

INFO-1073
Primljeno/Received: 2009-03-10

UDK: 330.341:497.12: 681.3
Pregledni rad / Author Review

NEKA GLEDIŠTA (NE)USPJEŠNOSTI DJELOVANJA I TEHNOLOŠKOG RAZVOJA LOKALNE SAMOUPRAVE U SLOVENIJI

SOME ASPECTS OF (UN) SUCESSFULNESS OF FUNCIONING AND TECHNOLOGY DEVELOPMENT OF LOCAL SELF GOVERMENT IN SLOVENIA

Vilma Alina Bezenšek

International School for Social and Business Studies, Celje, Slovenia
Međunarodna škola za poslovne i društvene studije, Celje, Slovenija

Abstract

The author in her contribution deals with some points of satisfaction of citizens in assuring of their needs in local community and her functioning with special account on functionally organization of municipality, administrations with financial resources, of education, arrangings, utilization and protection of environment, special planning, traffic, infrastructure, efficiency of mayor, of municipal council, etc. In empirical part of contribution base on research data, of gained with survey on population random chosen students 3rd and 4th classes of Legal faculty and 4th of year of Pedagogical faculty University of Maribor, she is warning about implementation of vital needs for quality life of citizens against immediacy of perception of rudiment of local autonomy and feelings of citizens concerning possibilities of co-decision making in process and submission of municipality in representing of interests of citizens, accessibility to sources of deciding in municipality, attitude of citizens to election and (no) importance of taking part of being elected to bodies of municipality.

Sažetak

Autorica u svome radu obrađuje neke oblike zadovoljstva građanina u obezbjeđivanju njihovih potreba u lokalnoj zajednici i njezinog funkcioniranja s posebnim obzirom na funkcionalnu organizaciju općine, upravljanje sa finansijskim izvorima, odgoj i obrazovanje, uređivanje, iskorištavanje i zaštitu okoline, prometnu infrastrukturu, efikasnost rada župana, općinskog savjeta itd. U empiričnom djelu rada te na osnovi istraživačkih podataka, dobivenih anketom na populaciji slučajno odabranih studenata 3. i 4. godine Pravnog fakulteta i 4. godine Pedagoškog fakulteta Sveučilišta u Mariboru, daje pozornost na aktualnost percepcije koncepta lokalne samouprave i osjećanja građana o mogućnostima odlučivanja i (su)utjecanja u procesima realizacije vitalnih potreba za kvalitetno življenje građana u općini, te ulogu općine u zastupanju interesa građanina, dostupnost do izvora odlučivanja u općini, odnos građanina prema izborima i (ne)značajnost stranačke pripadnosti izabranih građanina u organe općine.

Introduction

According to the European Charter of Local Self-Government (ECLS) the right to local self-government is one of the basic democratic principles in the member states of CE. It means that the inhabitants of the local communities have the right to decide on essential part of the local affairs of public relevance. This right is implemented by the democratic election of representative bodies as well as directly by referendums, at the meetings of local residents, by the civil initiative and by other ways. Local self-government in Europe is a tradition which is more than hundred years old. Very diverse and various regulations are concerned. The models of local self-government vary among themselves

according to volume, structure, and tasks and also according to relations towards a state. Their common characteristic is their leaning to their own tradition or historic development. Various models of local self-government will be preserved also in the future as there is no and cannot be one single model, even within individual (federal) states. The diversity of models is respected also by ECLS and other documents of the CE and also the EU which refer to local and regional communities. In our area, local self-government was established already in the middle of the previous century by the Austrian temporary Municipalities Act signed by the emperor in 1849 soon after the March Revolution in 1848. On the basis of this Act, the first municipal

representatives in Carniola were elected in 1850. In 1862 the skeleton state law on municipalities was passed, which provided the basis for regional laws on municipalities, e. g. for Carniola in 1866. From then on, the legislative arrangement of local self-government continuously went on until 1955 when the municipal system was established which it is said to have abolished the local self-government.

1. Legal and Constitutional Basis

The Constitution of the Republic of Slovenia establishes local government autonomy and states that its citizens exercise local government powers and functions through representative bodies and other organizations. The Law on Local Self-government, enacted in 1993 and revised six times since, defines the operations, rights and authority of local self-governments and their relationship to the state. The constitution defines self-government on both municipal and regional levels, but to date only the former exists in practice. Laws creating regions as the second level of local self-government, regulating regional development and redefining the status of municipalities are in preparation. The areas of local self-government competence are defined and revised regularly through legislation that conforms with the European Charter of Local Self-government, which was ratified by Slovenia in 1996 and enacted in 1997.

a) Local Self-Government

- Residents of Slovenia exercise local self-government in municipalities and other local communities. **Article 138** (Exercise of Local Self-Government)
- Municipalities are self-governing local communities. The territory of a municipality comprises a settlement or several settlements bound together by the common needs and interests of the residents. A municipality is established by law following a referendum by which the will of the residents in a given territory is determined. The territory of the municipality is also defined by law. **Article 139** (Municipalities)

The competencies of a municipality comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality.

With the prior consent of the municipality or wider self-governing local community, the state may by law vest specific duties within the state jurisdiction in the municipality or wider self-governing local community, if the state provides financial resources for this purpose. State authorities shall supervise the proper and competent performance of work

relating to matters vested in the local community bodies by the state. **Article 140**(Scope of Local Self-Government)

- A town may attain the status of an urban municipality in accordance with such procedure and under such conditions as provided by law. An urban municipality performs, as being within its original competence, particular duties within the state competence relating to urban development as provided by law. **Article 141**(Urban Municipalities)
- A municipality is financed from its own sources. Municipalities that are unable to completely provide for the performance of their duties due to insufficient economic development are assured additional funding by the state in accordance with principles and criteria provided by law. **Article 142**(Municipal Revenue)
- Municipalities may independently decide to join into wider self-governing local communities, as well as regions, in order to regulate and manage local affairs of wider importance. In agreement with such communities, the state may transfer specific matters within the state competence into their original competence and determine the participation of such communities in proposing and performing particular matters within the state competence. The principles and criteria regarding the transfer of competence from the preceding paragraph are regulated by law. **Article 143**(Region) (Wider Self-Governing Local Communities)
- State authorities supervise the legality of the work of local community authorities. **Article 144** (Supervision by State Authorities)

b) Other Forms of Self-Government

Citizens may form self-governing associations to promote their interests.

Citizens may be given the authority by law to manage through self-government particular matters within the state competence. **Article 145** (Self-Government in the Field of Social Activities)

2. Municipalities in Slovenia

In Slovenia there are 210 municipalities, of which 11 are urban (Celje, Koper, Kranj, Ljubljana, Maribor, Murska Sobota, Nova Gorica, Novo mesto, Ptuj, Slovenj Gradec and Velenje). The largest in number of inhabitants is the urban municipality of Ljubljana (276,313 inhabitants), and the smallest is the municipality of Hodoš with 371 inhabitants. Breakdown of municipalities by number of inhabitants

Number of inhabitants	Number of municipalities	%
Under 5.000	110	52,38
From 5.000 to 10.000	47	22,38
From 10.000 to 50.000	50	23,80
From 50.000 to 100.000	1	0,48
Over 100.000	2	0,96
Total	210	100

Source: Office of the Government of Slovenia for Local Self-Government and Regional Policy, March, 2007.

Pursuant to the Local Self-government Act, a Slovene municipality has three bodies: a municipal (town) council, a mayor and a supervisory committee. In the administration of the Municipality the crucial roles are played by the first two bodies, whereas the supervisory committee is the body controlling the public expenditures in the municipality.

3.1 Municipal council and mayor

At direct secret elections (proportional and majority system) inhabitants elect candidates to a representative body which, in Slovenia, is called a council. The council should be the body of a local self-government community which enables the influence of inhabitants of this community on decision-making. Via direct and secret elections pursuant to the criteria of modern democracy this influence is realized so that inhabitants may influence the issues as to who represents their interest in this body. Elections also exert a mobilization influence on inhabitants and produce an effect of an identification lever of inhabitants with the local community. So elected representative body is the highest body of local self-government which adopts the most important acts and other decisions as well as performs the supervisory function. If we express it in a simplified way: the council performs the legislative function at the local level. The functions of local self-government resemble the functions of state administration. The principle of the division of authority to the legislative and executive branches can also be implemented at the local level. Both functions at the local administration level are performed by various local bodies. This also depends on the size of the local community. In local administration the most important decisions are made by a representative body elected by inhabitants, while the functions of local self-government are also performed by executive and administrative bodies. Powers of the mayor (elected by majority voting system) may arise directly from the law or/and acts adopted by the local community's council. The way the mayor is appointed importantly influences his relation to the local community's council, since in case of a direct

election at direct elections the mayor's position is substantially stronger and authority bigger. He/she also chairs the local community's council. System of local self-government has also at least one deputy mayors. Let us in a few words define the role, powers and tasks which pursuant to the valid Local Self-government Act are performed by the municipal council and the mayor. In accordance with the law, the town council is the highest decision-making body deciding about all issues within the framework of rights and obligations of the municipality. Subjects of its jurisdiction are: adoption of the statutes, decrees and other municipal acts, spatial and other municipal development plans, the budget and final account; giving consent to the transfer of tasks from the state competence to the municipal one; appointing and recalling of the supervisory board members as well as members of commissions and committees of the municipal council; monitoring of the work of the mayor, deputy mayor and municipal administration regarding the implementation of decisions of the municipal council; giving opinions concerning the appointment of heads of administrative units; appointing and recalling of the municipality's representatives to the advisory committee of the head of the administrative unit; making decisions on the acquisition and alienation of the municipal property; appointing and recalling of members to the board for the protection of public goods' consumers; and making decisions on other issues stipulated by the law and statutes. It may also reach decisions on issues of state jurisdiction transposed to the municipality pursuant to the law, if not otherwise stipulated by the law so that decisions on these issues shall be reached by some other body. The mayor represents the municipality and municipal council, convenes and chairs the council's meetings (but has no right to vote), proposes to the council the adoption of the municipality's budget and final account of the budget, decrees and other acts within the jurisdiction of the municipal council, and takes care of the implementation of decisions of the municipal council. The mayor also takes care of publishing the statutes, decrees and

other general acts of the municipality. He/she may withhold the implementation of a certain decision of the municipal council if he/she estimates it to be unlawful or in contradiction with the statutes or other general act of the municipality.

3. Administration

The administration process at the state and local levels can not be well implemented if there is no professional assistance or support to representative bodies, i.e. the mayor and council. The administration should be a combination of political and professional views which assures a right mixture for an effective administration of matters within the domain of local communities. Professional bases for a concrete satisfaction of material and immaterial needs are a necessity for a good quality decision-making on issues of local importance. Pursuant to the Administration Act, the administration shall support and assist the decision-making within the state and local communities. The municipal or town administration is composed of one or more departments of municipal administration established, based on the mayor's proposal and with a general act, by the municipal council which also determines their composition and sphere of work. The head of the administration is the mayor, the administration's work is directly managed by the municipality's secretary who is appointed and recalled by the mayor. In accordance with laws and other regulations, the town administration's bodies independently perform administrative, professional-technical, organizational, developmental and other tasks. The work of the town administration is public. Publicity is assured via official communications and by disseminating information to mass media. Management of the town administration, the way of work, powers and responsibilities of workers are also determined by dividing the tasks between the mayor, the deputy mayor and the director of town administration. A department is lead by a head, an office by an office manager, an administrative organization by a director, inspectorate by a chief inspector, and they all are accountable to the mayor or director of town administration.

4. Quarter communities

The Local Self-government Act stipulates that a local community may organize lower organizational forms: village, locality or quarter communities. The latter should on the one hand mean a deconcentration of decision-making of the town administration (delegation of some authorities to quarter community councils) and on the other a possibility of a more direct influence of local

community inhabitants on the administration of issues which concern them most.

5. Public utilities

Pursuant to the law, public utilities shall be defined by laws in the field of energy business, traffic and connections, municipal and water management, management of other natural resources, and environmental protection, as well as by other laws regulating the field of economic infrastructure. By a field act it may be stipulated that a certain service may be performed as an obligatory public utility. The concept of public services is inseparably related to the concept of the public good. The public good is an item which can under the same conditions, provided by the law or a regulation of a local community, be used by everybody. Nobody and not even the owner has the right to prevent the others from using the public good. The public good is items which are according to the law intended to be used freely by everybody under the same statutory conditions and in accordance with their purpose. They therefore comprise only those items which the law explicitly defines as the public good. This category includes public roads and streets, bridges, viaducts, tunnels and other parts of the road public good, public squares, parks and other surfaces, defined as public places, cemeteries, the sea and the coast, the sea bottom and the underground, public waters, airspace, natural public good, i.e. areas defined as the public good by an act of the government or a local community. As a rule, the public good cannot be an object of sale, i.e. of the agreements on conveyance of immovable property. However, when the public good is owned by the state or a local community, legal or natural persons can be granted the right of a special use (concession contract) of the public good. The public good is intended to be used by an undefined circle of people. Among other things, the Administration Act lays down the tasks of the town administration in the area of public services, organisational forms of their implementation, and relations to the providers of public services. In accordance with the Act, the town administration carries out control over the legality of work of public companies and the implementation or activity of public services.

Organisational forms of a public utility are:

a) administration office, when it would be due to a small volume and characteristics of a service uneconomical to establish a public company or grant a concession; public utility institute, when there are one or more public utilities provided, which due to their nature cannot be provided as profit ones or if this is not their goal; public company, and granting of a concession to the persons of private law.

6. Local finances

Municipal assets

Municipal assets consist of movable and immovable property, financial assets and rights. The value of such assets is stated in the balance sheet of assets, approved by each municipality in accordance with the law. Municipalities manage the following property: land (building land, vacant building land, agricultural land), acquired by a municipality through payment or by other means; municipal infrastructure (roads owned by the municipality, waterworks, hot water supply, gas supply, etc.); housing (subsidised and non-profit municipal housing); commercial space (available for rent for various commercial and non-commercial purposes); capital shares (in public companies, public institutions and commercial companies, banks, etc.); financial resources from the budget, public funds and agencies; other financial resources (deposits, securities, etc.). The municipality must manage all its property in line with sound economic principles.

The disposal of municipal assets is possible only against payment, unless the assets are donated for humanitarian, scientific, research, educational and other purposes of this kind. The Municipal Council is the body competent to decide on such disposal.

7.1 Municipal property management

A municipality may manage its property in several ways. It may manage it on its own through its municipal administration office; establish a public fund to which it transfers a certain kind of property for management (e.g. housing funds manage the housing and business premises); establish a public institution for the management of a certain kind of property (e.g. a public institution for the management of building land in cities); establish a public enterprise or a public commercial institution to manage certain types of property (e.g. public waterworks, public sewerage, waste disposal, maintenance of municipal roads, etc.); grant concessions to natural and legal persons for the management of certain types of property.

7.2 Financing of municipalities

In 1999, we introduced a new system for the financing of municipalities. In 1998, amendments to the Financing of Municipalities Act were adopted which established a new system of municipal financing. The essence of these changes lies in the introduction of new bases for the financing of those tasks which are performed by municipalities according to the Constitution and the law. The legal powers vested in municipalities to perform certain tasks are meaningless if the authorities

do not have the financial resources required for their implementation. In Article 9 of the European Charter it is stipulated that local authorities are entitled to certain proper financial resources within national economic policy, to be used by them freely within their authority. The financial resources of local authorities must be proportional to the tasks defined by the Constitution and prescribed by law. At least part of their financial resources must come from local taxes and contributions, with the amounts or limits determined by local authorities themselves in accordance with the law. In order to protect financially disadvantaged local authorities, it is necessary to introduce procedures of financial equalisation.

A system of appropriate expenditure, i.e. an appropriate amount of resources, has been introduced so as to allow a municipality to carry out its constitutional and legal responsibilities.

Own resources

The basic principle of the Financing of Municipalities Act is that a municipality is financed through its own revenue. Municipalities which cover the cost of appropriate expenditure with their own revenue are not entitled to financial equalisation. The Act differentiates between two kinds of municipality revenues, i.e. revenue under Articles 21 and 23 and revenue under Article 22 of the Act. Revenue under Article 21 and Article 23 consists of 35% of personal income tax (which amounts to an average of 77% of the entire revenue of a municipality); inheritance and gift taxes; taxes on profits from lotteries and gaming; taxes on real estate business transactions; administrative fees and duties; special tax on the use of slot machines outside casinos. Municipalities do not exert any influence on the tax rates, as they are determined by law and are assigned to municipalities by the state. The revenue under Article 22 consists of property tax; compensation for use of building land; local tourist taxes; municipal communal rates; various fees; indemnities due to a change of land use of agricultural land or forest; compensation and indemnity for the degradation and pollution of the environment; administrative revenue; revenue defined by other acts. The most important of the stated revenue sources is compensation for the use of building land, which amounts to 56% of all revenue under Article 22 of the Act.

Financial transfers and other resources

Appropriate expenditure

The Act specifies that all resources which allow the municipality to perform its constitutional and legal responsibilities represent the so-called scope

of resources for the financing of matters of local public interest. The appropriate expenditure per inhabitant is defined by the Slovenian National Assembly when the state budget is passed for a set fiscal year. This expenditure is determined as an average amount of resources per inhabitant of Slovenia. Appropriate expenditures do not include funds for urgent investments in the public utilities and other public infrastructure. The appropriate scope of resources (appropriate expenditure) for the financing of previously stated tasks is determined on the basis of a mathematical equation in which the appropriate scope of resources per capita, defined by the National Assembly, amounts to 70% of resources, while correction factors amount to a total of 30%. Those municipalities which cannot ensure their own resources to finance appropriate expenditure are entitled to financial equalisation by allotment of funds from the state budget. In 1999, 172 municipalities out of 192 made use of this possibility. Those municipalities whose own resources exceed the calculated appropriate expenditure are not entitled to financial equalisation may freely dispose of such surplus resources and may not have these surpluses removed from them. Municipalities are also entitled to state co-financing of municipal investments (elementary schools, kindergartens, road construction, infrastructure for public utilities) in the amount of 10%-70% of the value of investment. The state share of co-financing depends upon the economic standing of a municipality, so that municipalities with smaller revenue receive greater share of funds for investments. The law defines the scale for such co-investments, while the decision on co-financing is made by the Government of the Republic of Slovenia. Municipalities are also entitled to raise loans for the co-financing of their programs and projects in the area of regional development, for advancement of agriculture, small business and for other developmental tasks.

8 Empirical part

In empirical part of the task the author wanted to warn on rudiment of local autonomy and impact of citizens at their decision making process and its impact on activity of municipal bodies on quality of activity of local autonomy.

For needs of analysis of acquired data, with which the author wanted to assess the opinion of the interviewees concerning the activity of their local autonomy in municipalities of their permanent residence, the descriptive and casual methods of research were used.

The random sample comprised of 267 students of the Law and Pedagogical Faculty University of Maribor; of which 47 (17, 6%) were male students

and 220 (82,4%) were female students; 85 of the interviewees (32,8%) were students of the Pedagogical Faculty and 182 (68,2%) were students of the Law Faculty University of Maribor.

Research questions

To ascertain factors, that influence the (dis)satisfaction and the assessment of interviewees of (un)successfulness of activity of the local autonomy, the following initial research questions were asked:

- Does the place of permanent residence have an influence on the opinion of the work of the local self government?
- Are there any differences between the quality of solving problems of local meaning between different municipalities?
- Does Slovenia need regions and how many?
- Do the people know who their mayor is?
- Are people involved in the decision making process of their municipalities?
- How are the people satisfied with the work of the local municipal agencies?

Hypotheses

For the needs of analysis of the acquired empirical data the following hypotheses were set:

- H 1: there are no significant differences in the success of activity of municipalities among the interviewed population;
- H 2: there are no significant differences in the (in)expedience of the financial means of municipality between the interviewees from different place of residence;
- H 3: there will be no differences in assessment of satisfaction in the area of child care or primary education;
- H 4: all the interviewees know the mayor of their own municipality;
- H 5: declinatory attitude of the interviewees towards the founding of regions.

9 Some aspects of the analysis of the acquired data

The constitution provides the establishment of regional self-government bodies. Such regional governments will be established on the basis of the Law on the Regions, which is being prepared and will introduce legal norms and procedures for the founding and the funding of regions and will facilitate their functioning. Regions will become the secondary level of local self-government and will serve as obligatory, multipurpose facilitators of cooperation among several municipal self-government bodies. In accordance with the constitution and the Law on Local Self-government,

the region performs duties of wider interest determined by the municipalities themselves related to the community services; economic, cultural and social development of the territory; and strengthening and developing local self-government. The region will also perform duties assigned by the state. The law on the transfer of duties from state jurisdiction to regional jurisdiction will determine the method of funding the implementation of these duties. Currently, the constitution allows municipalities to independently and voluntarily

form regions by integrating into communities or forming alliances of two or more municipalities in order to regulate and perform local tasks of broader interest.

From the data acquired in the survey we can see, that 148 (55, 4%) of 267 (100%) of the interviewees think, that Slovenia needs regions. 27 (10,1%) said that Slovenia urgently needs regions and 78 (29,2%) are sure that Slovenia does not necessarily need regions, because it is in the EU

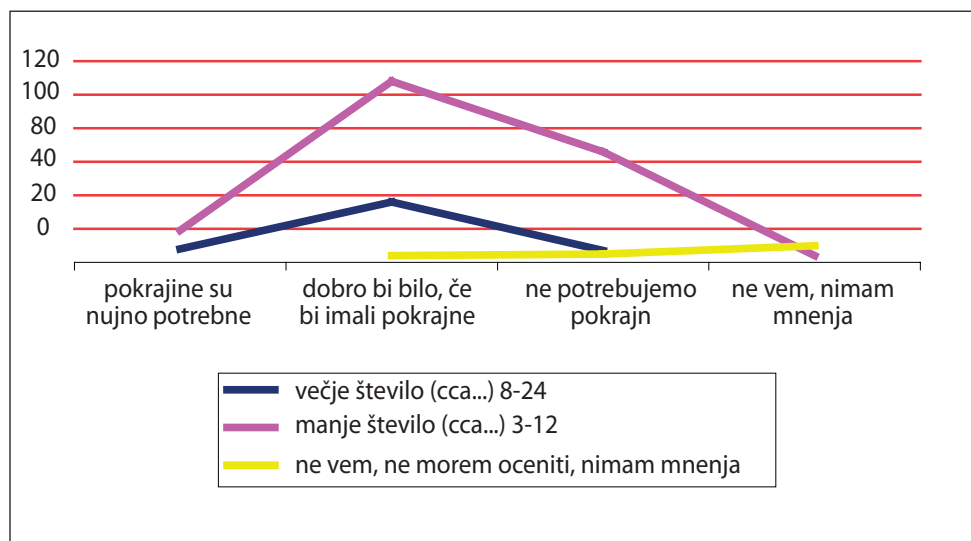


Figure 1: The need for regions in Slovenia.

The basic principles of the system of financing of the municipalities are:

Article 142 of the Slovenian Constitution states that municipalities must raise their own revenue. Financially disadvantaged municipalities, unable to fully perform their duties, are eligible to receive additional financial support from the state in accordance with the principles and criteria prescribed by the law. Relying on a constitutional provision, the Local Government Act stipulates that local matters of public interest are to be financed by the municipality's own resources, state budget and loans. A municipality's own resources include taxes and other contributions, and revenue from its assets. The Act Amending the Financing of Municipalities Act abolished the system of financing of expenditure, which was based on criteria for allocating expenditures predetermined by line ministries in cooperation with municipalities and which had a major impact on the so-called financial equalisation of municipalities or additional resources from the state budget. Only municipalities that are unable to provide their own resources for the implementation

of the functions related to their local matters of public interest, as set by the Constitution and by the law, are entitled to such financial equalisation. A system of appropriate expenditure, i.e. an appropriate amount of resources, has been introduced so as to allow a municipality to carry out its constitutional and legal responsibilities. The author wanted to establish whether the interviewees know how their municipalities manage their own finances. Five (1,9%) interviewees stated that their municipality manage their own finances very economically, the majority of the interviewees 238 (51,7%) said that their municipality managed the finances predominantly economically, and 11 (4,1%) of the interviewees did not know how their municipality manage the finances.

The basic needs of the population that the municipality is obligated to address include: primary education; primary health care; provision of essential utilities; municipal services; postal and banking services; library facilities; premises for local administration; public transport; and public landscaping and use public area.

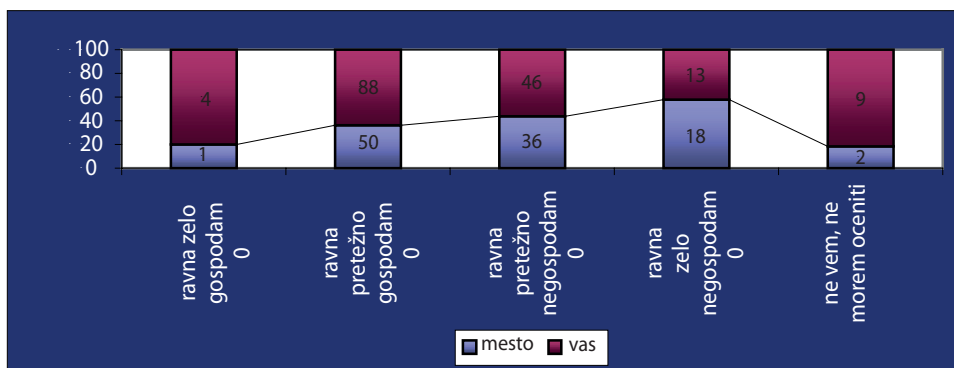


Figure 2: The opinion of the interviewees on the (in)expedient management of municipalities finances

In addition to the duties of municipalities, the municipalities with the status of a city must: regulate local public transport; regulate public landscaping and the construction of facilities; perform tasks in the area of geodetic services; administer a public network of primary, secondary, vocational and higher education institutions and libraries in their area; ensure secondary public health service in their area, including the administration of hospitals; provide a network of civil services; establish telecommunication centres and specialized information documentation centres, as well as local radio and television stations and press; support cultural activities (theatre, museums, archives) and sport and recreational facilities; and administer all housing matters in accordance with the Housing Law, including maintenance of registers and contracts, monitoring of rents and issuance of construction permits and building inspections. 106(39, 7%) interviewees were satisfied with provision of essential utilities (such as water supply), only 10 (3,7%) were not at all satisfied with this service in their municipality. Most of the interviewees 122 (45,7%) were also satisfied

with the refuse collection at their municipality, only small amount, which can not be ignored 38 (14,2%), were not satisfied with this service. 97 (36, 3%) people assessed, that the economic growth of their municipalities is partly satisfactory, 79 (29, 6%) were not happy with it and 34 (12, 7%) were dissatisfied. We also can not ignore the fact, that 15 (5, 6%) interviewees can not assess the economic growth of their municipalities. The assessment of the protection against natural and other disasters in their municipality is as follows: namely most of the interviewees, that is 95 (35,6%) is partly satisfied with the protection, 60 (22,5%) are satisfied and 52 (19,5%) and 20 (7,5%) assess, that conditions in this field in their municipalities are unsatisfying or not satisfying at all. Only 5 (1, 9%) of 267 (100%) said, that their municipality resolves the problems that consider natural and other disasters very well and professionally. Interviewees care about the tidiness of the town or the city, which they are the permanent residents of. The acquired data show us that most, 102 (38, 2%), of interviewees are satisfied with the landscaping in their own municipality.

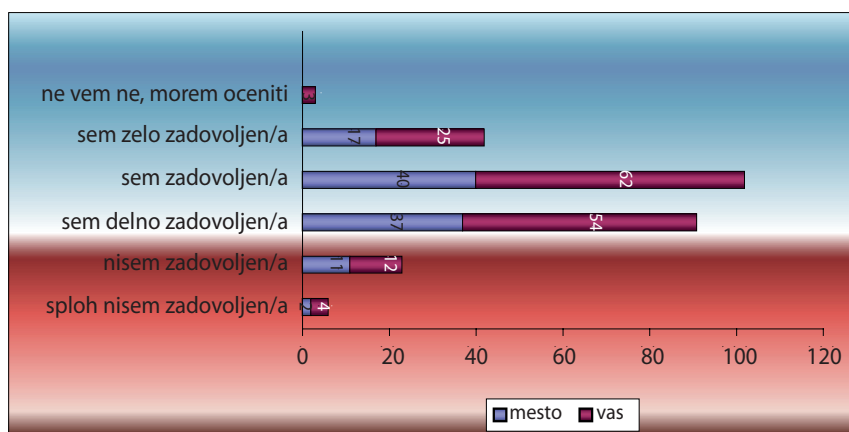


Figure 3: Opinion of the interviewees on the landscaping of their town of residence

Municipal bodies that exercise local self-government include the municipal council, the mayor, the supervisory board and the elections commission. The municipal council is the highest decision-making body on all matters concerning the rights and duties of the municipality. The council passes general acts, approves the municipal budget and supervises the performance of the mayor and the municipal administration to ensure implementation of council decisions. The municipal council performs the following functions: adopts statutes, decrees and other municipal acts according to which the rights and obligations of organizations and individuals in the municipality are regulated; adopts land and other development plans; adopts the budget and final financial report of the municipality; gives consent when particular duties are transferred from state jurisdiction to the municipality; appoints and dismisses members of the supervisory committee, members of commissions and committees of the council, representatives of the municipality in the advisory committee of the head of the state local administrative unit and other representatives of the municipality in public enterprises, institutions, foundations, etc. and appoints, upon proposal of the mayor, the deputy mayor(s) and the secretary of the municipal administration; communicates its opinion on the appointment of the head of the administrative unit; decides on the acquisition and divestment of municipal property (if the mayor is not authorized to do so by municipal act); and decides on other matters determined by law and by the statutes of the municipality. The municipal council is comprised of between seven and forty-five members proportionate to the number of inhabitants in the municipality who are elected by citizens on the basis of general and equal voting rights at free and direct elections by secret ballot. Members of municipal councils are elected according to the majority or proportional system depending on the number of members of the municipal council (the majority system applies in cases of up to twelve members and the proportional system for more than twelve); representatives of minority communities are elected according to the majority system. The mayor represents the municipality, and he or she is its legal representative. The mayor proposes the municipal budget, decrees and other acts within the jurisdiction of the council and is responsible for the implementation of council decisions. The mayor is the head of the municipal administration. On the basis of the Act on the Organization and Field of Operation of the Municipal Administration, the mayor determines the structure of the municipal administration appoints and employs municipal administrative staff and organizes and heads

the municipal office. Neither the mayor nor the municipal council has the right to demand the resignation of another municipal body. The supervisory board regulates the management of municipal assets, ensures the purpose and efficiency of budgetary expenditures and monitors financial operations. Supervisory board members are appointed and dismissed by the council and may not be members of the council, municipal administrators, public employees or members of the management of budgetary organizations. The council appoints the municipal elections commission, which is responsible for ensuring the legality of municipal council elections, approving candidates, establishing polling stations, appointing elections boards, assessing election results, etc. We wanted to know if the interviewees are satisfied with the work of their mayor, municipal council, the supervisory board and the elections commission. The data showed that the mayor is the closest to the public and mostly responds to the suggestions of the people (127 or. 47, 6%); the municipal council also responds well (102 or. 38,2%); but according to the interviewees (92 or. 34, 5%), a worrying data, the supervisory board does not respond to the needs and suggestions of people that live in the municipality. The Slovene municipalities are at different levels of informatization. The level depends on the budget that the individual municipality assigns to the informatization in different areas. We asked about which sources does the municipality use to inform their inhabitants and which of them are primary. It shows that for 93 (34,8%) interviewees the local paper is the main source of information on the happenings in their municipality, 71 (26,6%) people said that the local paper is a very important source of information. The author finds that other means of public information such as TV, local radio and non-local papers are an important source of information for 84 (31, 5%) interviewees. A less important source for the interviewees 92 (34, 5%) are notices on information desks. It is very surprising that 90 (33, 7%) interviewees said that the internet sites of their municipality is unimportant source of information. This data shows, that the municipalities have to do more to inform people over the internet sites and it also shows the lack of technology in rural areas of local self government in Slovenia and that some of the inhabitants in some parts of Slovenia still have no access to internet. There are no legal provisions concerning the internal structure of municipal administration. The organization of services and departments within an office depends on the size of the municipality. In small municipalities, the structure of the office is based on functional principles; a single municipal authority is created.

In large municipalities, departments are formed that are responsible for particular spheres (public activities, economic activities, finance, et cetera). Urban municipalities are organized according to the departmental principle. The municipal council adopts standing orders on its work and on the organization of the municipal administration. Within a month after adopting this resolution, the mayor issues an act on the systemization of jobs in the municipal administration in accordance with the Local Administration Act and the Law on State Administration Employees. These acts represent the basis for the employment and legal status of workers and specify conditions for acquiring jobs. The mayor, or the secretary of the municipal administration with the authorization of the mayor, decides on the appointment or employment of senior administrative staff, administrative staff and expert technical staff. The exceptions are, of course, the deputy mayor(s) and secretary of the municipal administration, whose appointments are the responsibility of the municipal council upon nomination by the mayor. It may be determined by statute or decree on the organization of the municipal administration that the secretary heads the municipal administration. The secretary of the municipal administration is a functionary whose duty is expert guidance of the municipal administration. The secretary is appointed and dismissed by the municipal council upon nomination by the mayor and reports to the mayor. There are four categories of personnel in the municipal administration: functionaries, senior administrative staff, administrative staff and expert technical staff. The Law on Local Self government categorizes members of the municipal council, the mayor, the deputy mayor and the municipal secretary as municipal functionaries. Senior administrative staffs (advisors to the mayor, senior advisors) are appointed by the municipal council upon nomination by the mayor but do not hold the status of functionaries. Administrative staffs (clerks, other public staff) are appointed by the mayor as prescribed in the employment structure. Expert technical staff (expert employees, administrators, junior clerks) are not appointed but are posted to their relevant positions by mayoral decree.

10 Conclusion

The local self-government is not intended for itself. It is there for the people and their needs. It introduces the activity for strengthening of local identity and strengthens the co-operation between local communities and citizens and the local authority. For the democracy of one state it is essential that the democracy is insured and that it functions in its smallest units, i.e. in the local communities.

The goal of introducing local self-government was also the democratisation of life of the people in the local communities by more frequent meetings of local residents, local referendums, civil initiative and other forms of participation in the processes of decision-making in the local community. These activities should help to identify the relation of the people towards concrete and urgent problems which occur in their local community. Local communities should be returned to the community, made as efficient as possible, transparent and attractive to the people living in them. The participation of citizens in various forms is characteristic in all states with well-formed local self-government. These forms are still not well developed in Slovenia. The introduction of local self-government substantially changed the image of public administration in the Republic of Slovenia. The introduction should have been carried out simultaneously and in connection with the reorganisation of the state administration, which was pointed out by experts from the very beginning. On the contrary the municipalities as basic self-governing local communities are at the present time without real contents of their functioning or are dealing only with matters previously covered by localities. This was not the goal of reform of local self-government in the Republic of Slovenia. It must be pointed out that in the reform the functional, financial and regional components were ignored due to various political interests. So, it came to extremes, such as: the establishment of large and very small municipalities, the establishment of „pruned“ municipalities from the previous overburdened municipalities, the centralisation instead of regionalisation, etc. The reason for it lies in the lack of understanding of the principle of subsidiarity.

Literature

1. Beber, F.: Prvi rezultati ankete o oceni pričakovanj občanov in drugih partnerjev, Novice občine Duplek, 2003.
2. Bezenšek, J.: Družina in družbene neenakosti v terciarnem izobraževanju v Sloveniji. Poročilo o raziskovalnem delu v okviru Ciljnih raziskovalnih programov, Pedagoška fakulteta Maribor, Maribor, 2002.
3. Bezenšek, V.A.: Nekateri vidiki ocen (ne)uspešnosti delovanja lokalne samouprave študentov Pravne in Pedagoške fakultete Univerze v Mariboru, Raziskovalna naloga, 2004.
4. Brezovnik, B.: O nekaterih ustavnih načelih in lokalni samoupravi, Lex Localis, II/1/2004, str.81-92.
5. Dimitrič, M.: Najprej naj bi uredili staro mestno jedro, Delo, 8.11.2002.
6. Evropska listina o lokalni samoupravi, Uradni list RS, št. 57/96.
7. Grafenauer, B.: Lokalna samouprava na Slovenskem : teritorialno-organizacijske strukture, Pravna fakulteta Maribor, Maribor, 2000;
8. Grafenauer, B.: Osnove upravnega postopka in upravnega spora, GV Založba, Ljubljana, 2001.

9. Grafenauer, B.: Slovenska država med centralizmom in regionalizmom Zgodovinski časopis 2003, št.1- 2(127), str.39-52.
10. Lavtar, R.: Vključevanje novih skupin prebivalcev v odločanje na zadnjih lokalnih volitvah, Lex localis I, št.2, 2003.
11. Office of the Government of Slovenia for Local Self-Government and Regional Policy, March, 2007.
12. Ustava Republike Slovenije, ČZ Uradni list Republike Slovenije (s spremembami) št.33/91 – I, 42/97, 66/00, Ljubljana, 1998.
13. Zakon o lokalni samoupravi, Uradni list RS, št.72/93, 6/94 – odl. US, 45/94 – odl. US, 57/94, 14/95, 20/95 – odl. US, 63/95 – obvezna razlaga, 9/96 . odl. US, 39/96 – odl. US, 44/96 – odl. US, 26/97, 70/97, 10/98, 74/98, 59/99 – odl. US, 70/00, 28/01 – odl. US, 51/02 in 107/03 – odl. US.
14. Zakon o lokalnih volitvah, Uradni list RS, št. 72/93, 7/94, 33/94, 61/95 – odl. US, 70/95, 20/98 – odl. US, 51/02 in 73/03 – odl. US.
15. Zakon o ratifikaciji Evropske listine lokalne samouprave (MELLS), Uradni list RS – Mednarodne pogodbe, št. 15 v Uradnem listu RS, št.57/96, z dne 19.10.1996.
16. Zakon o referendumu za ustanovitev občin, Uradni list RS, št. 5/94, 6/94 – odl. US, 45/94 – odl. US, 73/94 – odl. US in 79/03 – odl. US.
17. Železnik, M.: O nekaterih vprašanih s področja urejanja prostora in graditve objektov, Lex Localis, št. I/2/2003, str.153.
18. <http://www.slvr.gov.si>.