhtars</i> are elected on an individual basis independent of the political parties. A good part of them are <i>mahalle muhtarlıks</i> within the borders of the 30 MMs. They remain with a more administrative than strategic and representation role. They are more civil servants than political representation</p>	<p>Neighbourhood deputies are appointed with the deputy mayors and they may have a primary interest to a certain neighbourhood for which they is responsible. It ensures that the residents are informed and encourages their participation in the life of the district. They different from other deputies, who are more involved in certain topics. In municipalities with more than 80,000 inhabitants, where neighbourhood councils are mandatory, the creation of the positions of neighbourhood deputies is decided in principle by the municipal council at the time of the determination of the number of deputies, during the installation session of the municipal council after the general renewal of the municipal councils.</p> <p>Citizens' councils: They are composed of inhabitants, associations and local actors of the concerned neighbourhood. There is apparently confusion between citizens councils and neighbourhoods' councils, and the creation of citizen councils has given rise to a feeling of illegitimacy among the representatives of neighbourhoods' councils</p>	<p>The councillor maintains a constant connection with the residents and their organizations, and accepts the requests made by the inhabitants of the municipality and submits them to the municipal authorities for consideration. Councillors have constant reception times for citizens. Municipalities have the right to set up subsidiaries' bodies, such as settlement councils. The municipal council determines the powers of the settlement councils, how they are elected, and may also make the budget available to them. Especially in large cities, settlement councils are appointed. Typically, their competence is limited to reviewing, advising, and initiating local affairs. The budget available to the councils of settlements is usually small. The bodies of the Settlement are: the council of the settlement and the management board of the settlements</p>	<p>The <i>circoscrizioni</i> (neighborhood council) have been abolished for municipalities of less 250.000 inhabitants, creating a big gap to be filled with other instruments (like self organized groups or alternative neighborhood groups organized by the municipality). Over 250.000 inhabitants, the <i>circoscrizioni</i> are empowered and they have elected bodies and services provisions to citizens. They represent the council and the mayor as well and they are elected together with the municipal elections.</p>
5. Citizen's participation opportunities and relation with the municipal institutions				
Instruments in place for engaging citizens in decision making	<p>Municipal council are open to public, specialized commission can include experts, consultation could be carried out</p>	<p>Provisions for citizens' engagement: Local referendum, consultation for the opinion of voters, neighbourhoods' councils</p>	<p>Practices of youth councils as well as citizens' budget are very common. Municipalities are required to conduct public</p>	<p>Municipal councils are open and a more and more focus on transparency and open administration has been put</p>

together with the municipality		(<i>Conseils de quartiers</i>), petitions. Good practice: some municipal councils implemented local participatory tools without the existence of any legal framework	consultations with organised social groups and all willing citizens on issues relating to zoning and investment . A very popular public consultation tool is the conduct of citizens' panels .	in place. The participation of citizens is included in all statutes of municipalities, which define the modalities (local referendum, petitions, citizens consultations, etc).
Existence of other forms of participants, such as advisory councils, commissions, etc.	There are established Citizens' Assembly. They have a role of consultation and proposal to the municipal council or to the Mayor. Assembly should receive in-kind and cash support by the Municipality. But not entirely satisfactory and widespread knowledge in community.	Strasbourg, the following were receiving a price: the Citizen Summit approach and the Pact for Democracy committed to greater citizen participation, the provisions and mechanisms related to ethics	The Act on municipal self-government of 8 March 1990 article 5a regulates few possibilities of interactions with citizens and civil society, for local authorities : In the cases provided for by law and in other matters of commune's affairs, consultations may be held on its territory with the inhabitants of the municipality. The rules and procedures for consulting the inhabitants of the municipality shall be laid down in the resolution of the municipal council. Act of 8 March 1990 on municipal self-government.	Permanent commissions with the participants of citizens are organized on various issues like youth (parliament of youth), inclusion of foreigners (<i>consulte degli stranieri</i>) and more. The practice of participatory budget is very widespread.
6. Functioning and representation of the metropolitan cities				
General definition	There are 30 metropolitan municipalities in Turkey, making up 77% of the population of the country, the role of metropolitan municipalities is to govern areas (coinciding with provinces) inhabited by more than 750.000 people, with particular emphasis on infrastructure and transportation. They are public entity having administrative and financial autonomy which comprises at least three district or first-tier municipalities.	Metropolises are one of the models of "intercommuality"²²⁵. Intercommuality is at the centre of all recent French territorial reforms. The status of metropolis was created by the law of December 16, 2010, to affirm the role of large agglomerations as engines of growth and attractiveness of the territory. There are 12 "common law" Metropolises. 2 metropolises with special status (the Greater Paris	On 9 October 2015 was adopted by Sejm (the Parliament) the act on metropolitan unions. However only one is working in Wroclaw/Silesia region. Another form of metropolitan area is working in Gdansk, thorough the work of an association of municipalities.	With the Legge Delrio, the metropolitan cities were added to the various level of governance, in the Constitution of Italy, in 2011. They are 14 and they are subdivided by the seize of the population, density, number of cities and regions they belong to. The forms of competences and autonomy varies. The territory of the

²²⁵ Models developed by territorial reforms for the purpose of intercommuality: unions of communes, SIVOMs, urban districts, urban communities, communities of cities, communities of towns, metropoles

		<p>metropolis and the Aix-Marseille-Provence metropolis);1 territorial authority with special status and the powers of both a metropolis and a department (the Lyon metropolis).</p> <p>The Pact Etat Metrololes of 2016 mentioned three topics :</p> <ul style="list-style-type: none"> - mobility and transport - tourism - economic development <p>This pact has resulted in effective 173 cooperations²²⁶, especially between metropolises and communities of communes</p>		<p>metropolitan area coincides with the provinces, but it is also possible that an initiative of the municipalities derogates to it.</p>
Governance	<p>The metropolitan cities are governed by a) metropolitan council b) the metropolitan executive committee c) the metropolitan mayor</p> <p>They also have specialised commission and Metropolitan Executive Committee (Article 16), chaired by the mayor and comprising elected metropolitan municipal councillors and members appointed by the mayor among Heads of Units, including the Secretary General and the Head of the Fiscal Services Unit.</p>	<p>The deliberative body of the metropolis is the Council of the metropolis, composed of metropolitan councillors. It elects a president from among its members. The Metropolis's deliberative body (Council of the Metropolis) functions in much the same way as the municipal council.</p>	<p>Composition of the metropolitan area: metropolitan area is an association of local authorities located in a given metropolitan area. The metropolitan union should be composed of: municipalities situated within the boundaries of the metropolitan area; counties in which there is at least one municipality located within the boundaries of the metropolitan area. The bodies of the metropolitan union should be: the assembly of the metropolitan union, the board of the metropolitan association. The law exists, but it has not been implemented yet, except for Silesia.</p>	<p>The Metropolitan city is a second-tier body, composed of other cities. It is governed by a metropolitan council (with elected councillors from the the municipalities involved in % of the number of inhabitants), the metropolitan mayor and the metropolitan conference (including the mayors of all the municipalities involved).</p>

²²⁶ Metropolises: the implementation of inter-territorial cooperation, Vie Publique [government website managed by the DILA (Direction de l'information légale et administrative), attached to the Prime Minister's office]

Composition and election of the council of the metropolitan city	<p>Metropolitan Council as the decision-making body, is <u>composed of elected representatives and mayors of other municipalities within the metropolitan area, and chaired by the Metropolitan Mayor</u>. They have both elected representatives and <i>second level</i> representations from Mayors of the municipalities within the metropolitan cities. There is no separate election for the metropolitan municipality councils. District mayors and one-fifth of district municipal council members constitute metropolitan municipality councils. Therefore, the current representation system is based on the representation of the district municipalities in the metropolitan municipality council.</p>	<p>Elected community councillors (this statute is different from municipal councillors, but community councillors are also municipal councillors) are elected in the Metropolitan council of the Metropole.</p>	<p>The bodies of the metropolitan union should be : the assembly of the metropolitan union, the board of the metropolitan association. The Management Board consists of five persons – the Chairman, two deputies and the other two members. The Board is elected by the Metropolitan Assembly. Candidates must obtain a double majority. This means that at least half of the delegates representing more than half of the Metropolitan population must vote for them. The Silesia Metropolis applies the "<i>gentleman principle</i>", according to which in the five-member board of its representative has each of the five geographical sub-regions of the Metropolis, that is, the subregion of Katowice, Sosnowiec, Bytom, Tychy and Gliwice.</p>	<p>The metropolitan council, an elective body of the second degree; is made up of the metropolitan mayor and a varying number of councillors based on the resident population as many as many citizens represented. There is also the metropolitan conference is made up of the metropolitan mayor, who convenes and presides over it, and the mayors of the municipalities of the metropolitan city</p>
Intercommunalities	<p>Metropolitan cities are compulsory intercommunalities</p>	<p>The generalization of intercommunity is imposed, through the attachment of the last isolated communes (With the arrival of the NOTRe law, which makes it mandatory for municipalities to be attached to an inter-municipal group)</p>	<p>Municipalities have a statutory obligation to consult with neighbouring municipalities but the law on metropolitan cities has not been entirely implemented.</p>	<p>The legislation pushes for establishment of unions and fusion of municipalities but without extra costs for the State in terms of public salaries. The Union of Municipalities has as its purpose "the associated exercise of functions and services. Since 2010, the municipalities up to 5000, if they are mountains municipalities, <u>must work</u> in union of</p>

				municipalities. So, there is a compulsory norm.
Composition and election of the metropolitan mayor	Metropolitan Mayor represents the legal personality of the Metropolitan Municipal Administration and is elected directly by the voters residing within the boundaries of the metropolitan municipality	The president of the Metropolitan Council is the executive body of the Metropolis. He/she is elected by the deliberative body according to the rules applicable to the election of the mayor .	The Assembly of GZM is the resolution and control body of the Silesian Metropolis. It consists of representatives of all 41 cities and municipalities of the members. The Chairman of the Assembly is a mayor of Bytom City and Deputies Mayors of Tychy, Chorzow and Gliwice.	The mayor of the metropolitan cities is the mayor of the mayor of the capital city of the region , but it can be different, if the mayor could be elected by universal suffrage and the statute of the metropolitan cities will decide.
Representativity issues with other municipalities composing the metropolitan city	The current representation system produces results that favours small and less populated districts, which disadvantages large and populated districts	The Metropolis councillors are the deliberative body of the Metropolis. Since the law of 17 May 2013, they are elected by universal suffrage, at the same time as the municipal councillors. The voting system depends on the size of the municipality. Each municipality that is a member of a metropolis is necessarily represented within the metropolitan council. This representation is ensured through the community councillors , who are elected through direct ballot during the municipal elections (in municipalities of 1000 inhabitants and more). According to those provisions, in metropolises, the composition of the deliberative body is established according to the following principles: An allocation of seats by proportional representation to the highest average to the member municipalities, according to a representativeness table, guarantees an essentially demographic representation. The allocation of a seat to each member commune of the public establishment of inter-communal cooperation ensures the representation of all the communes.	For the only metropolis so far existing, there are 41 members of the metropolitan assembly, one representative from each municipality. Usually this is a mayor of the municipality. Decisions are made by means of a double majority: majority of the assembly's members, representing majority of the inhabitants of the metropolitan area. (in the case of the self organized in Gdansk, The highest authority of the Association is the General Assembly of Members, which consists of all local municipality's members of the Metropolitan Area of Gdansk-Gdynia-Sopot. They are represented by their representatives - elected by resolutions of the Councils of Cities, Counties and Municipalities. The votes of the participants of the General Assembly are equal. One vote belongs to both the nearly half-million-city of Gdańsk, as well as	The representativity is based on percentage of inhabitants of the municipalities involved. A global conference of Mayors is also convened.

			several thousand municipalities such as Ostaszewo, Lichnowy, Sulęczyno or Linia. Despite these unbalances of representation, the association is relevant and working well for the whole area)	
Function of the metropolitan city	The functions of the Metropolitan cities are mainly the Metropolitan strategic plan and investment program, urban development planning and construction (including sports and social services), ensuring waste management and the protection of the environment, issue business permits, coordinate urban transport	Intercommunality consists of transferring the management of one or more public services to an intercommunal structure that has the status of a public establishment of intercommunal cooperation (EPCI). It allows municipalities interested in building a facility or providing a public service to pool their resources. Metropolis are a <i>space of solidarity to draw up and lead together a project for the planning and economic, ecological, educational, cultural and social development of their territory in order to improve its competitiveness and cohesion</i>	Metropolitan Union should carry out public tasks in the field of: shaping spatial planning and management; the development of the union area; public transport within the union; cooperation in determining the course of national and regional roads in the territory of the union; promotion of the metropolitan area. GZM's priority task is the organisation of public transport . GZM has led to the merger of three existing public transport companies into a single entity of the Metropolitan Transport Board and led to the creation of a single, common ticket valid throughout the area.	The metropolitan city has the following role : care of the strategic development of the metropolitan area; promotion and integrated management of services, infrastructures and communication networks of the metropolitan city; care of institutional relations pertaining to one's own level, including those with European cities and metropolitan areas.

¹ <https://eur-lex.europa.eu/summary/glossary/subsidiarity.html>

² Links:

- ALKIN, Sinan “Underrepresentative Democracy: Why Turkey Should Abandon Europe’s Highest Electoral Threshold”, Washington University Global Studies Law Review, 2011
- JOPPIEN, Charlotte (September, 2014), “‘Civic Participation’ or ‘Customer Satisfaction’? Waves of Centralization, Decentralization and Recentralization from the Ottoman Empire until Today”, Vol. III, Issue 9, pp.54-76, Centre for Policy Analysis and Research on Turkey (ResearchTurkey), London, ResearchTurkey. (<http://researchturkey.org/?p=6917>)
- KARAMAN, Semanur “How do Turkish citizens participate in decision-making?”, OpenDemocracy, 2013
- Law 2972 on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Eldermen

-
- [MARCOU, Gérard, “Local Administration Reform in Turkey”, Université Paris 1 Panthéon-Sorbonne, 2006](#)
 - [Metropolitan Municipalities in Turkey \(Wikipedia\)](#)
 - [Municipality Law 5393](#)
 - NAZLI GÜRBÜZ, Şeyma, “Ultimate winners of the local elections: women mukhtars”, Daily Sabah, 15/04/2019
 - [Parliamentary Elections Law 2839](#)
 - [Turkey's Constitution of 1982 with Amendments through 2017](#)
 - Pınar Savaş-Yavuzçehre, Asst. Prof Pamukkale University, Turkey “The Effects Of The Law No. 6360 On Metropolitan Municipality System In Turkey”
<https://core.ac.uk/download/pdf/236407022.pdf>

Documentation:

Articles

- Büyükşehir belediye meclis yerlerinin siyasal değerleri (A study on the political values of the Metropolitan Municipality Councillors)
- Demokrasinin sayılarla sınırı: seçim sistemleri (Examinations Of Democracy With The Numbers: Election Systems)
- Mehmet Güneş BŞ Seçim Sistemi ve Adalet Sorunu» DergiPark.mht (As a Discussion of Local Democracy: Electoral System and Fair Representation Problem in Metropolitan Municipality Councils)
- Muhtarlık seçim kanununda değişiklik yapılmalı-2019.docx (Changes should be made in the election law of the mukhtar)
- Seçim Sistemleri ve Türkiye-Tez.pdf (Election and Election Systems, Election Systems Applications in Turkey and a Model Proposal)
- Türkiyede Seçim Sistemleri-E. ÖZBUDUN.pdf (Electoral Systems in Turkey)
- Türkiye’de Seçim Sistemi Tercihinin Misyona Boyutu - Mehmet ALKAN.pdf (Effects of Size and Democratic Development Mission to Turkey in the Electoral System Preferences (Political Science and Political Sociology with Approach)
- Yerel Seçim Sistemi Çalıştay Raporu.docx (Local Election System Workshop Summary Report)
- Yerel Yönetimlerde Seçim Sistemleri-YAYED.docx (Representation of local democracy open workshop on election system in Turkey)
- Yerinden Yönetim ve Merkezleşmiş Büyükşehir Sisteminde Yetkilerin Dağıtılması (Decentralization and Distribution of Powers in the Centralized Metropolitan System)

LAR II

- Electoral_Systems_Report_FINAL[1].docx
- M Kosecik LAR Report on Local Government Electoral System_EN.pdf

LAR III

- 211 Hedefe Yönelik Anket Raporu.docx (Evaluation of the Metropolitan Municipality System Survey Report)
- 2.2.3 Transparency and Accountability Final Report-ENG.docx
- A2.1.6_Gorusme Raporu_28 Ocak_2021.docx (Current Situation Assessment of the Changing / Transforming Role of Neighborhood Management - Focus Group Discussions Report)
- Yeni Büyükşehir Belediyesi Modeli ve Kapsayıcı Yerel Yönetişim Süreçleri ile ilgili Kapasite Geliştirme (Capacity Building on the New Metropolitan Municipality Model and Inclusive Local Governance Processes)

Legislation

- EN-1.5.2972_mahalli_idareler-Law 2972 Local Government Elections.doc
- EN_1.5.6360_14_BŞ_Belediyeleri_Yasası- Law 6360 on 14 New MMs.doc
- EN 5779_vergi_gelirleri-Law 5779 Tax Revenues of Local Governments.docx
- EN_Kent_Konseylere_Yönetmeliği-Regulation on City Councils.docx
- YSK Kararı-2013.docx (Decision on 2014 municipal elections)

³ <https://www.global-regulation.com/translation/poland/3353885/the-act-of-8-march-1990-on-the-municipal-government.html>