

According to the article 191. paragraph 1. of the Constitution of Serbia (“The Official Gazette of the Republic of Serbia”, No. 98/06), the article 11. and article 32. paragraph 1. point.1 of the Law on Local Self - Government (“The Official Gazette of the Republic of Serbia”, No. 129/2007) ,

In the session held on August the 1st, 2008, the Municipality Council of Malo Crnice adopted

THE STATUTE **OF THE MUNICIPALITY OF MALO CRNICE**

1.THE BASIC PROVISIONS

The Subject of Regulating

Article 1.

This Statute, according to the law, regulates the rights and duties of the Municipality of Malo Crnice (hereinafter referred to as “the Municipality”), the conditions and forms of their exercising, the forms and instruments of exercising the human rights as well as the minority rights in the Municipality, the number of councillors in the Municipality Council, the organization and work of the public services, the participation of the citizens in governing and deciding on the affairs which are in the authority of the Municipality, the establishment and the functioning of the local community and other forms of local self - government, as well as other issues of relevance to the Municipality.

The Status of the Municipality

Article 2.

The municipality is the basic territorial unit in which the citizens exercise the right to local self - government in accordance with the Constitution, law and this Statute.

The citizens who have the voting right and residence in the territory of the Municipality, administer the affairs of the Municipality in accordance with the law and this Statute.

The citizens participate in exercising self – government through civil initiative, the civil assemblage, referendum, other forms of conducting the affairs of the Municipality and through their councillors in the Municipality Council, in accordance with the Constitution, law and this Statute.

The Territory

Article 3.

The territory of the Municipality, ratified by the law, consists of the settlements - the areas or the cadastral municipalities, and these are the following :

	The Name of the Settlement	The Cadastar Municipality
1	Aljudovo	Aljudovo
2	Batusa	Batusa
3	Bozevac	Bozevac
4	Veliko Selo	Veliko Selo
5	Veliko Crnice	Veliko Crnice
6	Vrbnica	Vrbnica
7	Zabrega	Zabrega
8	Kaliste	Kaliste
9	Kobilje	Kobilje
10	Kravlji Do	Kravlji Do
11	Kula	Kula
12	Malo Gradiste	Malo Gradiste
13	Malo Crnice	Malo Crnice
14	Salakovac	Salakovac
15	Smoljinac	Smoljinac
16	Toponica	Toponica
17	Crljenac	Crljenac
18	Sapine	Sapine
19	Sljivovac	Sljivovac

The Role of a Legal Entity

Article 4.

The Municipality has the role of a legal entity.
The centre of the Municipality is in Malo Crnice.

The Language and Script

Article 5.

The official language is Serbian, and the script is Cyrillic in the territory of the Municipality.

The Symbols of the Municipality

Article 6.

The Symbols of the Municipality of Malo Crnice are the emblem and the flag.

The emblem as a symbol of the Municipality is represented by a slightly rounded rectangular - shaped wheat field, framed by the golden line , at the lower side of which is a red tape with a white inscription writing : “The Municipality of Malo Crnice”.

The Flag as the other symbol of the Municipality is being ratified by a special resolution in accordance with the law and this Statute.

The usage of the emblem and the flag of the Municipality is more closely ratified by a special resolution of the Municipality Council, in accordance with the law.

The Usage of the Municipality Symbols

Article 7.

The flag and the emblem of the Municipality can be used only beside the national symbols.

In the official premises of the Municipality are used only the national symbols and the emblem and flag of the Municipality.

The Seal

Article 8.

The Municipality has a seal.

The seal is of rounded shape with the inscription writing : “The Republic of Serbia, The Municipality of Malo Crnice”, written in Serbian language and in the Cyrillic script and with the emblem of the Republic of Serbia in its centre, of a 32mm – diameter.

The Holiday of the Municipality

Article 9.

The Municipality has a holiday.

The holiday of the Municipality is ratified by a special resolution of the Municipality Council.

The Rewards and Formal Recognitions

Article 10.

The Municipality establishes rewards and other formal recognitions to the organizations and citizens for significant achievements in production, science, art and other social areas.

The Municipality presents a title of an honourable citizen of the Municipality.

The rewards and other formal recognitions and the title of an honourable citizen are given on the holiday of the Municipality.

The types of rewards and other formal recognitions, the terms and conditions of their presenting as well as those of presenting the title of an honourable citizen are ratified by a special resolution.

The Naming of the Parts of Settlements

Article 11.

The Municipality establishes the names of the streets, squares, hamlets and other parts of the settlements in its territory by a special resolution, with the approval given by the ministry in charge of the affairs of the local self – government.

The Openness of Work

Article 12.

The work of the Municipality is open to the public.

The publicity of the work is provided by :

1. publishing bulletins, cooperation with the media, presenting the resolutions and other public acts and internet presentations;
2. organizing public debates in accordance with the law, this Statute and the resolutions of the Municipality;
3. and in other instances established by this Statute and other acts of the Municipality.

The Property of the Municipality

Article 13.

The Municipality has its property.

The property of the Municipality is governed and used independently by the Municipality, in accordance with the law.

2. THE JURISDICTION OF THE MUNICIPALITY

The Jurisdiction of the Municipality

Article 14.

The Municipality executes the tasks from its jurisdiction ratified by the Constitution and the law, as well as the tasks belonging to the area of rights and duties of the Republic which are guaranteed to it by the law.

The Jurisdiction Ratified by the Constitution and the Law

Article 15.

The Municipality executes the following tasks in accordance with the Constitution and the law :

1. adopts the programmes for the development of the Municipality and individual industries ;
2. adopts the spatial plan of the Municipality ;
3. adopts the town plan ;
4. adopts the budget and the balance sheet ;
5. determines the rates of the local incomes of the Municipality, as well as the terms and criteria for determining the rates of local taxes and recompense ;
6. regulates and provides the execution and development of public utilities (the filtering and distribution of water, filtering and discharge of atmospheric and waste water, the production and supply of steam and hot water, the public transport of the passengers in road transport, the maintaining of cleanliness in settlements, maintaining the garbage dumps, maintaining and using the markets, parks, green, recreational and other public areas, public parking lots, public lighting, maintaining the graveyards and burying, etc.) , as well as the organizational, material and other conditions for their execution ; establishes public services for executing public utilities in its territory ;
7. takes care of the maintenance of the dwelling houses and the security of their usage and establishes the recompense for the maintenance of the dwelling houses ;
8. carries out the process of moving out the persons who moved in illegally into the flats and communal premises in dwelling houses ;
9. adopts the programmes for landscaping structural sites, regulates and provides executing the tasks of landscaping and using the structural sites and determines the recompense for the landscaping and using the structural sites ;
10. adopts plans and programmes and undertakes projects for local economic development, is responsible for advancing the economy in the Municipality,

promotes economic potentials of the Municipality, initiates adapting the educational profiles in schools to the requirements of the economy, facilitates the operating of the existing economic subjects and encourages the establishing of new economic subjects and opening new work places ;

11. regulates and provides the usage of business premises in its authority, determines the recompense for the usage of the business premises and supervises the usage of the business premises ;
12. takes care of the protection of environment, adopts programmes for usage and protection of the natural resources and programmes for the protection of the environment, local action and sanitation plans, in accordance with the strategic documents and its interests and particularities and determines a special recompense for the protection and development of the environment ;
13. regulates and provides the execution of the tasks related to the construction, rehabilitation and reconstruction, maintenance, protection, usage, development and management of local and non – categorized roads, as well as the streets in the settlements ;
14. regulates and provides special conditions for organizing taxi service for the passengers ;
15. determines the parts of the river banks available for construction of objects on water and the usage of vessels ;
16. establishes the stockpiles and determines their range and structure, with the consent of the Ministry in charge, in order to satisfy the needs of the local population;
17. establishes the institutions and organizations specializing in the area of elementary education, culture, basic health care, sports, physical education, children care and tourism, monitors and provides their functioning ;
18. establishes the institutions specializing in the area of social security, monitors and provides their functioning, gives permissions for the opening of the social security institutions established by other legal and physical persons, determines the fulfillment of the conditions prerequisite for offering social security services, determines the norms and standards for the functioning of institutions established by the Municipality, issues regulations on rights to social security and renders the duties of the state guardian ;
19. organizes the execution of the affairs related to the protection of the cultural goods important for the Municipality, stimulates the development of cultural and artistic creativity, provides funds for financing and subsidising programmes and projects in the area of culture of significance for the Municipality and creates conditions for the work of museums, libraries and other institutions established by the Municipality ;
20. organizes the protection against disasters and fires and creates conditions for the relief and mitigating of the consequences ;

21. adopts the foundations of the protection, usage and landscaping of the agricultural land and takes care of their executing, determines the erodible areas, takes care of the usage of pastures and decides on growing different plants on them ;
22. regulates and determines the manner of usage and management of springs, public wells and drinking fountains, determines the conditions for water industry, adopts the consents on the water industry and the permissions for the water industry objects of significance for the Municipality ;
23. takes care of and provides conditions for preservation, usage and developments of the areas with natural healing features ;
24. stimulates and takes care of tourism in its territory and determines the tourist tax ;
25. takes care of the development and improvement of the hotel and catering industry, craftsmanship and trade, determines working hours , areas available for execution of the activities and other conditions for their work ;
26. manages the property of the Municipality and uses the funds in the property of the State and takes care of their preservation and increase ;
27. regulates and organizes execution of the activities related to keeping and protection of domestic and exotic animals ;
28. organizes the execution of the activities related to the legal protection and interests of the Municipality ;
29. forms the organs, organizations and services for the usage of the Municipality and regulates their work and organization ;
30. creates conditions for the improvement, practising and protection of human rights ;
31. adopts strategies and special measures in order to eradicate inequality and provide equal opportunities for practising human and minority rights, helps the development of different forms of self – help and solidarity with the persons with special needs, as well as the persons unequal in their position and stimulates activities and offers help to the organizations of invalids and other social and humanitarian organizations in its territory ;
32. stimulates and helps the development of cooperatives ;
33. organizes the public legal aid services ;
34. takes care of the practising, protection and improvement of human rights and the individual and collective rights of the ethnic groups and national minority members, the protection and improvement of the equality between women and men, adopts strategies and special measures aimed to create equal opportunities for exercising rights and eradicate inequality ;
35. determines the languages and scripts of the national minorities in official use in the territory of the Municipality ;

36. takes care of the media services of local significance and provides conditions for their informing in the Serbian language and the languages of the national minorities used in the territory of the Municipality; establishes television and radio stations for reporting in the languages of national minorities in official use , as well as for reporting in the languages of the national minorities which are not in official use, when such reporting represents an achieved level of minority rights ;
37. determines penalties for violations of the Municipal regulations ;
38. forms inspection services and is in charge of the inspection of carrying out the regulations and other general acts of the Municipality ;
39. organizes the work of peace corps ;
40. regulates and provides the use of the name, emblem and other symbols of the Municipality ;
41. helps the work of the citizens' organizations and associations ;
42. regulates and creates conditions for the care of the youth, adopts and implements strategies and the action plan of policy for the youth and creates conditions for youth association and
43. renders other activities of direct significance for the citizens, in accordance with the Constitution, law and this Statute.

Public Services of the Municipality

Article 16.

For exercising its rights and duties and fulfilling the needs of the local population, the Municipality can establish companies, institutions and other organizations for providing public service with a special resolution.

The Naming of the Public Services Organs of the Municipality

Article 17.

The Municipality Council names the members of boards of directors and boards of supervisors of public companies, institutions, organizations and services whose establisher is for the period of four years, unless it is regulated differently by law.

The Structure of the Public Services Organs of the Municipality

Article 18.

It is recommended that in naming the members of the boards of directors and supervisors of public companies established by the Municipality, the decision –

making organs provide at least 30% representatives of the less represented sex in these bodies.

The Approval on the Plan and Programme of the Activities of Public Services

Article 19.

The companies, institutions and other organizations whose establisher or major owner is the Municipality are subject to submit the long - term plans for work and development, as well as the annual programme of operation to the Municipality Council for the approval of the former.

Delegation of Authority to a Physical or Legal Person

Article 20.

The Municipality can, on principles of competition and publicity, with a contract, delegate rendering certain activities in its authority to a physical or legal person. Delegation of activities from paragraph 1. of this article is regulated by a resolution of the Municipality Council.

Submitting the Reports on the Work of Public Services to the Municipality Council

Article 21.

The companies, institutions and other organizations offering public services are subject to submitting a report on their operation of the previous year to the Municipality Council at least once a year, until the 30th of April of the current year.

3.THE FINANCE FOR THE MUNICIPALITY WORK

The Funds for the Work and Their Resources

Article 22.

For the work of the Municipality determined by the Constitution and the law, as well as for the lawfully delegated activities within the rights and duties of the Republic, the Municipality receives the revenue and income determined by law.

The work of the Municipality is financed by its original and conceded revenues, transfers, debit income and other revenue and income determined by the law.

The General Character of the Funds

Article 23.

All revenues of the Municipality, except for the ones whose purpose is already determined by law, are the general revenues of the budget and can be used for any purposes.

The Budget and Annual Audit

Article 24.

The Council determines the budget of the Municipality for every calendar year, in which all revenues and incomes, debits and other financial transactions, expenditure and other expenses are noted, in accordance with the law.

At the end of the year for which the budget was determined, the annual audit on the spending of the budget is made.

The Responsibility for Spending the Budget

Article 25.

The Mayor is responsible for managing the budget and submitting a written account to the Municipality Council at least twice a year.

The Municipality Government is obligated to supervise managing of the budget on regular basis and as the need arises, and to inform the mayor in a written report at least twice a year.

The Voluntary Tax

Article 25.

The resolution on implementing the voluntary tax is adopted by the citizens through a referendum, in accordance with the regulations on the process of direct voting of citizens.

The resolution on implementing the voluntary tax citizens can be adopted by the means of personal voting with signature.

The resolution on implementation of the voluntary tax must include all the elements determined by the law.

The Municipality Council determines proposal for the voluntary tax resolution with the votes of the Council majority.

4. THE MUNICIPALITY ORGANS

The Municipality Organs

Article 27.

The Municipality organs are : The Municipality Council, the Mayor, the Municipal Body and the Municipal Government.

The Presumption of Jurisdiction

Article 28.

The work of the Municipality is rendered by the organs of the Municipality within their jurisdiction determined by the law and this Statute.

If the law or other regulations do not determine who is in charge of the work within the jurisdiction of the Municipality, all the activities of regulating the relations within the jurisdiction of the Municipality are executed by the Municipality Council, while the mayor renders activities executive by nature.

If the jurisdiction cannot be determined by the character of the activity according to the paragraph 2. of this article, then the Municipality Council has the jurisdiction.

1.The Municipality Council

The Status of the Municipality Council

Article 29.

The Municipality Council is the organ of the highest rank in the Municipality which performs basic functions of local government, determined by the Constitution, the law, and this Statute.

The Structure of the Municipality Council

Article 30.

The Municipality Council consists of the the councillors chosen by the citizens at the election, by secret ballot, in accordance with the law and this Statute.

The Convening of the Constituting Sitting

Article 31.

The sitting of the new convocation of the Municipality Council shall be convened by the Chairperson of the Municipality Council from the previous convocation, within 15 days from the announcement of the election results.

If the Chairperson of the previous convocation should not convene the sitting of the new convocation within the period from the paragraph 1. of this article, the sitting of the new convocation shall be convened by the oldest councillor within 15 days from the expiration of the period from the paragraph 1. of this article.

The sitting shall be chaired by the oldest councillor until the election of the Chairperson of the Municipality Council.

The Municipality Constitution

Article 32.

The Municipality Council is considered constituted with the election of the Chairperson of the Municipality Council and the appointment of the Council secretaries.

The Number of Councillors

Article 33.

The Municipality Council consists of 29 councillors.

The Mandate

Article 34.

The councillors are elected every four years.

The mandate of a councillor begins and terminates under conditions and in a manner determined by the law.

The Oath

Article 35.

The elected councillors shall take an oath of service reading : “I swear to obey the Constitution, law and the Statute of the Municipality Council of Malo Crnice during my mandate, and that I shall perform the duties of a councillor impartially, led by the interests of the citizens.”

Prohibition of the Conflict Of Interests

Article 36.

A councillor cannot be an employee of the Municipal Government and the person appointed by the Municipality Council to the posts in the organs of the Municipality, companies and institutions established by it.

If an employee of the Municipal Government should be elected councillor, the rights and duties of the office are suspended until the mandate of a councillor expires.

On the date of verification of the councillor mandates to the persons appointed by the Municipality Council, the function to which they were appointed shall be suspended.

The Immunity of a Councillor

Article 37.

A councillor cannot be criminally prosecuted, imprisoned or punished for an expressed opinion or casting a vote at a sitting of the Municipality Council and the working groups.

The Rights and Duties of a Councillor

Article 38.

It is a right and duty of a councillor to participate in the work of the Municipality Council and its working group, proposes debates on certain affairs to the Municipality Council, submits motions and other acts within jurisdiction of the Municipality Council and suggests amendments on motions of regulations, poses questions related to the work of the Municipality organs and participates in other activities of the Municipality Council.

It is a right of a councillor to be informed on regular basis about the affairs of significance to the performance of a councillor's duties, to require information necessary for his work from the organs and services, as well as the expert advice in the preparation of the motions for the Municipality Council.

The rights and duties of councillors are more closely determined by the Rules of Procedure of the Municipality Council.

The Recompense and Other Incomes of a Councillor

Article 39.

The rights of a councillor to lost wages, transport expenses for travelling to the sitting of the Council and its working groups, daily wages and the recompense of

other expenses related to the performance of a councillor's post are regulated by a special resolution of the Municipality Council.

Jurisdiction of the Municipality Council

Article 40.

The Municipality Council, in accordance with the law :

1. adopts the Statute of the Municipality and the Rules of Procedure of the Municipality Council ;
2. adopts the budget and the annual audit of the budget ;
3. determines the rates of the Municipal original incomes, as well as the standards for determining the local taxes and recompenses ;
4. submits initiative for requirement of procedures of establishment, termination or alteration or the territory of the Municipality ;
5. adopts the programme for the development of the Municipality and certain activities;
6. adopts the spatial plan and the town plans and regulates the usage of structural sites ;
7. adopts regulations and other general acts ;
8. calls the Municipal referendum and a referendum in the part of the Municipal territory, declares about the proposals of the civil initiative and determines the motion on voluntary tax ;
9. establishes services, public companies, institutions and organizations, determined by the Statute of the Municipality and supervises their work ;
10. appoints and dismisses the boards of directors and supervisors, appoints and dismisses directors of public companies, institutions, organizations and services, established by the Municipality and gives approval to their statutes, in accordance with the law ;
11. elects and dismisses the Chairperson of the Council and the Deputy Chairperson of the Council ;
12. appoints and dismisses the Secretary and the Deputy Secretary of the Council ;
13. elects and dismisses the Mayor and, on the proposal of the Mayor, elects the Deputy Mayor and the members of the Municipal body ;
14. determines the Municipal taxes and other local revenues which belong to the Municipality, in accordance with the law ;
15. determines the recompense for landscaping and usage of the structural sites ;
16. adopts the act on public debit of the Municipality, according to the law ;
17. adopts the annual programme of providing real estate for the purposes of the Municipality organs, with the approval of the Government of the Republic of Serbia and requires the procedure of dispossession of real estate before the organs in charge ;
18. regulates working hours of the catering, commercial and craftsmanship objects ;
19. gives opinion on the republican, provincial and regional spatial span ;

20. establishes permanent and temporary working groups for considering issues in its jurisdiction;
21. gives opinion on the laws which regulate issues of significance for the local self – government ;
22. considers the report on work and gives approval for the working programme of the budget users ;
23. decides on cooperation and association with the towns and municipalities, associations, non – governmental organizations ;
24. informs the public about its work ;
25. starts up procedure for the estimation of constitutionality and legality of a law or other general act of the Republic of Serbia which violates the right to the local self – government ;
26. gives approval on the usage of the name, emblem and other symbols of the Municipality ;
27. considers and adopts annual reports on the operation of public companies, institutions and other public services whose establisher or major owner is the Municipality ;
28. considers ombudsman’s annual report on practising human and minority rights in the Municipality ;
29. considers reports of the Council for International Relations ;
30. adopts ethical code of conduct of officials (hereinafter – “the ethical code”) ;
31. adopts measures and implements recommendations for the improvement of human and and minority rights;
32. renders other activities determined by the law and this Statute.

Quorum for work and decision – making

Article 41.

The Municipality Council makes decisions if the majority of the councillors is present.

The Municipality Council adopts decisions voted by the majority of the number of councillors present, if it should not be foreseen otherwise by the law and this Statute.

If the majority of the councillors voted, the Municipality Council :

1. adopts the Statute ;
2. adopts the budget ;
3. adopts the programme for the development of the Municipality and certain industries ;
4. adopts spatial plan ;
5. adopts town plans ;
6. decides on public debit of the Municipality ;

7. decides on cooperation and association with other units of local self – government and cooperation with units of local self – government in foreign countries ;
8. decides on names of the streets, squares, town quarters, hamlets and other parts of settlements ;
9. adopts the ethical code and
10. decides in other cases foreseen by the law and this Statute.

Convening of the Sitting

Article 42.

The sitting of the Municipality Council shall be convened by the Chairperson of the Council, as the need arises, and at least, once in 3 months.

It is a duty of the Chairperson of the Council to appoint the sitting at the request of the mayor, the Municipal body or one third of the number of councillors , within seven days of the date of request submission, so that the day of the sitting be within fifteen days of the day of request submission.

Should the Chairperson of the Municipality not appoint the sitting within the period from the paragraph 2. of this article, the sitting can be appointed by the councillor which submitted the request, and chaired by the councillor appointed by him.

The Chairperson of the Municipality can postpone the appointed sitting only if there is no quorum necessary for the work, and in other cases of postponing the sittings the Council is in charge.

The Openness of Work

Article 43.

The sittings of the Municipality Council are open to the public.

The Chairperson of the Municipality Council is responsible for the openness of work of the Municipality Council.

The summoning and the material for the sittings are delivered via media in order to inform the public.

The representatives of the media, authorized representatives of the proposers, as well as other interested persons are allowed to attend sittings of the Municipality Council, in accordance with the Rules of Procedure of the Municipality Council.

If all the interested persons should not be able to attend the sitting of the Council, the Chairperson of the Council shall decide on who shall be allowed attendance to the sitting considering the order of applying and the interest of the applied for the items on the agenda.

The Municipality Council can decide that the sitting should not be open to the public for security reasons, defence of the country and other particularly justifiable reasons which are stated before the establishment of the agenda.

Working Groups of the Municipality Council

Article 44.

The Municipality Council establishes permanent and temporary working groups for considering issues within its jurisdiction.

The working groups give their opinions on motions and decisions adopted by the Municipality Council and render other activities determined by this Statute and the Rules of Procedure of the Municipality Council.

The duties of the working groups, as well as the rights and duties of the chairperson and members of the permanent working groups are more closely determined by the Rules of Procedure of the Municipality Council.

The name and the domain of temporary working groups, their tasks, number of members, deadline for the execution of tasks, rights and duties of the chairperson and members and other issues of significance to the work are determined by the Act on Constituting Temporary Working Groups.

Article 45.

The Municipality Council of Malo Crnice has 13 permanent working groups.

The permanent working groups of the Municipality Council are :

1. The Committee on statutory issues, organization and normative acts,
2. The Committee on immunity and mandate affairs of the Municipality Council,
3. The Committee on personnel, administrative affairs and working relationships,
4. The Committee on proposals, representations and complaints,
5. The Committee on appointments,
6. The Committee on the development of local self – government,
7. The Committee on relations with religious groups,
8. The Committee on economy, agriculture and independent industries,
9. The Council for employment,
10. The Council for international relations,
11. The Council for health service, education, youth and sports,
12. The Council for urbanism, utility service and the environment protection,
13. The Council on the budget and finance.

The Appointment of Permanent Working Groups

Article 46.

The members of working groups are appointed and dismissed by the Municipality Council on proposal of the councillor groups, if not foreseen otherwise by this Statute and the law.

Beside the councillors, citizens can also be appointed members and chairpersons of permanent working groups.

The Chairperson of a Permanent Working Group

Article 47.

The Chairperson of a permanent working group is elected by the members of the working group, with the majority of the votes, if not foreseen otherwise by the law.

The Chairperson of the working group organizes the work, convenes and chairs the sittings of the working group, forms conclusions and informs the Chairperson and Secretary of the Municipality Council about them.

Special Working Groups of the Council

Article 48.

Besides the permanent working groups foreseen by the Statute and the Rules of Procedure of the Municipality Council, the Municipality Council establishes the following special permanent working groups : The Council for monitoring of implementation of the ethical code, the Council for the youth, the Council for public services and the Committee on equality of the sexes.

The Municipal government provides the conditions for the work of special working groups and performing the administrative activities.

The Council for Monitoring of Implementation of the Ethical Code

Article 49.

The Council for the monitoring of the implementation of the ethical code :

1. monitors if the officials follow the terms of the ethical code ;
2. collects information about conduct of the officials related to the ethical code ;
3. monitors and analyses the events and incidents of significance for the successful implementation of the ethical code ;
4. promotes the implementation of the ethical code in the Municipality and further ;
5. proposes and performs activities aimed at improving of the implementation of the ethical code ;
6. offers advice and opinions on the implementation of the ethical code to the officials, citizens, media, organs and organizations ;
7. cooperates with the institutions which operate in similar areas ;
8. performs other activities determined by this Statute and other regulations.

The Council keeps the register of the persons considered officials of the Municipality in the sense of the ethical code which includes information on :

offices in the Municipality in which the ethical code is implemented, the names and personal information of the officials holding these offices and important information about their following the ethical code.

The number of members, the way of work, the authority of the Council, as well as the content of the register are determined by the act of the Municipality Council.

The Council for the Youth

Article 50.

The Council for the youth :

1. initiates and participates in formulation of the local youth policy in the area of education, sports, spare time, increase of employment rate, informing, active participation, providing equal opportunities, health service, culture, equality of the sexes, prevention of violence and criminal, exercising rights, the development and the environment and other area of significance to the youth ;
2. participates in formulation of special local action plans, programmes and policies in accordance with the National Strategy for the youth and monitors their implementation ;
3. gives opinions on issues of significance for the youth and informs organs of the Municipality about them ;
4. gives opinions on bills of regulations and resolutions adopted by the Municipality Council in the areas of significance for the youth ;
5. adopts annual and periodic reports on implementation of the local youth policy and local action plans and programmes for the youth and submits them to the Municipality Council, Mayor and the Municipal body ;
6. initiates preparation for the projects or the participation of the Municipality in the programmes aimed at improving the position of the youth and guarantee of implementation of their rights which are under jurisdiction of the Municipality ;
7. stimulates cooperation between the Municipality and youth organizations and associations and supports the realization of their activities ;
8. stimulates realization of the regional cooperation in affairs of youth and informs the organs of the Municipality about it ;
9. gives opinions on proposed projects of significance for the youth which are subsidised or financed from the budget of the Municipality, monitors their implementation and informs the Municipality organs in charge.

The Structure and Mandate of the Council for the Youth

Article 51.

The council for the youth has 9 (nine) members.

The Chairperson and the members of the Council for the youth are elected for the period of four years, and after the expiration of the mandate they can be re-elected.

The Appointment of the Members of the Council for the Youth

Article 52.

The chairperson and members are appointed by the Municipality Council on proposal of the mayor, Chairperson of the Municipality Council, council groups, local communities, citizens associations, youth organizations and associations, school and other public services.

The Municipality Council appoints as members of the Council for the youth : citizens, experts, associations representatives, school representatives and representatives of other public services, considering the equality of the sexes and the number of representatives of minority members in heterogeneous areas.

At least half of the members of the Council for the youth are the young 15 – 30 years of age, which have promoted a positive role and the position of the youth through their activities and actions in the local community, or the young awarded at school, university, scientific, or any other competition of significance for the different fields of youth interests.

The rest of the Council members are appointed by the Municipality Council under condition that they possess long experience in work with the youth, demonstrated competence, or that they had an active role in the activities of significance for the youth.

The Council for Public Services

Article 53.

The Municipality Council forms the Council for public services as a permanent working group consisting of 5 (five) members.

The Council for public services discusses the plans, programmes and reports of the public services and informs the Municipality Council and the public about its stand.

The Council for public services particularly discusses the quality and quantity of work of the services, as well as the prices of the utility services and products, or the recompense for their services.

The members of the Council are appointed by the Municipality Council on proposal of the working groups of the Municipality Council, councillor groups and citizens associations.

The chairman and at least half of the members cannot hold the office of a councillor, official or employee in the Municipality, or an employee in the public services established by the Municipality.

With the expiration of the Municipality Council mandate, mandates of members of the Council for public services also expire.

The Committee on Equality of the Sexes

Article 54.

The Committee on the Equality of the Sexes monitors the implementation of equality of the sexes, gives opinions on regulation motions and resolutions adopted by the Municipality Council, proposes activities and undertaking measures, particularly those which ensure the policy of equal opportunities in the Municipality.

Other persons without the right to decision – making are allowed to participate in the Committee on equality of the sexes as the need arises.

The Chairperson of the Municipality Council

Article 55.

The Municipality Council has the Chairperson.

The Chairperson of the Municipality Council organizes the work of the Municipality Council, convenes and chairs its sittings, cooperates with the Mayor and the Municipal body, ensures the openness of work, signs the acts adopted by the Municipality Council and performs other activities determined by this Statute and the Rules of Procedure of the Municipality Council,

The Appointment of the Chairperson of the Municipality Council

Article 56.

The Chairperson of the Municipality Council must be one of the councillors and is elected on the proposal of at least one third of the councillors, for the period of four years, by secret ballot, with the majority of the votes.

A councillor can participate in nomination of only one candidate.

If none of the nominated candidates have the majority of the votes in the first poll, in the second poll councillors shall vote for one of the candidates which had the largest number of votes in the first poll.

The candidate which has the majority of the votes in the second poll is the elected Chairperson.

If none of the nominated candidates have the required number of votes in the second poll either, the procedure of nominating and election shall be repeated.

The Dismissal of the Chairperson of the Municipality Council

Article 57.

The Chairperson of the Municipality Council can be dismissed before the expiration of the mandate :

1. on his/her personal request
2. on proposal of at least one third of the total number of councillors

The proposal is submitted in a written form and must provide explanations.

The dismissal is executed in such manner and procedure foreseen by the law.

The Deputy Chairperson of the Municipality Council

Article 58.

The Chairperson of the Municipality Council has a deputy which performs his duties in his absence or in the case of his inability to perform his duties.

The Deputy Chairperson of the Municipality Council is elected and dismissed in the same manner as the Chairperson of the Municipality Council.

The Secretary of the Municipality Council

Article 59.

The Municipality Council has a secretary responsible for executing expert activities related to convening and holding the sittings of the Municipality Council and its working groups and manages administrative tasks related to their work.

The Secretary of the Municipality Council is elected for a period of four years, on the proposal of the Chairperson of the Municipality Council, and can be re – elected.

The person appointed as the Secretary of the Municipality Council must have a degree in law, passed expert examination for the work in governmental organs and at least a three – years long work experience.

The Municipality Council can, on explained proposal of the Chairperson of the Municipality Council, dismiss the Secretary before the expiration of his/her mandate.

The Secretary has a Deputy which performs his duties in his absence.

The Deputy Secretary is appointed and dismissed in the same manner and under same conditions as the Secretary.

The Secretary of the Municipality Council is responsible for regular delivering of data, documents and information documents, when that is required by the Republic organ in charge of supervision of the work and acts of the Municipality Council.

The Rules of Procedure of the Municipality Council

Article 60.

The manner of preparation, chairing and work of the sitting of the Municipality Council and other issues related to the work of the Municipality Council are regulated by its Rules of Procedure.

The Rules of Procedure are adopted by the majority votes of the councillors.

2. The Executive Organs of the Municipality

The Executive Organs

Article 61.

The executive organs of the Municipality are the Mayor and the Municipal Body.

2.1. The Mayor

The Appointment of the Mayor

Article 62.

The Mayor must be a person at the post of a councillor and is elected by the Municipality Council, for a period of four years, by a secret ballot, with the majority of all councillors' votes.

The Mayor has a deputy which performs his duties in his absence and in the case of his inability to perform his duties.

The Chairperson of the Municipality Council nominates the candidate for the Mayor.

The candidate for the Mayor nominates one of the councillors as a candidate for his deputy which is elected by the Municipality Council, in the same manner as the Mayor.

The Prohibition of the Conflict of Interests

Article 63.

The councillor mandates of the Mayor and the Deputy Mayor shall expire with their appointment to these positions.

The Mayor and the Deputy Mayor are permanently employed in the Municipality.

The Jurisdiction

Article 64.

The Mayor :

1. represents the Municipality ;
2. proposes the manner of solving the issues under jurisdiction of the Municipality Council ;
3. orders the execution of the budget ;
4. establishes the municipal service for inspection and revision of the usage of budget fund ;
5. gives approval on general acts regulating the number and the structure of the employees in the institutions financed by the Municipality budget and on the number and structure of the employees and other persons engaged in execution of the programmes or parts of the programmes of the Municipality budget users ;
6. decides on lease, as well as the dismissal of the lease contract and raising mortgages on real estates used by the Municipality organs, with the approval of the Direction for property of the Republic of Serbia ;
7. decides on purchasing and dispossession of movable objects (equipment, spending material, transport vehicles and movable objects for special purposes), with the approval of the Municipal body, in accordance with the law ;
8. directs and adapts the work of the Municipal Government ;
9. adopts individual acts under his/her jurisdiction, according to this Statute or a resolution of the Municipality Council ;
10. informs the public about his/her work ;
11. submits a complaint to the Constitutional Court of the Republic of Serbia if a particular act or the activity of the state organs or the organs of the Municipality disables performing the duties in the jurisdiction of the Municipality ;
12. forms expert advisory working groups for certain affairs from his/her jurisdiction ;
13. decides on terms and conditions of usage of vehicles for the purposes of organs and organizations of the Municipality ;
14. performs other duties determined by this Statute and other acts of the Municipality.

The Mayor is responsible for regular delivering of data, documents and information documentation, when such thing is required by the Republic organ in charge of supervision of the work and acts of the executive organs of the Municipality and the Municipal Government.

2.2 The Municipal Body

The Structure and Appointment

Article 65.

The Municipal Body consists of the Mayor, the Deputy Mayor, and 11 (eleven) members of the Municipal Body.

The Mayor is the Chairperson of the Municipal Body.

The position of the Deputy Mayor is the member of the Municipal Body.

The members of the Municipal body are appointed by the Municipality Council, for a period of four years, by a secret ballot, with the majority of votes of all the councillors.

The candidates for the members of the Municipal Body are nominated by the candidate for the Mayor.

The Prohibition of the Conflict of Interests

Article 66.

The members of the Municipal Body cannot be councillors at the same time, but can be responsible for one or more particular areas under the jurisdiction of the Municipality.

The mandate of the councillor expires when that councillor is appointed as a member of the Municipal Body.

The Jurisdiction

Article 67.

The Municipal Body :

1. proposes the Statute, budget and other resolutions and acts adopted by the Municipality Council ;
2. directly executes and takes care of the execution of the resolutions and other acts of the Municipality Council ;
3. adopts the resolution on temporary financing should the Municipality not adopt the budget before the beginning of the fiscal year ;
4. supervises the work of the Municipal Government, quashes or repeals the acts of the Municipal Government which are not in accordance with the law, the Statute or other general act or resolution adopted by the Municipality Council ;
5. in the administrative procedure of the second degree decides on the rights and duties of citizens, companies and institutions and other organizations in administrative affairs under the jurisdiction of the Municipality;

6. is responsible for the execution of the delegated authorities from the area of rights and duties of the Republic ;
7. appoints and dismisses the Chairperson and the Deputy Chairperson of the Municipal Government ;
8. forms expert advisory working groups for certain affairs from its jurisdiction ;
9. informs the public about its work ;
10. adopts the Rules of Procedure on proposal of the Mayor ;
11. performs other duties determined by the Municipality Council.

The Position of the Mayor in the Municipal Body

Article 68.

The Mayor represents the Municipal Body, convenes and chairs its sittings. The Mayor is responsible for the legitimacy of the work of the Municipal Body.

The Quorum for Work and Decision – Making

Article 69.

The Municipal Body can decide if the sitting is attended by the majority of its members.

The Municipal Body decides by the majority of the votes of present members if for certain issues other sort of majority was not foreseen by this Statute or the law.

The Rules of Procedure of the Municipal Body

Article 70.

Organization, the way of work and decision – making of the Municipal Body are more closely regulated by its Rules of Procedure, in accordance with the law and this Statute.

The Council for Economy

Article 71.

The Municipal Body forms the Council for Economy.

The Council for Economy is in charge of taking initiatives on economic development, considering strategies and the plans for economic development and monitoring the execution of plans and programmes of local economic development.

The Council for Economy informs the Municipality Council, the Mayor and the Municipal Body about its initiatives and conclusions.

The tasks, way of work and decision – making of the Council for Economy are more closely determined by the Rules of Procedure of the Municipal Body.

The Structure of the Council for Economy

Article 72.

The Chairperson and 6 (six) members of the Council for Economy are appointed by the Municipal Body during the mandate of the Municipal Body.

The members of the Council for Economy can be nominated by the associations of citizens, local communities and entrepreneurs.

At least one third of the members of the Council for Economy must be economists and entrepreneurs, or the members of their associations.

Submitting the Reports to the Municipality Council

Article 73.

The Mayor and the Municipal Body have the duty to regularly inform the Municipality Council, on their own initiative or its request, and at least once a year, of the execution of the resolutions and other acts of the Municipality Council.

The Dismissal of the Mayor

Article 74.

The Mayor can be dismissed before the expiration of his/her mandate, on the explained proposal of at least one third of the councillors, in the same manner he/she was elected.

The proposal for the dismissal of the Mayor must be discussed and decided on within 15 days from the date of submitting the proposal to the Chairperson of the Municipality Council.

Should the Municipality Council not dismiss the Mayor, the councillors which submitted the proposal for the dismissal cannot propose the dismissal of the Mayor before the period of six months from the rejection of the previous proposal expires.

The Consequences of the Dismissal of the Mayor

Article 75.

With the dismissal of the Mayor, the mandates of the Deputy Mayor and the Municipality Body also expire.

The Dismissal of the Deputy Mayor

and the Members of the Municipal Body

Article 76.

The Deputy Mayor and the members of the Municipal Body can be dismissed before the expiration of their mandates, on the proposal of the Mayor or at least one third of the councillors, in the same manner they were elected.

Alongside the proposal for the dismissal of the Deputy Mayor or the member of the Municipal body, the Mayor has a duty to submit the proposal for the election of the new Deputy Mayor or the member of the Municipal Body to the Municipality Council, which simultaneously adopts the decision on dismissal and the election.

The Mayor, the Deputy Mayor or the member of the Municipal Body which were dismissed or resigned, stay on duty and perform their current tasks until the election for the new Mayor, Deputy Mayor or the members of the Municipal Body.

The Expiration of the Mandates to the Executive Organs of the Municipality Due to the Expiration of the Mandate to the Municipality Council

Article 77.

With the expiration of the mandate to the Municipality Council, the mandates to the Mayor and the Municipal Body also expire, although they continue to perform the current tasks under their jurisdiction until the appointment of the new Mayor and Municipal Body, or the Chairperson and the members of temporary organs if the mandate to the Municipality Council had expired due to the dismissal.

3. The Municipal Government

The Municipal Government

Article 78.

The Municipal Government is formed for the execution of the administrative work from the area of rights and duties of the Municipality and certain expert work for the purposes of the Municipality Council, the Mayor and the Municipal Body.

The Jurisdiction

Article 79.

The Municipal Government :

1. prepares the regulations and other acts adopted by the Municipality Council, the Mayor and the Municipal Body ;
2. executes the resolutions and other acts of the Municipality Council, the Mayor and the Municipal Body ;
3. in the administrative procedure of the first degree decides on the rights and duties of citizens, companies, institutions and other organizations in the administrative affairs from the jurisdiction of the Municipality;
4. performs the tasks of the administrative supervision of execution of regulations and other general acts of the Municipality Council ;
5. executes the laws and other regulations whose execution is delegated to the Municipality ;
6. performs expert and other tasks determined by the Municipality Council, the Mayor and the Municipal Body ;
7. delivers the report on its work on execution of the tasks from the jurisdiction of the Municipality and delegated tasks to the Mayor, the Municipal Body and the Municipal Council as the need arises, and at least once a year.

The Principles of Municipal Government Acting

Article 80.

The Municipal Government acts according to the rules of the profession, in unbiased and politically neutral manner and it has a duty to provide equal legal protection in exercising rights, duties and legal interests to every citizen in the Municipality.

The Municipal Government has a duty to provide rapid and effective exercising of the rights and legal interests of its citizens.

The Municipal Government has a duty to give the necessary data and information to its citizens and to offer them legal aid.

The Municipal Government has a duty to cooperate with citizens and to respect the personality and dignity of citizens.

The Organization of the Municipal Government

Article 81.

The Municipal Government is formed as a singular organ.

Within the Municipal Government other organizational units are formed for performing related administrative, expert and other tasks.

Management

Article 82.

The Municipal Government is managed by a governor.

The Governor of the Municipal Government can be a person with the degree in law, passed the examination on work in the state governmental organs and work experience of at least three years.

The Appointment of the Governor and the Deputy Governor of the Municipal Government

Article 83.

The Governor of the Municipal Government is appointed by the Municipal Body, for a period of five years and through a public notice.

The Governor of the Municipal Government has a Deputy which performs his duties in his absence and in the case of his inability to perform his duties.

The Deputy Governor of the Municipal Government is appointed in the same manner and under same conditions as the Governor.

The managers of the organizational units in the Government are appointed by the Governor of the Municipal Government.

The Responsibility of the Governor

Article 84.

The Governor is responsible for his/her work and the work of the Municipal Government to the Municipality Council and the Municipal Body in accordance with this Statute and the resolution on Municipal Government.

The Municipal Body can dismiss the Governor or the Deputy Governor on explained proposal of the Mayor or at least two thirds of the Municipal Body members.

The proposal for the dismissal of the Governor or the Deputy Governor can also be submitted by at least one third of the Municipality Council councillors.

The Assistants to the Mayor

Article 85.

The Mayor appoints his/her assistants in the Municipal Government which perform duties from certain areas (economic development, agriculture, urbanism, utility services, the development of local communities, etc.).

The assistants to the Mayor take initiatives, propose projects and give opinions on issues of significance for the development of the Municipality in the areas for which they were appointed and also perform other tasks determined by the act on organization of the Municipal Government.

At most three assistants to the Mayor can be appointed in the Municipal Government.

The Organization of the Municipal Government

Article 86.

The resolution on Municipal Government is adopted by the Municipality Council on proposal of the Municipal Body.

The rulebook on internal organization and systematization of the Municipal Government is adopted by the Governor with the approval of the Municipal Body.

The Authorities in Administrative Supervision

Article 87.

The Municipal Government while executing administrative supervision has the right to :

1. order with a degree the execution of the measures and activities within a particular period;
2. pronounce mandatory sentence ;
3. press charges for the executed criminal act or economic offence and submit the request for initiating the offence procedure to the organs in charge;
4. issue a temporary order, or prohibition;
5. inform another organ, if there are reasons for such action, of undertaking measures under the jurisdiction of that organ;
6. undertake other measures under its jurisdiction, in accordance with the law, regulation or general acts.

The authorities and organization of performing tasks from the paragraph 1. of this article, are more closely determined by a resolution of the Municipality Council.

The Application of the Regulations in the Administrative Procedure

Article 88.

In the procedure before the Municipal Government, in which is being decided on the rights, duties and interests of the citizens and legal persons, the regulations on administrative procedure are to be applied.

Conflict of Jurisdiction

Article 89.

The Municipal Body resolves conflict of jurisdiction between the Municipal Government and other companies, organizations and institutions when they decide on certain rights of the citizens, legal persons or other persons, according to the resolution of the Municipality Council.

The Governor of the Municipal Government resolves conflicts of jurisdiction between internal organizational units.

Conditions for Execution of Administrative Affairs

Article 90.

The affairs of the Municipal Government related to exercise of rights, duties and interests of citizens and legal persons can be performed by the persons which possess prerequisite education, successfully passed expert examination for work in the state governmental organs and the corresponding working experience, in accordance with the law and other regulations.

Exception

Article 91.

The Municipal Body decides on the exception of the Governor of the Municipal Government.

The Governor decides on the exception of the officials in the Municipal Government.

5. THE DIRECT PARTICIPATION OF CITIZENS IN LOCAL SELF – GOVERNMENT

Forms of Direct Participation of Citizens

Article 92.

Citizens of the Municipality directly participate in executing the work of the Municipality through civil initiative, civil assemblage and referendum.

Civil Initiative

Article 93.

Through civil initiative the citizens propose to the Municipality Council adopting acts which are to regulate a certain issue within jurisdiction of the Municipality, alteration of the Statute or other acts and calling the referendum in accordance with the law.

The Municipal Government has a duty to offer expert help to the citizens with formulating the proposals of the civil initiative.

The civil initiative is valid if the list of the participants of the initiative is composed in accordance with the law and if it was signed by at least five percent of all citizens with voting right in the Municipality, which were listed in electoral register according to the last announced decree on conclusion of the electoral register for election of the Municipality Council councillors, if not foreseen otherwise by this Statute or the law.

The Municipality Council has a duty to hold the discussion on the proposal from the paragraph 1. of this article and to deliver the response to the citizens within 60 days from the day of the proposal reception.

The process and procedure of the civil initiative execution shall be regulated by a special resolution of the Municipality Council.

Civil Assemblage

Article 94.

Civil Assemblage discusses and gives proposals on issues from the jurisdiction of the Municipality organs.

Convening of the Assemblage

Article 95.

The civil assemblage is convened for a settlement or a part of a settlement, such as : hamlets, streets, parts of city settlements, areas of local communities or other form of local self – government.

The civil assemblage is convened by the Mayor, the Chairperson of the Municipality Council, authorized representative of a local community of other form of local self – government, at least 5 % of citizens with voting right with residence in the area for which the assemblage is convened, according to the last officially announced decree on conclusion of the electoral register for the election of the Municipality Council councillors and at least one fourth of the councillors, at least eight days before the day scheduled for the assemblage.

The Municipal Government has a duty to offer help to the convener in convening and preparation of the civil assemblage.

The proposal for convening the assemblage can be submitted by the Municipality organ authorized for deciding on the issue discussed at the assemblage.

The citizens are informed about the convened assemblage through a posted act on convening the assemblage on the noticeboard, media or in other usual manner.

The convener is obligated to inform the Municipal Government about holding of the assemblage.

The Work of the Assemblage and Taking a Stand of the Assemblage

Article 96.

The civil assemblage is chaired by the convener or the person authorized by the convener.

The civil assemblage discusses proposals and takes stands on them if the assemblage is attended by five percent of voters according to the last officially announced decree on conclusion of the electoral register for the election of the Municipality Council councillors, from the area for which the assemblage was convened.

All adult citizens of the Municipality have the right to participate in discussing issues, taking initiatives and proposing certain solutions.

The citizens with the residence or property in the area for which the assemblage was convened also have the right of decision – making at the civil assemblage.

The resolutions of the civil assemblage are adopted by the majority of the present citizens with the right of decision – making.

The Municipal Government has a duty to offer expert help to citizens with formulating proposals, or the requests of civil assemblage, and before their submitting to the Municipality organs in charge.

The manner of work and taking a stand are determined by a resolution of the Municipality Council.

The Acting of the Municipality Organ in Charge after the Assemblage

Article 97.

The Municipality organs have a duty to consider requests and proposals of the citizens, take a stand on them, or adopt a proper decision or measure and inform the citizens about them within 60 days from the date of the civil assemblage holding.

The Referendum

Article 98.

The Municipality Council can call a referendum on issues from its jurisdiction on its own initiative, with the majority of councillors' votes.

The Municipality Council has a duty to call a referendum on the issue from its jurisdiction on request of the citizens of the Municipality.

The request of the citizens from the paragraph 2. of this article is valid if the list for the request was composed in accordance with the law and if it was signed by at least 10 percent of the Municipality voters, according to the last officially announced decree on conclusion of electoral register for the election of the Municipality Council councillors.

The resolution is adopted in the referendum with the majority of the voters, under condition that more than half of all Municipality citizens have voted.

The resolution adopted in the referendum is binding.

The process and procedure of conducting the referendum shall be regulated by a special resolution of the Municipality Council.

The Referendum in a Part of the Municipal Territory

Article 99.

The Municipality Council has a duty to call the referendum in a part of the Municipal Territory on the issue related to the needs and interests of the population in that part of territory, if the request list for the referendum calling was composed in accordance with the law and if it was signed by at least 10 percent of voters according to the last officially announced decree on the conclusion of the electoral

register for the election of the Municipality Council, from the part of the territory for which calling of the referendum was requested.

Objections of the Citizens

Article 100.

The organs and services of the Municipality have a duty to give the necessary data, explanations and notifications to the citizens in exercise of their rights and duties.

The Municipality organs and services have a duty to permit submitting of objections to its work and irregular work and attitude of the Municipality Government employees.

The Municipality organs and services have a duty to examine the arguments from the objections, indicating irregularities and omissions in their work and to set the proper procedure for sanctioning and correction of omissions and irregularities, in accordance with the law.

The Municipality organs and services have a duty to inform the person which submitted the objection whether and how it was acted within the period of 30 days, on request of that person.

6. OTHER FORMS OF PARTICIPATION OF CITIZENS IN THE MUNICIPALITY AFFAIRS

The Council for the Development of the Municipality

Article 101.

The Council for the development of the Municipality is established as an autonomous working group.

The Council for the development of the Municipality :

1. initiates determining priorities in the development of the Municipality ;
2. participates in the formulation of strategic and individual development plans for the areas of significance for the development of the Municipality ;
3. stimulates the development and monitors partnerships between the Municipality and the organs in charge and organizations, local communities and associations of citizens, aimed at forming and implementing development projects ;
4. initiates and participates in determining local policy and measures for social security, education, health care, employment, maintainable development, as well as other areas of significance for the development of the Municipality ;
5. proposes models of financing activities related to the areas of social policy, education, health care, employment, maintainable development, as well as other areas of significance for the development of the Municipality ;

6. initiates preparation of the projects or participates in programmes of projects aimed at improving services and rights of citizens, which are within the jurisdiction of the Municipality ;
7. monitors and gives opinion on realization of strategic and individual plans for the development of the Municipality ;
8. gives opinion on proposals of development projects which are financed or subsidized from the Municipality budget, monitors their execution and gives opinions on them to the Municipality organs in charge ;
9. pursuant to the resolution of the Municipality organs in charge, participates in partnership programmes and projects conducted by the Municipality with the Republican and regional organs and institutions, units of local self – government and domestic and international organizations and partners.

The Structure and Mandate to The Council for the Development of the Municipality

Article 102.

The Council for the development of the Municipality has 16 (sixteen) members.

Members of the Council for the development of the Municipality are elected for the period of four years, and can be re – elected after the expiration of their mandates.

Members of the Council for the development of the Municipality are appointed by the Municipality Council and they can be citizens and experts from the fields of significance for the local self – government, on proposal of the Mayor, The Municipal Body, the councillor groups, local communities, associations of citizens, expert and professional associations or public services of the Municipality, considering the equality of the sexes and the representation of the members of the national minorities.

An elected member of the Council for the development of the Municipality must fulfil at least one of the following conditions :

1. proven competence and long – lasting involvement in the advancement of the Municipality in issues of significance for the development of the Municipality;
2. active participation in a large number of realized activities – projects of significance for the Municipality;
3. long – lasting experience and proven competence in professional work for institutions and organizations and associations of citizens in areas of significance for the Municipality, such as : local economic development; tourism; agriculture; utility infrastructure and urbanistic development, culture, education, health care and social security, etc.

The Work of the Council for the Development of the Municipality

Article 103.

The Chairperson of the Council for the Development of the Municipality organizes the work of the Council for the Development of the Municipality, convenes and chairs the sittings, cooperates with the Municipality organs, and executes other tasks determined by the Rules of Procedure of the Council for the Development of the Municipality.

The Chairperson of the Council for the Development of the Municipality is elected by the members of the Council for the Development of the Municipality, in accordance with the Rules of Procedure of the Council for the Development of the Municipality.

The sittings of the Council for the Development of the Municipality are convened by the Chairperson of the Council, at least once in three months or at written request of the Municipality organs or one third of the members of The Council for the Development of the Municipality, within 15 days from the day of the request reception.

Expert and administrative work related to the work of the Council for the Development of the Municipality is executed by the Municipality Government.

The funds for the work of the Council are provided by the Municipality budget, but can also be provided by other sources, in accordance with the law.

The work of the Council for the Development of the Municipality is more closely determined by the Rules of Procedure of the Council for the Development of the Municipality.

The Public Opinion Poll

Article 104.

The Municipality organs can consult the citizens about the issues from its jurisdiction.

The consultations from the paragraph 1. of this article are executed in the form of a public opinion poll.

The Public Discussion

Article 105.

The Municipality organs have a duty to hold at least one public discussion :

1. during the procedure of adopting the resolution on the Municipality budget ;
2. during the procedure of determining the original Municipality sources rates;
3. during the procedure of adopting strategic and action development plans;
4. during the procedure of adopting annual and extraordinary report on the work of the Municipality Government;

5. before submitting the report on the open competition for managers of public companies, institutions, organizations and services established or owned by the Municipality, aimed at representing the qualifications and programmes of the three best ranked candidates ;
6. at least 15 days before the Municipality Council gives approval to the plans of work and development, or the annual programmes of the operation of companies, institutions and other organizations established or owned by the Municipality, aimed at representing the plans of work and development or annual plans of operation at the public discussion compulsorily attended by the manager and at least three members of the Board of Directors and one member of the Board of Supervisors of the company, institution, or other organization which submitted the plan of work and development , or the annual plan of operation;
7. at least 15 days before the date of introducing the resolution on adopting the report on work of the companies, institutions and other organizations operating in the Municipality Council, aimed at representing the report at the public discussion compulsorily attended by the manager of the company, institution or other organization established or owned by the Municipality, as well as the members of the Boards of Directors and Supervisors;
8. at least 15 days before adopting the resolution on delegating tasks from the jurisdiction of the Municipality to a legal or physical person, the Municipality Council has a duty to hold the public discussion on the resolution proposal;
9. at least 15 days before concluding the contract on delegating tasks from the jurisdiction of the Municipality to a legal or physical person, the Municipality Council has a duty to hold the public discussion on the contract content;
10. if the Council for Economy informs the Municipality Council that a certain proposal of a resolution or other act of the Municipality Council or the Mayor influences the position of the economic subjects, particularly regarding the programmes for supporting the economy or the amendment to the policy of local public incomes ;
11. and in other instances foreseen by the law, Statute and the resolutions of the Municipality Council.

The Organization of a Public Discussion

Article 106.

A public discussion, in the sense of this Statute, represents an open meeting of the representatives of the Municipality organs in charge, or the public services organs with interested citizens and the associations of citizens representatives and the media.

The Municipality Council has a duty to enable participation in public discussions of the citizens from all parts of the Municipality.

The Chairperson of the Municipality Council organizes a public discussion in instances foreseen by this Statute and the resolutions of the

Municipality Council, on initiative of the organs and working groups of the Municipality, as well as on his/her own initiative.

The Chairperson of the Municipality Council summons the proper representatives of the organs of the Municipality and public services established by the Municipality to participate in the public discussion.

The Chairperson of the Municipality Council has a duty to inform the Municipality Council about the non – attendance of the persons from the paragraph 4. of this article on regular basis.

The record on the public discussion is delivered to all Municipality organs.

The Municipality Council regulates the manner of informing the public about holding the public discussion, as well as the way in which the insight of the public to the record content of the held public discussions shall be provided.

7. THE LOCAL SELF – GOVERNMENT

The Forms of Local Self – Government

Article 107.

For satisfaction of the needs and interests of direct significance for the citizens of the Municipality, the Municipality establishes local communities and other forms of local self – government.

A local community is established for one or more villages. If the local community is established for more than one village, the local boards can be established in each of the villages.

The Legal Status of Local Self – Government

Article 108.

A local community or other form of local self – government has a role of legal person in the area of rights and duties determined by this Statute and the resolution on the establishment.

Local boards do not have the role of a legal person.

The Establishment, Change of Area and Abolition of Local Self – Government

Article 109.

The proposal for the establishment of a new local community, change of area and the abolition of the local community or other form of local self – government can be submitted by the Mayor, at least a quarter of the councillors, the Council of the local community, or other form of local self – government or citizens with residence in the territory in question, through the civil initiative.

The Municipality Council decides on the establishment of a new local community, change of area and abolition of the local community or other form of local self – government, with the majority of councillors’ votes.

Before adopting the resolution on the establishment of a new local community, change of area and abolition of the local community, the Municipality Council has a duty to seek for the opinion of the citizens from the area in question. The Municipality Council has a duty to seek for the opinion of the Council of the Local Community, or other form of local self – government in question, as well, before adopting the resolution on change of area, or their abolition.

The Openness of Work

Article 110.

The work of the organs of a local community or other form of local self – government is open to the public.

The openness of work and informing the citizens is provided particularly :

1. through public discussions:
 - about the proposal of a financial plan for the local community, or other form of local self – government,
 - about the annual audit of the local community, or other form of local self – government,
 - about annual reports on work of the local community, or other form of local self – government,
 - in other occasions determined by the organs of the Municipality, local community or other form of local self – government ;
2. through issuing the agenda and material for the sitting of the Council of the Local Community, or other form of local self – government, as well as the resolution proposals of the local community, or other form of local self – government on the noticeboard, or the advertisement media available to the majority of the citizens, issuing the adopted resolutions and other acts, as well as informing the citizens about the sittings of the Council of the Local Community or other form of local self – government, about the civil assemblage or other assemblages of local interest, at least eight days before the date scheduled for their holding ;
3. through the right of citizens to insight of the minutes and acts of the Council of the Local Community, or other form of local self – government, and the right to attend the sittings of the Council of the Local Community, or other form of local self – government.

If the local community is established for more than one village, the Council of the Local Community has a duty to provide the noticeboard, or the advertisement space for issuing the notices from the paragraph 2. in each of the villages.

The openness of work and informing the citizens are more closely determined by the Statute of Local Community, or other form of local self – government.

The Council of the Local Community

Article 111.

The Council of the Local Community is formed in a local community or other form of local self – government as a representative body of the citizens.

The affairs and tasks of the Council, number of members of the Council and the way of decision – making in the Council are regulated by the Statute of the local community, or other form of local self – government.

The election for the Council of the Local Community, or other form of local self – government is called by the Chairperson of the Municipality Council, and it is held concurrently with the general election for the councillors of the Municipality council, as foreseen by the law.

The organs of the local community, or other form of local self – government are elected by a direct secret ballot according to the general and equal voting right. Every citizen with residence in the territory or the local community, who is at least 18 years old has a right to vote and to be elected as an organ of the local community, or other form of local self – government.

At least ten citizens with residence in the territory of the local community or other form of local self – government, with voting right in that territory, have the right to nominate the candidates for members of the Council of the Local Community, or other form of local self – government. In the voting ticket the names and surnames, year of birth and professions of each of the candidates are listed.

The candidates which have the majority of the votes are elected up to the number of members which are to be elected.

The membership in the organs local community or other form of local self – government expires with a resignation, with unconditional sentence to imprisonment, due to a complete or partial loss of work ability, due to a loss of nationality of the Republic of Serbia or change of residence outside the territory of the local community or other form of local self – government, recall or death.

The method of electing the organs of a local community or other form of local self – government is more closely determined by the resolution on local self – government.

The Funds for Work

Article 112.

The funds for the work of a local community or other form of local self – government are provided by :

1. the funds provided by the Municipality budget;
2. the funds provided by the voluntary tax;
3. donations;
4. the income which the local community generates through its activities.

The funds provided by the Municipality budget for each local community separately, for particular purposes :

1. the funds for the work of the local community organs for current expenses;
2. the funds for rendering the tasks delegated to the local community.

The funds for financing local self – government are provided by the Municipality budget in the amount of at least 1 percent of all the generated budgetary income in the previous year minus the debit income.

The amount of funds from the paragraph 3. of this article does not include the funds from the Municipality budget allocated for capital investments according to the programme of landscaping public and structural sites.

The local community, or other form of local self – government uses the funds in accordance with the financial plan, approved by the Municipality organ in charge.

Delegation of Tasks to the Local Self – Government

Article 113.

Execution of certain tasks from the jurisdiction of the Municipality can be delegated to all and individual local communities or other forms of local self – government by a resolution of the Municipality Council, with provision of the required funds for those tasks.

In the procedure of task delegation it is taken into account whether these tasks are of direct and everyday significance for the life of population of the local community, or other form of local self – government.

Organization of Municipality Government Work in Local Communities

Article 114.

For the execution of certain tasks from the jurisdiction of the Municipality Government, the work of the Municipality Government can be organized in local communities.

The tasks from the paragraph 1. of this article are determined by the Mayor on proposal of the Governor of the Municipality Government.

8. COOPERATION AND ASSOCIATION OF THE MUNICIPALITY

The Cooperation and Association of the Municipality with Municipalities and Cities in the Country

Article 115.

The Municipality, with its organs and services, as well as the companies, institutions and other organizations established by the Municipality, associates and cooperates with other municipalities and cities and their organs and services in areas of mutual interest and in order to realize them, they can associate resources and form joint organs, companies, institutions and other organizations, in accordance with the law and Statute.

The Cooperation with Territorial Communities and Units of Local Self – Government in Other Countries

Article 116.

The Municipality can cooperate in the areas of mutual interest with corresponding territorial communities, municipalities and cities in other countries, within the area of foreign affairs of the Republic of Serbia, with deference to territorial unity and legal system of the Republic of Serbia, in accordance with the Constitution and law.

The resolution on the cooperation with corresponding territorial communities, municipalities and cities is adopted by the Municipality Council, with the approval of the Government of the Republic of Serbia.

The agreement or other act on establishment of cooperation is signed by the Mayor or other person authorized by the Mayor.

The act from the paragraph 3. of this article is released after obtaining the approval of the Government of the Republic of Serbia.

Associations of Cities and Municipalities

Article 117.

The Municipality can establish or become a member of associations of cities and municipalities.

The Municipality establishes and joins associations of cities and municipalities in order to advance the development of local self – government and its protection and achieve mutual goals. Moreover, through membership in associations the Municipality exchanges experiences and cooperates with the cities and municipalities in the country and other countries, participates in representing its own and mutual interests before the state organs, particularly in the procedure of adopting laws and other acts of significance, advancement and financing of the local self – government, as well as other regulations of significance for the work of cities and municipalities.

Cooperation with Non – Governmental and Other Organizations

Article 118.

The Municipality organs can cooperate with non – governmental, humanitarian and other organizations, in the interest of the Municipality and its citizens.

9. THE PROTECTION OF LOCAL SELF – GOVERNMENT

The Protection of the Rights of the Municipality

Article 119.

The protection of the rights of the Municipality is provided in the manner and procedure determined by the law.

The Establishment of the Procedure for the Assessment of Constitutionality and Legality

Article 120.

The Municipality Council establishes the procedure for the assessment of constitutionality and legality of a law or other general act of the Republic of Serbia which violates the right to local self – government.

The Right of Complaint to the Constitutional Court

Article 121.

The Mayor has a right of complaint to the Constitutional Court if an individual act or the work of a state organ or Municipality organ prevents practising the authority of the Municipality.

The Ombudsman

Article 122.

The Municipality appoints the ombudsman.

The ombudsman defends the rights of citizens from the violations of the Municipality Government, institutions, organs and organizations which render public authorizations, and are established by the Municipality; controls the work of the Municipality Government and defends the right of citizens to local self – government,

if the offence in question is violation of regulations and other acts of the Municipality.

The ombudsman can have one or more deputies. On proposal of the ombudsman, the Municipality Council decides on appointment, the number of deputies and the areas of their work, as well as the election of deputies.

The Independence and Autonomy

Article 123.

The ombudsman acts and operates in accordance with the Constitution, law, confirmed international agreements and conventional rules of international law as well as the Statute of the Municipality.

In his/her operation, the ombudsman is guided by the principles of legality, impartiality, independence and righteousness.

The manner of addressing the ombudsman and his/her method of work and operation are more closely determined by a resolution of the Municipality Council.

The Operation of the Ombudsman

Article 124.

The ombudsman warns and criticizes the organs and public services about the instances of illegal and irregular work of the Municipality Government and public services rendering public authorizations, established by the Municipality, which violate the rights and interests of the citizens, and gives suggestions for their work, initiates establishment of procedures for neutralization of violations of rights and informs the public about it.

Within the domain of protection of human and minority rights, the ombudsman :

1. monitors exercise of human and minority rights and makes recommendations for advancement of exercising human and minority rights ;
2. collects information about the implementation of laws and other regulations on human rights and the right of local self – government ;
3. produces the annual report on exercise of human and minority rights ;
4. informs the public about violations of human and minority rights;
5. receives and questions objections on human and minority rights violations ;
6. mediates in peaceful resolution of legal wrangles related to the violation of human rights;
7. initiates proper procedures before the organs in charge in cases of human rights violations;
8. organizes and participates in organization of expert meetings, counselling and campaigns aimed at informing the public about issues of significance for exercise of human and minority rights;

9. initiates and stimulates education on human and minority rights;
10. renders other tasks foreseen by the law, Statute and the Resolution of the Municipality Council;

In execution of his/her tasks the ombudsman cooperates with ombudsmen in other municipalities, as well as with the Republic ombudsman.

The ombudsman defends the right of citizens to local self – government in accordance with the resolution of the Municipality Council.

Election of the Ombudsman

Article 125.

The ombudsman is elected and dismissed by the Municipality Council with the majority of the councillors' votes.

The proposal for the election of the ombudsman is submitted by a councillor group or at least one third of the councillors.

The ombudsman is elected for the period of five years and can be re – elected.

The person nominated for the ombudsman, beside the general conditions for obtainment of voting right (nationality, adulthood, working ability, residence in the territory of the Municipality) , must possess at least a five – year long professional experience in the field of human and minority rights protection, enjoy moral integrity and must not be sentenced or tried.

The ombudsman cannot be a member of a political party or perform any public function or professional industry.

The Dismissal of the Ombudsman

Article 126.

The ombudsman is dismissed before the expiration of the mandate if sentenced to prison for a committed criminal act, if he/she does not perform her duties in an expert, unbiased, independent and conscientious way or if he/she performs a function which is in conflict of interests with the position of an ombudsman.

The proposal for the dismissal of the ombudsman can be submitted by a councillor group or at least one third of the councillors.

The Municipality Council decides on the dismissal of the ombudsman with the majority of votes.

The ombudsman is to be dismissed in accordance with the corresponding provisions for dismissal of the ombudsman.

The Report Submittal to the Municipality Council

Article 127.

The ombudsman delivers the annual report to the Municipality Council.

The ombudsman can deliver extraordinary reports to the Municipality Council, as well, if he/she decides that such action is necessary for considering certain issues.

The Municipality Council considers the reports of the ombudsman at the first following sitting.

The Right to Attendance of the Sittings of the Municipality Council and Its Working Groups

Article 128.

The ombudsman has the right to attend the sittings of the Municipality Council and its working groups, as well as the right to participate in a discussion when the issues from his/her jurisdiction are discussed.

The Funds for Work of the Ombudsman

Article 129.

The funds for the work of the ombudsman are provided by the Municipality budget, or from other sources, in accordance with the law.

The Council for International Relations

Article 130.

The Council for International Relations is established as an autonomous working group comprised of the representatives of Serbian nation and national minorities, in accordance with the law.

The Council discusses issues of exercise, protection and advancement of national equality in the Municipality, and particularly in the fields of culture, education, informing and official use of language and script; participates in determining the municipal plans and programmes of significance for exercise of national equality and proposes measures for its achievement; proposes the sources, amount and purpose of the budget funds for exercise of national equality.

The Council for International Relations promotes mutual understanding and good relations among all the communities living in the Municipality.

The Election and Structure of the Council for International Relations

Article 131.

The Municipality Council elects as members of the Council for International Relations distinguished citizens of Serbian nation and national minorities.

The member of the Council cannot be a councillor of the Municipality Council.

The Council members of national minorities are nominated by the national council of the national minority, whereas the members of the national minorities which do not have a national council and the members of Serbian nation, if the citizens of Serbian nation represent the majority of the population in the territory of the Municipality, are nominated by the working group of the Municipality Council in charge of administrative and personnel affairs.

The list of candidates consists of at least double the number of the members to be elected.

The members' mandate expires in three years and begins from the moment of election in the Municipality Council.

The jurisdiction, structure, election of members and the way of work of the Council for International Relations are more closely determined by a resolution of the Municipality Council, adopted by the majority of votes.

The Decision – Making of the Council for International Relations

Article 132.

The decisions of the Council for International Relations are adopted by a consensus of the Council.

The Council informs the Municipality Council of its opinions and proposals and the Municipality Council is to discuss them at the first following sitting, and within 30 days.

The Municipality Council and the executive organs of the Municipality are to deliver proposals of all resolutions related to national equality to the Council before the sitting.

The Municipality organ in charge is to provide the openness of opinions and attitudes of the Council to the public, within 30 days from the date of giving the opinion or adopting the attitude by the Council.

The Rules of Procedure of the Municipality Council more closely determine the position of the Council for International Relations in the procedure of adopting municipal resolutions and other legal acts.

The Report Submittal to the Municipality Council

Article 133.

The Council for International Relations submits to the Municipality Council the annual report on the condition in the area of national equality,

international relations and exercise of minority rights in the territory of the Municipality. The report includes the proposals for measures and resolutions on the exercise and the advancement of national equality.

The Council can also submit a special report to the Municipality Council if it considers it necessary or if the Municipality Council requires such report.

The Protection of the Rights of the Serbian Nation and the National Minorities

Article 134.

The Council for International Relations has a right to require before the Constitutional Court the procedure for the assessment of legality and constitutionality of a resolution or other general act of the Municipality if considers them a violation of the rights of Serbian nation or national minorities represented in the Council for International Relations and a right to require under the same conditions the assessment of the degree of accordance of a resolution or other general act with the Statute of the Municipality Council.

The Rules of Procedure of the Council for International Relations

Article 135.

The Council for International Relations adopts its Rules of Procedure. The Municipal Government performs expert and administrative and technical work for the Council.

The Funds for the Work of the Council for International Relations

Article 136.

The funds for the work of the Council are provided by the Municipality budget, or other sources, in accordance with the law.

10. THE MUNICIPALITY ACTS

The Municipality Acts

Article 137.

In performing the tasks from its jurisdiction, the Municipality adopts resolutions, rulebooks, orders, instructions, conclusions, recommendations and other necessary acts.

The Hierarchy of the Municipality Acts

Article 138.

The resolutions and general acts of the Municipality Council must be in accordance with the law and this Statute.

The acts of the Mayor and the Municipal Body must be in accordance with the law, this Statute, resolutions and general acts of the Municipality Council.

The acts of the Municipal Government must be in accordance with the law, this Statute, resolutions and general acts of the Municipality organs.

The Announcement and Promulgation of General Acts

Article 139.

The general acts of the Municipality organs are announced in the “Official Gazette of the Municipality of Malo Crnice”.

The acts from the paragraph of this article are promulgated on the eight day from the date of their announcement, unless the deliverer in the moment of delivering determines the existence of justified reasons for the acts to be promulgated earlier.

Other Municipality acts are announced in the “Official Gazette of the Municipality of Malo Crnice”, when such action is foreseen by the acts.

11.THE INTERPRETATION, ADOPTION AND ALTERATION OF THE STATUTE

The Authentic Interpretation of the Statute

Article 140.

The Municipality Council gives authentic interpretation of the Statute on proposal of the Municipal Body.

The Procedure for the Alteration or Adoption of the Statute

Article 141.

The proposal for adoption or alteration of the Municipality Statute can be submitted by at least 10 percent of voters in the Municipality, one third of the councillors, the Mayor or the Municipality Council working group in charge.

The proposal is submitted in a written form with the explanation.

The Municipality Council decides on the proposal from the paragraph 1. of this article with the majority of votes.

When the Municipality Council decides on adoption or alteration of the Municipality Statute, the same resolution determines the way and the procedure of adoption or alteration of the Statute and names the Committee for formulation of motions of acts or the alteration of the Municipality Statute.

The Municipality Council adopts the act on adoption or alteration of the Statute with the majority of votes.

11. THE INTERMEDIATE AND CONCLUDING PROVISIONS

The Harmonization of the Municipality Regulations with This Statute

Article 142.

The regulations of the Municipality are to be brought in compliance with the provisions of this Statute within six months from the date of promulgation of this Statute.

The regulations of the Municipality are to be obeyed until their harmonization with this Statute.

The Municipality Council adopts the resolution from the article 131., paragraph 6. within ninety days from the date of promulgation of this Statute.

The Formation of the Council for the Development of the Municipality

Article 143.

The Municipality Council is to elect the members of the Council for the Development of the Municipality within 60 days from the date of promulgation of this Statute.

The first sitting of the Council for the Development of the Municipality is to be convened by the Mayor within 15 days from the date of the appointment of the Council members.

Until the date of adoption of the Rules of Procedure of the Council for the Development of the Municipality, the oldest member of the Council shall perform the rights and duties of the Chairperson of the Council.

The Expiration of the Statute

Article 144.

With the date of promulgation of this Statute, the Statute of the Municipality Council of Malo Crnice ("Official Gazette of the Municipality of Malo Crnice", number 3/02, 3/05, 4/05) expires.

The Promulgation

Article 145.

This Statute is promulgated on the eight day from the date of its announcement in the “Official Gazette of the Municipality of Malo Crnice”.

1/01 Number: 06 – 22/08

In Malo Crnice, the 1st of August, 2008

THE MUNICIPALITY COUNCIL OF MALO CRNICE

THE MAYOR:
Bojan Urosevic

Translation:
Jovana Milenkovic

