

CROATIAN PARLIAMENT  
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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I adopt

DECISION

ON PROCLAIMING THE LAW ON LOCAL AND REGIONAL SELF-GOVERNMENT

I proclaim the Law on Local and Regional Self-government adopted by the Croatian Parliament at the session on April 06, 2001.

Number: 01-081-01-1100/2

Zagreb, April 10, 2001

President of the Republic of Croatia

Stjepan Mesić (signed personally)

**LAW ON LOCAL AND REGIONAL SELF-GOVERNMENT**

**I. GENERAL PROVISIONS**

**Article 1**

This Law regulates the units of local self-government and units of regional self-government, their scope and organization, the way of work of their bodies, control over their by-laws and other issues of importance for their work.

**Article 2**

The provisions of this Law are applied to the City of Zagreb, the capital of the Republic of Croatia, unless otherwise determined by a special law.

**Article 3**

The units of local self-government are municipalities and towns.

The units of regional self-government are counties.

Municipalities, towns and counties are founded by law.

**Article 4**

The municipality is a unit of local self-government, which is founded, as a rule, for the territory of several inhabited places representing a natural, economic and social whole, and which are connected by common interests of the inhabitants.

**Article 5**

The town is a unit of local self-government where the seat of the county is located, as well as any other place with more than 10,000 inhabitants, and which represents an urban, historical, natural, economic and social whole. The town as a local self-government unit can include the surrounding settlements that together with the urban settlement make up an

economic and social whole and are connected with it through the movements of daily migration and everyday needs of the inhabitants of local importance.

Exceptionally, where there exist special reasons (historical, economic, geographic and transit), a place that does not meet the conditions set forth in paragraph 1 of this article may be established as a town.

#### **Article 6**

The county is a unit of regional self-government whose territory represents a natural, historical, transit, economic, social and self-governmental whole, and it is organized for the purpose of performing tasks of regional interest.

#### **Article 7**

The territory of a municipality, town and county, their name, seat of their bodies, setting up new ones, and abolishment or merging of the existing municipalities, or towns, or separation of individual settlements from the composition of a municipality or town, and including these settlements into the composition of another municipality or town, changing borders, as well as other issues of importance for the territorial changes of the local and regional self-government units in the Republic of Croatia are regulated by a special law.

Prior to any change in the territory of a local and regional self-government unit, the opinion of the inhabitants of that area will be required.

#### **Article 8**

Municipality, town and county have a statute.

The statute further regulates the self-governmental scope of the municipality, town or county, its features, public recognitions, organization, authority and the way of work of the bodies, the way of performing tasks, forms of consulting the citizens, carrying out the referenda in the matters from the self-governmental scope, local self-government, organization and work of public services, forms of cooperation of local or regional self-government units, and other issues of importance for the exercise of rights and responsibilities.

#### **Article 9**

Municipality, town and county are legal entities.

#### **Article 10**

A local self-government unit and a unit of regional self-government can have a coat of arms and a flag. The coat of arms and flag of the local and regional self-government unit are established by the statute or by a statutory decision with prior approval of the central body of state administration in charge of local and regional self-government.

The coat of arms must be heraldically correct and described in compliance with the rules of heraldics. The coat of arms can exclusively consist of a shield and contents inside of it.

The local and regional self-government unit as a rule takes over its historical coat of arms and flag.

Head of the central body of state administration in charge of local and regional self-government will adopt a book of rules on defining the coat of arms and flag, keeping the record on issued approvals referred to in paragraph 1 of this article, as well as on other issues of importance for the making and use of the coat of arms and flag of the local, or regional self-government unit.

The central body of state administration in charge of local and regional self-government will deny the approval referred to in paragraph 1 of this article if the coat of arms of the unit of local or regional self-government insufficiently differs from the coat of arms and flag of another unit of local or regional self-government.

A specimen of the approved coat of arms and flag is kept at the Croatian State Archives.

On the ground of standards established by a general by-law by the representative body, the authorities of the unit of local, or regional self-government, can approve the use of the coat of arms and flag to legal entities for the purpose of promoting the interests of the municipality, town or county.

### **Article 11**

The representative body of a municipality, town and county can proclaim an individual who has benefited to the municipality, town or county as the honorary citizen.

The honor does not provide special rights, or responsibilities and can be recalled if the honored proves unworthy of such honor.

The representative body can also establish other public awards.

### **Article 12**

In the realization of common interests, municipalities, towns and counties cooperate together in the promotion of economic and social development of their communities.

Municipalities, towns and counties can set up their associations for the purpose of promoting and realizing common interests.

For the purpose of promoting common interests and improving the cooperation, municipalities, towns and counties can set up a national association of municipalities, national association of towns and national association of counties. A national association can be founded if the decision on its founding is made by more than a half of the municipalities, towns or counties.

A national association of municipalities, national association of towns and national association of counties can join in the national union of local and regional self-government units.

### **Article 13**

Provisions of a special law regulating the establishment and work of associations are properly applied to the establishment and work of associations of municipalities, towns and counties and of the union of local and regional self-government units.

A by-law on establishment and a statute regulate the organization, scope and funding of the associations, or of the union, in compliance with law.

In accordance with law, the national associations and the national union can cooperate with correspondent international organizations and associations of local, or regional self-government units, and join their international associations.

## **II. COOPERATION OF MUNICIPALITIES, TOWNS AND COUNTIES WITH UNITS OF LOCAL AND REGIONAL SELF-GOVERNMENT OF OTHER COUNTRIES**

### **Article 14**

The cooperation of municipalities, towns and counties with correspondent local and regional self-government units from other countries is established and developed in the range of their self-governmental scope, in accordance with law and international treaties.

### **Article 15**

The decision to establish joint cooperation, or to stipulate an agreement (treaty, charter, memorandum etc. hereinafter referred to as: agreement) on cooperation of towns, municipalities and counties with correspondent local and regional units of other countries, and the contents and forms of this cooperation, is made by the representative body of the local self-government unit, or the unit of regional self-government, in accordance with its general by-laws and this Law.

### **Article 16**

Municipality, town and county delivers the decision to establish cooperation, or to stipulate an agreement on cooperation with the units of local or regional self-government of other countries, together with the text of the agreement on cooperation in Croatian and in the language of the country where the local or regional self-government unit is located with whom the mentioned agreement is stipulated, to the central body of state administration in charge of local and regional self-government, performing the control over legality of this decision.

In case the central body of state administration in charge of local and regional self-government finds that the decision referred to in paragraph 1 of this article does not comply with law, it will propose to the Government of the Republic of Croatia to annul the decision, not later than 7 days from the day it is received.

The Government of the Republic of Croatia can, not later than 30 days from the receipt of the proposal, by a decision, which has to be explained, annul the decision referred to in paragraph 1 of this article.

The unit of local, or regional self-government can submit a constitutional complaint against the decision of the Government of the Republic of Croatia on annulling the decision referred to in paragraph 1 of this article, for the protection of rights to local and regional self-government.

If the Government of the Republic of Croatia in the deadline referred to in paragraph 3 of this article fails to make the decision on annulment, it is considered that the decision referred to in paragraph 1 of this article is made in accordance with law.

### **Article 17**

The agreement on cooperation stipulated by a municipality, town and county with the units of local and regional self-government of other countries is published in the unit's official gazette respectively.

In case the municipality, or town does not have its official gazette, the agreement on cooperation is published in the official gazette of the county.

### **III. SELF-GOVERNMENTAL SCOPE OF THE MUNICIPALITY, TOWN AND COUNTY**

#### **Article 18**

Municipality, town and county are independent in making decisions about tasks from their self-governmental scope in accordance with the Constitution of the Republic of Croatia and this Law.

#### **Article 19**

The units of local self-government in their self-governmental scope perform the tasks of local importance which directly address the needs of the citizens, and which are not assigned to state bodies by the Constitution or by law, and especially the tasks referring to:

- organization of settlements and housing,
- town and urban planning,
- utility services,
- child-care,
- social welfare,
- primary health protection,
- education and primary-school education,
- culture, physical culture and sports,
- consumer protection,
- protection and improvement of natural environment,
- fire-protection and civil defense.

Special laws regulating specific activities referred to in paragraph 1 of this article will define the tasks whose performance is the duty of the local self-government unit to organize, and the tasks that the local self-government unit can perform, if it has ensured the conditions for their performance.

#### **Article 20**

The county in its self-governmental scope performs the tasks of regional importance, and especially the tasks which refer to:

- education,
- medical care,
- town and urban planning,
- economic development,
- transit and traffic infrastructure,
- planning and development of the network of educational, medical, social and cultural institutions.

Special laws regulating specific activities referred to in paragraph 1 of this article will determine the tasks whose performance the county is due to organize, as well as the

tasks that the county is able to perform, if it has ensured the conditions for their performance.

#### **Article 21**

Towns with more than 30,000 inhabitants, apart from the tasks referred to in Article 19 of this Law, in their territory can also perform the tasks referred to in Article 20 indented lines 1-5 of this Law, if they have ensured the conditions for their performance.

#### **Article 22**

By the decision of the representative body of the unit of local self-government in accordance with its statute and the statute of the county, certain tasks from the self-governmental scope of the unit of local self-government can be transferred onto the county or the local self-government.

The representative body of the unit of local self-government can ask from the county assembly, with the agreement of the central body of the government administration in charge of tasks of local and regional self-government, to entrust it with the performance of certain tasks from the self-governmental scope of the county in the territory of that unit, if it can provide sufficient revenue for their performance.

#### **Article 23**

The tasks of the government administration performed in the unit of local self-government and in the unit of regional self-government are established by law.

The costs of performing the tasks of government administration that are transferred to the bodies of the units of local and regional self-government are covered from the state budget.

The law regulating the government administration will further regulate the rights and responsibilities of the bodies of units of local and regional self-government in performing the tasks referred to in paragraph 1 of this article.

### **IV. DIRECT CITIZENS' PARTICIPATION IN DECISION-MAKING**

#### **Article 24**

Citizens can directly participate in decision-making about local tasks through referenda and local citizens' meetings, in accordance with the law and statute of the unit of local and regional self-government.

A referendum can be called for the purpose of deciding about a proposal to change the statute, about a proposal of a general by-law or another issue from the scope of the representative body as well as about other issues determined by the law and statute.

A referendum, on the ground of the provisions of the law and statute, is called by the representative body upon the proposal of one third of its members, upon the proposal of the authorities, and in a municipality and town also upon proposal of half of the local committees in the territory of the municipality, or town, and upon the proposal of 20% of the voters registered in the electoral list of the municipality or town.

The right to vote at the referendum is granted to the citizens who have their permanent residence on the territory of the municipality, town or county and who are registered in the electoral list.

The decision reached at the referendum is binding for the representative body.

On the procedure of carrying out the referendum as well as on the decisions reached at the referendum are applied the provisions of Articles 78 through 81 of this Law.

The municipal or town council can consult the local citizens' meetings about the proposal of the general by-law or another issue from the scope of the municipality, or town, as well as about other issues defined by the law or statute.

### **Article 25**

Citizens have the right to propose to the representative body to pass a certain by-law or to address a certain issue from its scope.

The representative body must discuss the proposal referred to in paragraph 1 of this article if it is supported by signatures of at least ten per cent of voters registered in the electoral list of a municipality or town, or county, and provide an answer to the presenters not later than three months after the receipt of the proposal.

### **Article 26**

The bodies of local and regional self-government are due to enable the citizens and legal entities to present objections and complaints to their work as well as to the work of their administrative bodies and to the incorrect attitude of the employees in these bodies when they refer to them for the realization of their rights and interests or fulfilling their civil duties.

To the presented objections and complaints the head of the body of the local self-government unit, or of the administrative bodies of these units is obliged to give an answer to the citizens and legal entities not later than 30 days since the day when the objection or complaint is presented.

The bodies referred to in paragraph 1 of this article are obliged to provide the necessary technical and other means for submitting objections and complaints (book for complaints etc.) in the official premises at a visible place, and enable personal expression of an objection or complaint.

## **V. BODIES OF THE UNITS OF LOCAL SELF-GOVERNMENT AND UNITS OF REGIONAL SELF-GOVERNMENT**

### **1. Representative body**

#### **Article 27**

Municipal council, town council and county assembly are representative bodies of citizens and bodies of local, or regional self-government that pass by-laws in the range of the scope of the unit of local, or regional self-government and perform other tasks in accordance with the law and statute of the unit of local, or regional self-government.

#### **Article 28**

The number of members of the representative body must be odd, and it is determined by the statute of the unit of local, or regional self-government, thus the representative body of:

- a municipality with up to 3,000 inhabitants has got between seven and thirteen members,
- a municipality with 3,001 to 10,000 inhabitants has got between nine and fifteen members,
- a municipality and town with 10,001 to 30,000 inhabitants, has got thirteen to nineteen members,
- a town with more than 30,000 inhabitants has got between nineteen to thirty-five members,
- the City of Zagreb has got fifty-one members,
- a county has got between thirty-one to fifty-one members.

In case a town is constituted in accordance with the provision of Article 5 paragraph 2 of this Law, the provision of paragraph 1 of this article is applied to the number of the members of its representative body referring to the municipalities with up to 3,000 or 10,000 inhabitants.

### **Article 29**

The mandate of a member of the representative body of a unit of local and regional self-government elected at scheduled elections is four years.

The mandate of a member of the representative body of a unit of local and regional self-government elected at snap elections lasts until the expiry of the current mandate of the representative body elected at scheduled elections.

### **Article 30**

The members of a representative body do not have a binding mandate and they cannot be recalled.

For a member of a representative body who during the mandate accepts to hold the function which according to the provisions of a special law is considered incompatible, during his holding the incompatible function the mandate is at stand-by, and during that time he is replaced by a deputy in accordance with the provisions of the special law. Continuing to hold the function of a member of the representative body on the ground of the termination of the mandate's stand-by, can be applied for once during the mandate.

The rights and responsibilities of members of the representative body are determined by the law, statute of the unit of local, or regional self-government and the book of rules of the representative body.

### **Article 31**

A member of the representative body holds the function honorary and is not paid for it.

A member of the representative body is entitled to compensation for expenses in accordance with the decision of the representative body.

Other rights and duties of the members of the representative body are established by law, the statute of the unit of local or regional self-government and the representative body's book of rules.

### **Article 32**

A representative body is considered constituted with the election of the president at the first session in the presence of the majority of members of the representative body.

### **Article 33**

The way of work of the representative body is regulated by the book of rules of the representative body, in accordance with this Law and the statute.

The book of rules is adopted with the majority of votes of all the members of the representative body.

### **Article 34**

The representative body has got a president and up to two vice-presidents, elected with the majority vote of all the members of the representative body.

The president of the representative body convokes the sessions of the representative body, presides over the sessions and represents this body.

The president of the representative body convokes the sessions of the representative body upon need, and not less than once in three months.

The president should convoke the session of the representative body upon a substantiated request of not less than one third of the members of the representative body not later than 15 days from the reception of the request.

In case the president of the representative body fails to convoke the session in the deadline referred to in paragraph 4 of this article, the session will be convoked by the municipal prefect, mayor, or county prefect within a further deadline of 15 days.

In municipalities and towns referred to in Article 40 paragraph 1 of this Law the session is convoked by the county prefect.

Other rights and responsibilities of the president and vice-presidents of the representative body are established by the book of rules of the representative body.

### **Article 35**

The representative body:

1. adopts the statute of the unit of local, or regional self-government;
2. makes decisions and other general by-laws by which it addresses the issues from the self-governmental scope of the unit of local, or regional self-government;
3. appoints and dismisses the municipal prefect, mayor, or county prefect and their deputies as well as the members of authorities, except when otherwise specified by this Law;
4. sets up and elects members of the working bodies of the council, or the assembly and appoints and dismisses other persons determined by law, other regulation or statute,
5. regulates the organization and scope of administrative bodies of the unit of local, or regional self-government;
6. establishes public institutions and other legal entities for the performance of economic, social, utility and other activities of interest to the unit of local, or regional self-government;

7. performs other tasks too, which by law or other regulation are placed in the scope of the representative body.

### **Article 36**

The representative body makes decisions by the majority vote if the majority of the members of the representative body are present at the session.

The statute of the unit of local and regional self-government, the budget and annual balance sheet are adopted by the majority vote of all the members of the representative body.

The book of rules of the representative body can determine other issues about which the decision is made by the majority vote of all the members of the representative body.

### **Article 37**

At the sessions of the representative body the voting is public, unless the representative body decides to vote on an issue by secret ballot.

### **Article 38**

The representative body sets up permanent or provisional committees and other working bodies for the purpose of preparing the decisions from its scope.

The composition, number of members, scope and way of work of the body referred to in paragraph 1 of this article is established by the book of rules or by a special decision on setting up the working body.

## **2. Executive bodies**

### **Article 39**

The municipal prefect and the municipal authorities in a municipality, the mayor and the town authorities in a town, and the county prefect and the county authorities in a county are the executive bodies of the unit of local and the unit of regional self-government.

### **Article 40**

In a municipality and town where according to this Law or according to the statute, in accordance with this Law, the responsibilities of the authorities are performed by the representative body, the function of the municipal prefect, or mayor is performed by the president of the municipal or town council, and the function of the deputy municipal prefect, or mayor is performed by the vice-president of the municipal or town council.

In a municipality and town with the authorities, the municipal prefect or mayor is elected by the municipal or town council among its members, in the way and by the procedure established in the book of rules in accordance with the statute and law.

The county prefect is elected by the county assembly among its members, in the way and by the procedure established in the book of rules in accordance with the statute and law.

The municipal prefect, mayor and county prefect are elected by the representative body, as a rule, among the slate leaders of the parties and independent lists that won mandates in the representative body.

The municipal prefect, mayor and county prefect are elected by the majority vote of all the members of the representative body.

#### **Article 41**

The municipal prefect, mayor and county prefect has, in accordance with the statute and law, up to two deputies who are elected by the majority vote of all the members of the municipal council, town council and county assembly.

#### **Article 42**

The municipal prefect, mayor, or county prefect represents the municipality, town or county respectively.

The municipal prefect, mayor or county prefect are responsible to the central bodies of state administration for the performance of the tasks of state administration transferred to the scope of the bodies of the municipality, town or county.

The municipal prefect, mayor, or county prefect, in the performance of tasks from the self-governmental scope of the municipality, town or county is entitled to suspend the enforcement of a general by-law of the representative body if he finds that by this by-law the law or another regulation is violated, and to demand from the representative body to eliminate the noticed faults in the deadline of fifteen days. If the representative body fails to do it, the municipal prefect, mayor or county prefect should, in the course of eight days, inform about it the head of the central body of state administration authorized for the control over the legality of work of the bodies of units of local and regional self-government.

The municipal prefect, mayor, or county prefect performs the tasks established by the statute of the municipality, town or county in accordance with law.

#### **Article 43**

The municipal prefect, mayor or county prefect, in case of prolonged absence or other reasons for not being able to perform his duties, is replaced by one of the deputies he appoints, in accordance with the statute.

The municipal prefect, mayor and county prefect, in accordance with the statute, can assign the performance of certain tasks from his scope to one of his deputies. While performing the assigned tasks the deputy should follow the instructions of the municipal prefect, mayor or county prefect. By assigning the tasks from his scope to the deputy the responsibility of the municipal prefect, mayor or county prefect for their performance does not cease.

#### **Article 44**

Executive tasks in a municipality are performed by the municipal authorities, in a town by the town authorities, and in a county by the county authorities (hereinafter referred to as: authorities).

In a municipality with more than 3,000 inhabitants, authorities are not elected for the performance of executive tasks, their responsibilities are carried out by the representative body instead.

A municipality with 3,001 to 10,000 inhabitants can determine by the statute that the authorities are not elected for the performance of executive tasks, but that their responsibilities are carried out by the representative body instead.

In case a town is established in accordance with the provision of Article 5 paragraph 2 of this Law, the provisions of paragraph 1 of this article, which refer to the municipalities of

up to 3,000 or 10,000 inhabitants, are applied to the election of the authorities and the number of members of the authorities.

#### **Article 45**

The municipal prefect, mayor, or county prefect is the president of the municipal, town or county authorities respectively.

#### **Article 46**

The members of the authorities are elected by the representative body as a rule among its members, upon proposal of the president of the authorities, by the majority vote of all the members, to the period of four years.

The members of the authorities can be in charge of one or more specific areas from the scope of the local, or regional self-government.

#### **Article 47**

The number of members of the authorities must be odd, and it is determined by the statute, so that the authorities of:

- a municipality with 3,001 to 10,000 inhabitants has got from three to five members,
- a municipality and town with 10,001 to 30,000 inhabitants has got from five to seven members,
- a town with more than 30,000 inhabitants has got from seven to nine members,
- the City of Zagreb has got from nine to fifteen members,
- a county has got seven to thirteen members.

In case a town is established in accordance with the provision of Article 5 paragraph 2 of this Law, the provisions of paragraph 1 of this article, which refer to municipalities with up to 10,000 inhabitants, are applied to the number of members of the authorities.

#### **Article 48**

The authorities:

1. prepare the proposals of general by-laws,
2. enforce or ensure the enforcement of general by-laws of the representative body,
3. direct the activity of the administrative bodies of the unit of local, or regional self-government in the performance of tasks from their self-governmental scope and supervise their work,
4. manage and dispose with the immovable and movable assets property of the unit of local, or regional self-government, as well as with its revenues and expenditures, in accordance with law and the statute,
5. perform other tasks established by the statute.

The members of the authorities are not entitled to make decisions about issues referred to in paragraph 1 item 4 of this article when they are the interested party either personally or through members of their closer family.

#### **Article 49**

The authorities make decisions by the majority vote if the majority of members are present at the session.

The authorities make decisions by the majority vote of all the members by which they dispose with the immovable and movable assets property of the unit of local or regional self-government as well as with its revenues and expenditures.

The authorities further regulate the organization, way of work and decision-making, by their book of rules in accordance with the statute and this Law.

#### **Article 50**

The authorities are responsible to the representative body of the unit of local or regional self-government.

#### **Article 51**

Upon the proposal of a minimum of one third of the members in the representative body, the question can be raised regarding the confidence in the municipal prefect, mayor or county prefect, and their deputies, an individual member of the authorities or the authorities as a whole. The president of the authorities can also demand passing the vote of confidence in the authorities.

The discussion and voting about confidence cannot take place before the seven-days' deadline expires from the day the proposal is submitted to the president of the representative body.

#### **Article 52**

The decision of no confidence is accepted if the majority of all the members of the representative body voted for it.

When the representative body passes the vote of no confidence to the municipal prefect, mayor or county prefect, or the authorities as a whole, it must elect a new municipal prefect, mayor, or county prefect not later than 30 days from the day of the no-confidence vote.

If by the decision of expressing no confidence to the municipal prefect, mayor, county prefect, and the authorities as a whole, the day of dismissal and the termination of the function is not determined, the municipal prefect, mayor or county prefect, and the authorities to whom no confidence is expressed, are considered dismissed and their function ends with the election of a new municipal prefect, mayor, or county prefect.

The decision on expressing no confidence does not imply that the function of a member of the representative body ceases for the municipal prefect, mayor, or county prefect and member of the authorities.

In case of passing the vote of no confidence to an individual member of the authorities the representative body makes the decision about the day when he is dismissed from function.

If the representative body does not pass the vote of no confidence, the members of the representative body who submitted the proposal cannot resubmit the same proposal before the expiry of the deadline of 6 months from its refusal.

## **VI. ADMINISTRATIVE DEPARTMENTS AND SERVICES OF THE UNITS OF LOCAL AND REGIONAL SELF-GOVERNMENT**

### **Article 53**

For the performance of tasks from the self-governmental scope of the units of local and regional self-government as well as the tasks of state administration transferred to those units, administrative departments and services (administrative bodies) are set up.

In the municipalities and towns without the authorities a single administrative department is established for the performance of all tasks from their self-governmental scope. A single administrative department can also be organized in the municipalities and towns that have the authorities.

The organization of administrative bodies referred to in paragraph 1 of this article is regulated by a general by-law of the unit of local or regional self-government in accordance with the statute and the law.

The administrative bodies are run by heads of offices appointed on the ground of public competition by the authorities.

### **Article 54**

Two or more units of local self-government, especially those territorially connected in a unique whole (municipalities and towns on an island etc.), can jointly organize the performance of specific tasks from their self-governmental scope.

For the performance of tasks from the self-governmental scope in the way referred to in paragraph 1 of this article, the units of local self-government can set up a common body, joint administrative department or service, joint trade company, or can organize their performance together in accordance with special laws.

The relations between units of local self-government in a joint organization of the performance of tasks from the self-governmental scope are arranged by a special agreement in accordance with law and their statutes and general by-laws.

### **Article 55**

The statute of a county enables the establishment of administrative bodies outside its seat for the purpose of performing certain tasks from its self-governmental scope.

### **Article 56**

Public servants and employees carry out administrative, technical and other tasks in the bodies of local units and units of regional self-government.

Public servants carry out administrative and technical tasks from the scope of the body they work in, and employees carry out supporting and assisting tasks.

Rights, obligations and responsibilities as well as other issues of importance for the work of public servants and employees in the administrative bodies of the units of local self-government and units of regional self-government are regulated by a special law.

## **VII. LOCAL SELF-GOVERNMENT**

### **Article 57**

The local committee is set up by the statute of the unit of local self-government as a form of direct participation of citizens in decision-making about local tasks of direct and everyday influence on the life and work of citizens.

The local committee is set up for a settlement, several inter-connected smaller settlements or for a part of a bigger settlement or town which, in relation to other parts makes up a special separate whole (a part of the settlement).

#### **Article 58**

The initiative and proposal for setting up the local committee can be given by citizens and their organizations and associations and other bodies determined in the statute of the municipality, or town.

#### **Article 59**

The statute of a municipality, or town, in accordance with law, will regulate the procedure of giving initiative and putting proposals for setting up the local committee, scope and authority of the bodies of the local committee, establishing the work program of the local committee, the basis of rules of the local committee, the way financing their activity, performing administrative and other tasks for their needs, and other issues important for the exercise of their rights and obligations determined by law, statute and another general by-law of the representative body.

#### **Article 60**

The statute of a municipality or town can assign to the local committee to perform certain tasks from the self-governmental scope of a municipality or town, which have direct and everyday influence on the life and work of the citizens on the territory of the local committee.

The resources for the performance of tasks referred to in paragraph 1 of this article are earmarked in the budget of the municipality or town.

#### **Article 61**

The bodies of the local committee are the council of the local committee and the president of the council of the local committee.

The council of the local committee is elected by the citizens from the territory of the local committee who have the right to vote. The members of the council are elected directly by secret ballot, and the provisions of the law that regulates the election of members of the representative body of the local self-government unit are applied to the election procedure.

The mandate of the members of the local committee's council is four years.

The council of the local committee passes the program of work of the local committee, the rules of the local committee, the book of rules about its work in accordance with the statute, the financial plan and the balance sheet, and performs other tasks determined by law and the statute.

#### **Article 62**

The council of the local committee elects the president of the council among its members by secret ballot for a period of 4 years.

The president of the council of the local committee, in accordance with the statute, represents the local committee and is responsible for his work to the council of the local committee.

For the performance of tasks referred to in Article 60 of this Law the president of the council of the local committee is responsible to the municipal prefect or mayor.

### **Article 63**

The council of the local committee, in accordance with the statute, for the purpose of discussing the needs and interests of the citizens, and giving proposals for addressing the issues of local importance, can convoke local meetings of citizens.

The local meetings of citizens are convoked for a part of the area of the local committee which makes up a specific whole (a part of a settlement, a housing block etc.).

The local citizens' meeting is chaired by the president of the local committee or a member of the local committee's council appointed by the council.

### **Article 64**

The control over the legality of work of the body of a local committee is performed by the that can dissolve the local committee's council, if it repeatedly violates the statute of the unit, the rules of the local committee or fails to carry out the entrusted tasks.

In municipalities and towns without authorities, the tasks referred to in paragraph 1 of this article are performed by the representative body.

### **Article 65**

Town districts or town blocks can be set up in towns as special forms of local self-government.

A town district and town block is a form of local self-government set up for the area representing the urban, economic and social whole connected by common interests of citizens.

The scope, authority and bodies of town districts or town blocks are regulated by the town statute in compliance with the provisions of this Law, which refer to the local self-government in local committees.

### **Article 66**

Local committees, town blocks and town districts are legal entities.

## **VIII. PROPERTY AND FUNDING OF LOCAL AND REGIONAL SELF-GOVERNMENT**

### **1. Property of the local and regional self-government units**

### **Article 67**

All movable and immovable assets and property rights appertaining to the unit of local, or regional self-government, make up its property.

The local or regional self-government unit should manage, use and dispose with its property with good care.

## **2. Funding the units of local and regional self-government**

### **Article 68**

The unit of local self-government and the unit of regional self-government has got revenues it freely disposes with in the framework of its self-governmental scope.

The revenues of the units of local self-government and units of regional self-government should be proportional to the tasks performed by their bodies in accordance with law.

The revenues of the unit of local and regional self-government are:

1. municipal, town, or county taxes, surtax, indemnities, contributions and fees,
2. revenues from assets in its property and from property rights,
3. revenues from trade companies and other legal entities in its property, i.e. where it has got a share or stocks,
4. revenues from fees for concession granted by its representative body,
5. fines and confiscated property benefit for offences it prescribes in accordance with law,
6. share in joint taxes with the Republic of Croatia,
7. subventions and grants of the Republic of Croatia earmarked in the state budget,
8. other revenues established by law.

### **Article 69**

The annual budget of a unit of local self-government and unit of regional self-government is submitted to the Ministry of Finance not later than 15 days since the day it is adopted.

### **Article 70**

In case the annual budget for the following fiscal year cannot be adopted before the beginning of the year for which it is adopted, temporary funding is applied i.e. for a maximum period of 3 months.

The decision on temporary funding is made by the representative body in accordance with law.

### **Article 71**

The total physical and financial operation of the municipality, town and county is supervised by their representative body.

## **Article 72**

The Ministry of Finance, or other legally determined body, supervises the legality of physical and financial operation of the units of local self-government and units of regional self-government.

## **IX. BY-LAWS OF THE UNITS OF LOCAL AND REGIONAL SELF-GOVERNMENT**

### **1. General by-laws**

## **Article 73**

The representative body of the municipality, town and county in its self-governmental scope adopts decisions and other general by-laws, in accordance with its statute.

Before the general by-law enters into force it is mandatory to publish it in the official gazette of the unit.

If the municipality or town does not have its official gazette, the general by-law of the municipality and town is published in the official gazette of the county.

The general by-law enters into force not later than on the eighth day since the day it is published. Exceptionally, the general by-law can, for exceptionally justified reasons, determine that it enters into force on the day it is published.

The general by-law cannot have a reversible effect.

## **Article 74**

The municipal prefect, mayor and county prefect ensure the enforcement of general by-laws of the representative body in the way and in the procedure prescribed by the statute of the unit of local, or regional self-government and performs the supervision over the legality of work of the administrative bodies which perform tasks from the self-governmental scope of the unit of local or regional self-government.

## **Article 75**

Administrative bodies set up for performing the tasks from the self-governmental scope of the unit of local or regional self-government directly enforce and supervise the implementation of general by-laws of their representative bodies.

In the implementation of the supervision referred to in paragraph 1 of this article the administrative bodies can, in case of non-implementation of the general by-law, take measures prescribed by this by-law and law.

### **2. Individual by-laws**

## **Article 76**

The administrative bodies of the units of local self-government and units of regional self-government in the enforcement of general by-laws of the representative body adopt individual by-laws by which they address the rights, obligations and legal interests of physical and legal persons.

Exceptionally from paragraph 1 of this article, in the enforcement of general by-laws of the representative body when it is determined by law, individual by-laws addressing the rights, obligations and legal interests of physical and legal persons are adopted by the bodies of government administration.

Against individual by-laws referred to in paragraph 1 of this article adopted by municipal and town administrative bodies, a complaint can be lodged to the competent administrative body of the county, and against individual by-laws adopted by the administrative bodies of the county at the first instance, a complaint can be submitted to the competent ministry.

To the adoption of by-laws referred to in this article accordingly, the provisions of the Law on Public Administrative Procedure are applied, unless the procedure before the bodies of units of local or regional self-government is prescribed by a special law.

In accordance with the provisions of the Law on Administrative Procedures against final individual by-laws referred to in paragraph 1 of this article can institute administrative procedure.

The provisions of this article refer to individual by-laws adopted by legal entities to whom public authority is assigned by the decision of the representative body, in accordance with law.

#### **Article 77**

Individual by-laws addressing the obligation of local tax assessment, contributions and fees, or taxes, contributions and fees which are the revenue of the units of regional self-government are adopted by the summary administrative procedure.

The summary administrative procedure is carried out even with individual by-laws addressing the rights, obligations and interests of physical and legal persons by legal entities whose founder is the unit of local self-government or the unit of regional self-government.

### **X. STATE CONTROL AND PROTECTION OF LOCAL AND REGIONAL SELF-GOVERNMENT**

#### **Article 78**

The state, for the purpose of protection of constitutionality and legality as well as the protection of citizens' rights, conducts the control over the legality of work and by-laws of the bodies of units of local and regional self-government.

The control over the legality of work and by-laws of the units of local and regional self-government is carried out in the way and in the procedure established by law by which state administration is regulated.

#### **1. Control of legality of general by-laws**

#### **Article 79**

The control over the legality of general by-laws of the representative body of units of local self-government and units of regional self-government in their self-governmental scope is done by the body of the central government administration in charge of local and regional self-government.

The municipal prefect, mayor and county prefect should, not later than eight days since the day of adoption, to submit to the head of county office, whose scope comprises the

tasks of general administration, the statute and general by-laws adopted by the representative body of the unit of local, or regional self-government.

### **Article 80**

The head of the county office with the scope of state administration tasks is obliged to conduct the control over the legality of the general by-law and when it considers that the general by-law is contrary to the Constitution and law, he is due, not later than 8 days since the day of delivery, to make the decision on suspension from the implementation of the general by-law, which needs to be explained.

The decision to suspend the general by-law from implementation can directly be adopted also by the central body of the state administration in charge of local and regional self-government.

The decision on suspension from implementation is delivered without delay to the municipal prefect, mayor, or county prefect and the president of the representative body of the unit of local, or regional self-government that passed the general by-law.

### **Article 81**

When the decision on suspension from implementation of the general by-law is made by the head of county office with the scope of general administrative tasks, he is due to pass the general by-law and the decision on suspension to the central body of state administration in charge of local and regional self-government.

The central body of state administration will evaluate whether the suspension from implementation of the general by-law is justified in the course of 8 days.

The central body of state administration will inform the Government of the Republic of Croatia about the decision on suspension from implementation of the general by-law estimated as justified.

The central body of state administration, if it finds the decision on suspension from implementation of the general by-law unjustified, it will annul the decision of the head of county office with the scope of general administration, and deliver its decision to him, to the municipal prefect, mayor or county prefect and to the president of the representative body that adopted the act.

### **Article 82**

When the central body of the state administration suspends the general by-law from implementation, or evaluates the suspension of the general by-law from implementation as justified, it will suggest to the Government of the Republic of Croatia to institute the procedure for the evaluation of constitutionality and legality before the Constitutional Court of the Republic of Croatia.

About the proposal to institute the procedure of evaluation of constitutionality and legality the information is given to the unit of local or regional self-government.

If the Government of the Republic of Croatia fails to institute the procedure referred to in paragraph 1 of this article within 30 days since the reception of the proposal to institute the procedure on evaluation of constitutionality and legality of the general by-law, the suspension from the implementation of the general by-law ends.

## **2. Control over the performance of transferred tasks of the state administration**

### **Article 83**

In performing the tasks of state administration that are transferred to the bodies of the unit of local or regional self-government the competent ministry can give orders to the municipal prefect, mayor and county prefect.

The Government of the Republic of Croatia can deny the authority to the bodies of the unit of local and regional self-government for the performance of transferred tasks of state administration if the municipal prefect, mayor, or county prefect do not comply with the orders referred to in paragraph 1 of this article.

### **3. Dissolution of the representative body and protection of rights to local and regional self-government**

#### **Article 83**

Upon proposal of the central body of state administration in charge of local and regional self-government, the Government of the Republic of Croatia will dissolve the representative body:

1. if it passes a decision or another by-law which jeopardizes the sovereignty and territorial unity of the Republic of Croatia,
2. if the representative body of the recently organized unit of local or regional self-government fails to adopt the statute within 60 days from the day it is set up,
3. if it repeatedly passes general by-laws contrary to the Constitution, law and other regulation or because of repeated breaches of the law and other regulations,
4. if it fails to elect a municipal prefect, mayor or county prefect within 30 days since the day of setting up the representative body, or since the passed vote of no confidence to the municipal prefect, mayor or county prefect, or since the presentation of the notice of resignation by the municipal prefect, mayor or county prefect,
5. if, for any reason, it permanently remains without the minimum number of members necessary for work and decision-making,
6. if it cannot make decisions from its scope for more than 3 months,
7. if in the legally defined deadline it fails to adopt the budget, or if it fails to make the decision on temporary funding,
8. if in the legally defined deadline it fails to adopt the town plan.

#### **Article 84**

The decision of the Government of the Republic of Croatia on dissolution of the representative body is final and enters into force on the day it is published in the Official Journal.

Against the decision of the Government of the Republic of Croatia on dissolving, the president of the dissolved representative body can submit a complaint to the Administrative Court of the Republic of Croatia not later than 8 days since the decision is published.

The Administrative Court of the Republic of Croatia will rule on the complaint not later than 15 days since the reception, and without delay, deliver the ruling to the Government of the Republic of Croatia and to the president of the dissolved representative body.

The ruling of the Administrative Court is published in the Official Journal.

#### **4. Commissioners of the Government of the Republic of Croatia**

##### **Article 85**

The Government of the Republic of Croatia will appoint a commissioner of the Government to the unit of local or regional self-government:

1. when it dissolves its representative body,
2. when in the unit of local, or regional self-government the election for a new representative body is not held in accordance with law
3. when in the course of 90 days since the day of publishing the official results a new representative body is constituted.

The commissioner shall ensure the exercise of rights and obligations of citizens and legal entities in the unit of local, or regional self-government until its bodies are set up.

The decision on appointing the commissioner comes into force on the day when it is published in the Official Journal.

##### **Article 87**

When in the unit of local, or regional self-government the commissioner of the Government of the Republic of Croatia is appointed, on the day when the decision on appointing the commissioner enters into force, the municipal prefect, mayor or county prefect as well as the authorities are considered dismissed, and their powers are taken over by the commissioner.

##### **Article 88**

The commissioner can adopt or change general by-laws of the unit of local or regional self-government only if it is necessary for the implementation of laws or another regulation or harmonization with law or with another regulation.

The commissioner cannot adopt or change the budget of the unit of local or regional self-government and cannot dispose with its property, except if it is necessary for the purpose of fulfilling previously assumed obligations or finalization of earlier started works.

If the budget has not been adopted in the unit of local self-government, as well as in case when decision is made on temporary funding, the funding is done on the ground of the budget from the previous year, and not later than 90 days since the day of setting up the newly elected representative body.

## **Article 89**

On the day of constituting the representative body the commissioner's authority for performing the tasks from the scope of the representative body ceases.

On the day the municipal prefect, mayor or county prefect is elected, the commissioner's duty completely ends.

## **XI. RIGHTS OF PERSONS ELECTED, OR APPOINTED TO CERTAIN FUNCTIONS IN THE UNITS OF LOCAL OR REGIONAL SELF-GOVERNMENT**

### **Article 90**

The general by-law of the representative body can determine that the municipal prefect and his deputies, the mayor and his deputies, and the county prefect and his deputies, can hold their functions full-time.

During the full-time holding of the function to which the person referred to in paragraph 1 of this article is elected or appointed, that person is entitled to a salary, or compensation for salary as well as to other rights from employment, and the period of holding the function is calculated in the insurance years of service.

The basic standards for determining the salary, or the compensation for salary for persons referred to in paragraph 1 of this article are established by a special law.

The person referred to in paragraph 1 of this article exercises the rights to compensation for salary and insurance years of service for the period of 180 days after the function ends i.e. in the amount of an average salary paid in the course of 12 months before the decision on ending the function was made.

The compensation referred to in paragraph 4 of this article is paid from the budget of the municipality, town or county.

Before the expiry of the deadline referred to in paragraph 4 of this article exercising the right ceases upon personal request, by employment, retirement or election to another full-time function.

### **Article 91**

For presidents and other elected officials of the representative body the rights on the ground of holding a function cease:

- with the expiry of the mandate, unless otherwise determined by this Law,
- on the day the decision on dismissal from function is adopted when they are dismissed by the representative body before the expiry of the mandate of the representative body, unless otherwise determined by the decision on dismissal,
- on the day when the representative body establishes the fact that the notice of resignation to the function is submitted, and not later than on the thirtieth day since the day the notice is submitted,
- on the day the commissioner of the Government of the Republic of Croatia is appointed, when legally foreseen circumstances for appointing the commissioner have occurred.

The decision on ceasing to exercise the rights on the ground of ending the performance of certain duties is delivered to the person whose function ended and to the service dealing with personnel tasks.

## **Article 92**

For the municipal prefect, mayor and county prefect, for their deputies and for the members of the authorities the rights on the ground of holding the function cease:

- on the day the new municipal prefect, mayor or county prefect is elected,
- on the day when the representative body dismisses him following to the submitted notice of resignation to the function or following to the expressed no-confidence,
- on the day the commissioner of the Government of the Republic of Croatia is appointed, when legally foreseen circumstances occurred for appointing the commissioner.

## **XII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 92**

Taking over the matters, documentation and archives of the county offices which refer to the tasks that according to the provisions of this Law fall under the self-governmental scope of the units of local and regional self-government, as well as civil servants and employees of county offices who used to perform these tasks, will be regulated by special laws by which specific areas from the scope of the units of local and regional self-government are regulated.

The civil servants and employees referred to in paragraph 1 of this article can be transferred to the positions and assignments of administrative bodies of the units of local and regional self-government without competition.

### **Article 94**

The use of premises and equipment used by county prefects and vice-county prefects before this Law came into force, will be arranged by agreement of the county and the Government of the Republic of Croatia.

### **Article 95**

Procedures instituted prior to this Law's entering into force regarding the take-over of real estate, movable assets, financial resources and rights and obligations of former municipalities according to the provisions of the Law on Local Self-government and Administration (Official Journal N. 90/92), and which are not completed, are continued to be run by the arbitrage of the Government of the Republic of Croatia.

### **Article 96**

Prior to adopting, or entering into force of the law referred to in Article 56 paragraph 3 of this Law, the employees in administrative departments and services of the units of local and units of regional self-government in a respective way are subject to the provisions of the Law on Civil Servants and Employees (Official Journal No. 27/01).

### **Article 97**

The procedure of appointing the head of administrative bodies in terms of the provisions of Article 53 paragraph 4 of this Law, will be implemented after setting up the

representative bodies elected at the elections for the members of representative bodies of the units of local and regional self-government scheduled for the year 2001.

#### **Article 98**

The units of local self-government and units of regional self-government are obliged to harmonise their statutes and other general by-laws with the provisions of this Law within six months since the day it enters into force.

#### **Article 99**

The number of members elected to the representative body of the unit of local self-government and the unit of regional self-government which does not have the number of members of the representative body prescribed by the statute, will be elected as follows:

- municipalities and towns with up to 2,500 voters registered in the electoral list, eleven members,
- municipalities and towns of between 2,501 and 8,500 voters registered in the electoral list, thirteen members,
- municipalities and towns of between 8,501 and 25,000 voters registered in the electoral list, fifteen members,
- towns with over 25,000 voters registered in the electoral list, twenty-five members,
- the City of Zagreb, fifty-one member,
- counties, forty-one member.

The number of voters in the unit of local and regional self-government will be established on the ground of the last confirmed census.

#### **Article 100**

On the day this Law enters into force the Laws on Local Self-government and Administration cease to be valid (Official Journal, No. 09/92, 94/93, 117/93, 5/97, 128/99, 51/00 and 105/00) as well as the Law on Defining the Tasks from the Self-governmental Scope of Units of Local Self-government and Administration (Official Journal, No. 75/93, 102/93, 10/94, 17/94, 30/94, 36/95, 43/96, 70/97, 105/97, 36/98, 69/99).

#### **Article 101**

This Law enters into force on the day it is published in the Official Journal.

Class: 015-01/01-01/02

Zagreb, April 6, 2001

CROATIAN PARLIAMENT

Speaker

of the Croatian Parliament

Zlatko Tomčić, personally signed