

REPUBLIC OF MONTENEGRO



LAW ON LOCAL SELF-GOVERNMENT

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I PRINCIPAL PROVISIONS

Article 1

Local self-government includes the right of citizens and local self-government bodies to regulate and administrate, within the limits of the law, certain public and other affairs based on their own responsibility and in the interest of the local population.

Article 2

Local self-government shall be exercised in municipalities, the administrative capital, and the historical capital (hereinafter: "The Municipality").

Article 3

Local self-government shall be exercised following the principles of democracy, decentralization, depoliticization, autonomy, legality, professionalism, efficiency of bodies of the local self-government and mutual co-operation between the State and The Municipality.

Article 4

The needs of direct and common interests of the local population shall be addressed in the Municipality.

Local self-government shall also be exercised at the level of community self-government in order to create conditions for the most direct and efficient performance of affairs and of addressing the needs of citizens.

Article 5

The Municipality shall perform affairs which fall within its jurisdiction through its bodies, bodies of community self-government and public services, in accordance with the law, municipal statute and other regulations.

Bodies and public services from paragraph 1 of this Article shall be accountable to the local population.

Article 6

Citizens shall participate in decision-making processes related to their needs and interests, directly and through freely elected representatives in local self-government bodies.

Article 7

When performing their affairs, local self-government bodies shall provide equal protection of rights and interests determined by law of the local population and legal persons.

Article 8

The Municipality shall be autonomous in performing affairs of local self-government and its rights may not be denied or limited by any regulation of state authorities, except in cases and under the conditions provided for by the law and in accordance with the Constitution.

Article 9

The Municipality shall have property and its own revenues.
The Municipality shall independently dispose of the property and revenues, in accordance with the law.

Article 10

The Municipality shall provide conditions for the protection and promotion of minority rights, in accordance with the Constitution, international legal instruments and special legislation.

Article 11

Political organizations shall be forbidden in local government bodies.
Persons employed in local government bodies shall be forbidden to communicate and represent their political views whilst performing their duties.

Article 12

The work of the local self-government bodies shall be public.

Article 13

When laws and regulations that define the status, rights, and duties of the local self-government are being drafted, in particular in relation to activities that are regulated by the present law, the Municipality shall be entitled to express its view.

Article 14

The Municipality shall be entitled to formulate its opinion or launch an initiative before the competent State bodies in relation to issues that do not fall within its jurisdiction but may be of interest to local self-government.

In the case from paragraph 1 of this Article, the competent State body shall reply to the Municipality.

Article 15

Relations between municipal bodies and State authorities shall be based on principles of mutual cooperation, in accordance with the law.

Article 16

Municipalities may freely enter into association, in accordance with the present law.

Article 17

The Municipality shall enjoy legal protection, in accordance with the Constitution and the law.

Article 18

Local self-government in the administrative capital and historical capital shall be exercised in accordance with the present law, unless otherwise provided for in a special law.

Article 19

Terminology used in the present law has the following meanings:

“The Municipality, administrative capital, historical capital” are the territorial units and types of communities where the local population exercises its right to local self-government;

“Local population”, includes all persons who have a place of residence or own heritable property within the territory of a Municipality;

“Citizens” are persons who habitually reside within the territory of a Municipality;

“A voter” is a person who has the right to vote and be eligible for the office of municipal councilor.

“Local self-government bodies” are the Municipal Assembly and the Mayor;

“Local administration bodies” are local bodies that primarily perform administrative affairs (Secretariats, Directorates, Offices);

“Public services” are institutions, enterprises and other types of organizations that are founded by the Municipality for the purpose of providing public services;

“Local civil servants and janitorial staff” are persons employed in local administration bodies;

“Local public revenues” are revenues that a Municipality is entitled to collect in accordance with special legislation and decisions of municipal authorities.

II LEGAL STATUS

Legal personality

Article 20

The Municipality shall have the capacity of a legal person.

Territory

Article 21

The Municipality shall have the name and territory as determined by the law.

Article 22

The Municipality shall enact the statute and other general regulations.

Symbols

Article 23

The Municipality may have an emblem and a flag (hereinafter: “symbols”).

The Municipality may have a holiday.

The municipal statute shall regulate the shape and the content of symbols and holidays.

The Government of the Republic of Montenegro (hereinafter: “the Government”) shall give its approval to provisions of the municipal statute that regulate the shape and the content of symbols and holidays.

Article 24

Use of symbols shall be set out in a regulation passed by the Municipal Assembly.

The symbols shall have the content that correspond to historical, cultural, natural and other characteristics of the Municipality, and they may not be identical to or a modified version of State symbols, *i.e.* national symbols, nor state symbols of other countries or logos of political parties, enterprises, institutions, and some other legal person or organization.

Seal

Article 25

The Municipality and its bodies shall have a seal.

Article 26

The seal of the Municipality shall contain the name of the Republic of Montenegro (hereinafter: “the Republic”), name of the Municipality and the seat.

The seal of a municipal body, along with elements from paragraph 1 of this Article, shall also contain the name of the body.

The emblem of the Municipality, if defined, shall be placed in the center of the seal.

The text of the seal shall be written in accordance with the law that regulates the seal of State authorities.

Article 27

Creation, use, retention and destroying the seal and other matters related to use of the seal shall be prescribed by a special decision of the Municipal Assembly.

III AFFAIRS OF THE LOCAL SELF-GOVERNMENT

Type of affairs

Article 28

The Municipality shall perform affairs of the local self-government that are of direct and common interest to the local population.

The Municipality shall also perform affairs that are vested by law or delegated by means of the Government’s regulations.

1. Affairs of primary jurisdiction

Article 29

Affairs of primary jurisdiction of the Municipality shall be prescribed in the law and municipal statute.

The Municipality shall specify the affairs from paragraph 1 of this Article by means of its own regulations and provide conditions for their implementation.

Article 30

The Municipality may also perform other affairs of interest for the local population that do not fall within jurisdiction of State authorities or other bodies and organizations.

Article 31

The Municipality, in accordance with the law and other regulations, shall adopt:

- 1) Development plans and programmes;
- 2) Construction land settlement programmes;
- 3) Plans of ambient and urbanism;
- 4) Budget and budget balance sheets;
- 5) Capital improvement plans and investment policy;
- 6) Plans and programmes in certain administrative areas, in accordance with special legislation;
- 7) Environmental development and protection programmes.

Article 32

The Municipality, in accordance with the law, shall regulate and provide:

- 1) Conditions for perform and development of community affairs;
- 2) Conditions for entrepreneurial development;
- 3) Performing affairs of settling, using and protecting construction land;
- 4) Use of business premises;
- 5) Conditions for preserving and protecting natural resources;
- 6) Social welfare in relation to home care and help at home for the aged and persons with disabilities, resolving housing issues for persons with social needs status, and additional methods of social welfare;
- 7) Child welfare in relation to school holidays and other recreational periods during the school term, accommodation, nutrition, and other additional methods of child welfare;
- 8) Conditions for preservation, use, management, and improvement of areas with natural medicinal qualities;
- 9) Public transport of passengers in local traffic areas;
- 10) Affairs of establishing, controlling, and collecting local public revenues;
- 11) Relations in the field of housing, creation of conditions for the maintenance and protection of blocks of flats, and protection of condominium ownership rights;
- 12) Conditions for constructing and using facilities;

- 13) Conditions for providing information to the local population;
- 14) Conditions for protection from natural disasters, fires, explosions, damages, and other accidental and extraordinary events and creates conditions for their prevention;
- 15) Conditions for improvement of sport and physical education, recreation for children, youth, and adults, construction and maintenance of physical education facilities and development of inter-municipal sports co-operation;
- 16) Relations concerning the construction and installation of temporary and other facilities;
- 17) Conditions for protecting monuments of local importance;
- 18) Noise supervision and protection;
- 19) Conditions for development of librarianship and archive activities of local interest;
- 20) Conditions for the development of publishing affairs;
- 21) Conditions for deep-sea navigation on its own territory;
- 22) Working time and conditions in premises providing services to the citizens;
- 23) Conditions for performing auto-taxi transportation;
- 24) Conditions for organizing public affairs of local significance.

Article 33

Within its primary jurisdiction, the Municipality shall also perform the following affairs:

- 1) Take care of protecting eroding areas;
- 2) Determine whether there is within the public interest to expropriate heritable property to meet local needs;
- 3) Manage, dispose, and protect local property;
- 4) Exercise inspection supervision;
- 5) Define offences for violating its regulations and initiate misdemeanor procedure;
- 6) Organize the provision of legal aid to citizens;
- 7) Maintain population data, election rolls and other records, in accordance with the law; issue water management conditions, water management accords, and water management permits;
- 8) Maintain data with respect to communal and sewage effluents, users and polluters of water management facilities and installations and other affairs;
- 9) Determine public acknowledgements and awards;
- 10) Decide on rights and duties of citizens in affairs within its own jurisdiction;
- 11) Meet certain needs of citizens in other fields of direct interest to them;
- 12) In addition, perform other affairs in accordance with the needs of the local population and its interests.

Article 34

For the purpose of performing affairs of direct interest for the local population, the Municipality shall:

- 1) Establish local administration bodies;
- 2) Establish public services in the field of tourism, education, culture, physical education and sport, technology culture, social and child welfare, employment, primary health care, and in other fields;

Article 35

The Municipality may establish public services from Article 34, paragraph 1, item 2, of the present law if performance of such affairs is an indispensable requirement for life and work of the local population, and if the needs of citizens in such fields may not be addressed in a high-quality and economical manner by means of private initiative or in any other manner.

Article 36

The Municipality shall define methods and conditions for performing affairs of its primary jurisdiction taking into account possibilities, interests and needs of the local population.

Article 37

When the Government estimates that performance of affairs of municipal primary jurisdiction is of common interest for two or more municipalities, it may demand that municipalities perform such affairs in common or determine that such performance is of public interest and provide conditions for its implementation.

2. Vested and delegated affairs

Article 38

Certain affairs that fall under the jurisdiction of State Administration may be vested in the Municipality, when in so doing, it is ensured that their performance will be effected in a more efficient and rational manner.

Performance of certain affairs that fall within the jurisdiction of State Administration may be vested to the Municipality by means of a Government regulation.

A special law shall determine conditions in terms of which such affairs may be vested, *i.e.* delegated to the Municipality.

Article 39

The Municipality shall perform affairs that are vested to it in the fields of education, primary health care, social and child welfare, employment and in other fields of activity of direct concern to the local population, in accordance with the special law.

IV MUNICIPAL PROPERTY

Article 40

Municipal property shall consist of immovable and movable items, financial resources, stocks and bonds, and other property rights, in accordance with the law.

The Municipality shall dispose of and administer its property pursuant to the purpose, and in accordance with the law and good practice of economic and financial management.

The Municipality and public services founded by the Municipality shall keep records on their property.

Municipal property shall be registered in accordance with the law.

V MUNICIPAL AUTHORITIES

Article 41

Municipal authorities are the Municipal Assembly (hereinafter: "Assembly") and the Mayor.

The Assembly shall be the representative body of the citizens of the Municipality.

The Mayor shall be the executive body of the Municipality.

Article 42

The Mayor shall call for elections of the Assembly.

The Assembly shall call for elections of the Mayor.

The elections in terms of paragraphs 1 and 2 of this Article shall be held no later than 15 days prior to the expiry of the election period of municipal councilors and the Mayors whose term of office is running.

Not less than 60 and no more than 100 days may pass between the date of calling for the elections from paragraphs 1 and 2 and the Election Day.

If the elections are not called in accordance with paragraph 3 of this Article, the Government shall call for the elections.

Article 43

Citizens shall elect the Assembly and the Mayor on the basis of free, universal, equal and direct suffrage, in accordance with the law.

1. Assembly

Article 44

The Assembly shall be elected for a period of 4 years.

In the Assembly 30 councilors shall be elected and an additional councilor per every 5,000 voters.

Affairs performed by the Assembly

Article 45

The Assembly shall:

- 1) Adopt the Statute;
- 2) Adopt regulations and other general acts;
- 3) Adopt plans and programmes of municipal development;
- 4) Adopt plans of ambient and urbanism;
- 5) Adopt construction land settlement and utilization programmes;
- 6) Adopt the budget and budget annual balance sheets;
- 7) Adopt capital improvement plans and investment policy;
- 8) Establish the level of municipal taxes, fees, and charges;
- 9) Dispose of property;
- 10) Set up conditions for the foundation of Local communities and approve decisions with respect to their foundation;
- 11) Call for the referendum to be organized on the territory of The Municipality or on one part of the territory;
- 12) Decide upon citizens' initiatives;
- 13) Decide upon the introduction of self-imposed tax on the territory of The Municipality;
- 14) Establish public services;
- 15) Decide on borrowing and providing guarantees, in accordance with the law;
- 16) Proceed to the verification of mandates and decide on rights of municipal councilors;
- 17) Appoint and dismiss from duty the Speaker of the Assembly, appoint the Secretary of the Assembly and members of working and advisory bodies of the Assembly;
- 18) Submit a proposal for assessing constitutionality and legality of a regulation passed by the state authorities, when it considers that the right to local self-government is violated thereby;
- 19) Consider Mayor's reports;
- 20) Adopt its Rules of Procedure;

- 21) Provide authentic interpretation of its own regulations;
- 22) Perform other affairs as provided for by the law and municipal statute.

Methods of convening and decision-making of the Assembly

Article 46

The Speaker shall convene the Assembly when necessary, and not less than once in three months.

The Speaker shall convene the Assembly at his own initiative, at the Mayor's request, request of 1/3 of councilors, and at citizen's initiative within 15 days from the date the request, *i.e.* initiative was submitted.

The municipal statute shall define the number of citizens required for submitting the initiative, in accordance with paragraph 2 of this Article.

If the Speaker does not convene the Assembly within the deadline as set forth in paragraph 2 of this Article, the submitter of the request, *i.e.* initiative shall do so.

In the case as defined in paragraph 4 of this Article, the session of the Assembly shall be chaired by a municipal councilor who shall be chosen by the submitter of the request, *i.e.* initiative.

Article 47

The Mayor, 1/3 of municipal councilors, and number of voters defined by the municipal statute shall be entitled to propose the adoption of decisions, other regulations, and general acts.

The Assembly may adopt decisions if a majority of the total number of municipal councilors attends the session.

The Assembly shall adopt decisions by a majority vote of municipal councilors present at the session, unless the law or municipal statute requires a different majority for adoption of certain decisions.

Working methods and decision-making of the Assembly shall be specified by the Rules of Procedure of the Assembly.

Article 48

The municipal councilors may not be held criminally accountable, detained, or punished for expressing views or voting in the Assembly.

Working Bodies

Article 49

For the purpose of a more efficient and rational performance of affairs within the jurisdiction of the Assembly, boards and councils shall be established as standing working bodies, while commissions may be established as temporary working bodies.

The Assembly shall appoint members of boards from amongst municipal councilors.

The Assembly shall appoint other persons along with municipal councilors as council and commission members.

The scope and the method of work and decision-making of working bodies as well as other matters important for their work shall be regulated by the decision establishing the working bodies.

Article 50

The municipal statute or a special decision of the Assembly may proscribe the delegation of decision-making competence to boards regarding certain matters falling within the jurisdiction of the Assembly.

The affairs of the Assembly from Article 45, items 1-19 of the present law may be delegated to boards.

The decisions adopted by the boards shall be presented to the Assembly at the first session following the adoption of the decision.

If the Assembly estimates that decisions adopted by the boards are ill- founded or inappropriate, it shall annul or repeal them and adopt a decision that regulates that specific issue.

Assembly regulations

Article 51

When performing affairs from the scope of its primary jurisdiction, the Assembly shall adopt the municipal statute, decisions and other general acts.

The municipal statute shall be the fundamental act that prescribes organization, functions, and methods of exercising of the local self-government.

The decision shall set out rights and duties of citizens, establish public services and regulate other issues in accordance with the law and the municipal statute.

The ruling shall regulate some particular issues in accordance with the law and other regulations.

The Assembly shall adopt conclusions on certain issues that are important for defining and conducting the municipal policy.

The Assembly shall adopt charters and recommendations where it shall express its own views regarding certain systemic issues that fall under its jurisdiction, *i.e.* issues that refer to other bodies and public services.

The Assembly may also adopt other regulations from the scope of its jurisdiction.

Article 52

The Municipal statute shall regulate, in particular: rights and duties of the Municipality and methods of the exercise thereof; type of affairs conducted by the local population and methods of their decision-making; methods and conditions of performing affairs that fall within municipal primary jurisdiction; organization and methods of

operation of municipal authorities; methods of passing regulations; methods of exercising supervision over the work of municipal authorities and public services; methods of delegating certain affairs to Assembly working bodies; methods of ensuring the publicity of work of bodies, organizations, and services; financing; definition of symbols and municipal holiday and methods of celebrating it, and other issues important for the local self-government functioning.

Speaker

Article 53

The Assembly shall have a Speaker.

The Speaker of the Assembly shall be elected from among municipal councilors, at the proposal of 1/3 of councilors, by a majority vote of the total number of municipal councilors.

The term of office of the Speaker of the Assembly shall be equivalent to the term of office of the Assembly.

The Speaker shall hold his/her office, by rule, voluntarily.

The Speaker may be dismissed from office before the expiration of his/her term of office, in accordance with the municipal statute.

Article 54

The Speaker shall convene the Assembly, chair and administer its work and take care of execution of its decisions and other regulations.

If the Speaker is absent or indisposed, a municipal councilor chosen by the Speaker shall chair the Assembly.

Assembly Secretary

Article 55

The Assembly may have a secretary who shall be responsible for performing technical and other affairs in relation to convening and holding sessions of the Assembly and its working bodies and shall perform other affairs defined by the statute and other regulations.

The Assembly shall appoint its Secretary at the proposal of the Speaker.

The provisions of the present law regulating the Chief Administrator shall be accordingly applied to conditions for appointment and dismissal of the Secretary of the Assembly.

The term of office of the Secretary of the Assembly shall be equivalent to the term of office of the Speaker.

2. The Mayor

Article 56

The Mayor shall hold his/her office professionally.

The Mayor shall be elected for a period of 5 years.

Any citizen of Montenegro may hold Mayor's office for not more than two terms of office.

When assuming office, the Mayor shall take the following oath before the Assembly: "I solemnly pledge that I shall perform the duties of the Mayor in accordance with the Constitution, law and the municipal statute".

Affairs performed by the Mayor

Article 57

The Mayor shall:

- 1) Represent and act on behalf of the Municipality;
- 2) Propose regulations and other regulations to be adopted by the Assembly, as well as methods of solving specific issues from the jurisdiction of the Assembly;
- 3) Take care and be responsible for implementing laws, other regulations, and general regulations;
- 4) Take care and be responsible for executing transferred and delegated affairs;
- 5) Define the organization and methods of operation of municipal administration, at the proposal of the Chief Administrator;
- 6) Appoint and dismiss the Deputy Mayor from duty, upon the consent of the Assembly;
- 7) Appoint and dismiss the Chief Administrator, upon the consent of the Assembly, directors of agencies and managers, provide consent for appointment and dismissal of heads of municipal administrative bodies, unless otherwise provided for in the present law;
- 8) Submit reports at least once a year on his/her work and exercise of the local self government duties to citizens and to the Assembly;
- 9) Direct and harmonize work of local self-government bodies, public services and agencies founded on his/her decision, for the purpose of more efficient execution of their functions and provision of public services of a good quality for which he/she shall adopt respective regulations;
- 10) Supervise the work of the municipal administration;
- 11) Adopt regulations from its jurisdiction and regulations for execution of transferred and delegated affairs, unless specific legislation regulates otherwise;
- 12) Be responsible for implementing decisions and other regulations adopted by the Assembly and shall adopt regulations for their execution;
- 13) Adopt regulations for execution of the municipal budget;
- 14) Convene the constitutive session of the Assembly;

15) Perform other affairs proscribed by the law, municipal statute, and other regulations.

Article 58

The Mayor shall, temporarily, pass regulations that fall within the jurisdiction of the Assembly should the Assembly be unable to hold a session or its work is made impossible, and when the failure to adopt such regulations would affect the life of citizens or property of an important value.

The Mayor shall submit to the Assembly the regulation from paragraph 1 of this Article for certification at the first session following its adoption.

If the Assembly does not certify the regulation from paragraph 1 of this Article, or the Mayor fails to submit it, the adopted regulation shall cease to be valid on the date the session of the Assembly terminates.

Article 59

The Mayor shall be accountable to the Assembly and the citizens for his/her work in relation to affairs within the scope of local self-government.

The Mayor shall also be accountable to the Government for performing vested and delegated affairs.

If the Mayor illegally performs vested or delegated affairs, the Government shall inform the Assembly and propose measures to be taken.

If the Assembly fails to take measures from paragraph 3 of this Article, the Government shall warn the Assembly about the consequences for not doing so and take further action in accordance with its powers.

Termination of the Mayor's Term of Office

Article 60

The Mayor's term of office shall terminate prior to the expiry of the period for which he/she is elected in the case of: recall, vote of no confidence, resignation, or by operation of the law.

The Assembly shall pass a regulation certifying the termination of Mayor's term of office.

Recall of the Mayor

Article 61

Citizens may initiate the procedure of recall of the Mayor.

The procedure of recall of the mayor may be initiated by at least 20% of voters in the Municipality.

The procedure of recall may not be re-initiated within 6 months from the date the previous proposal of recall was adopted.

The law and municipal statute shall define the conduct of the procedure of recall, time of voting and other issues with regard to the recall shall be provided for in the law and municipal statute.

Vote of no confidence

Article 62

The Mayor may put his/her confidence in motion to the citizens.

A vote of no confidence may also be requested by the Assembly in cases when the Mayor: denies rights and freedoms of citizens, fails to perform affairs properly, fails to implement development programs and other regulations, causes an important material damage to the Municipality, fails to submit to the Assembly the report on his/her work and if the Assembly fails to certify the regulation from Article 58 paragraph 1 of the present law or he/she fails to bring such regulation to the Assembly for certification.

At least 1/3 of municipal councilors or 10% of the citizens in the Municipality and the Government may initiate the procedure of the vote of no confidence.

The Assembly shall decide on the initiative from paragraph 3 of this Article by a majority vote of the total number of municipal councilors, within 30 days from the date the initiative was submitted.

Article 63

If the Assembly accepts the initiative from Article 62, paragraph 3, of the present law, the procedure of no-confidence vote in the Mayor shall start.

The decision on starting the procedure of the vote of no-confidence shall define the deadline to organize the voting, which may not be longer than 60 days from the date the procedure was initiated, as well as and other issues important for conducting the voting procedure.

Article 64

Citizens shall vote no confidence in the Mayor, in accordance with the law.

In case the vote of no confidence is passed, the Assembly shall pass a regulation certifying the termination of the Mayor's term of office.

The vote of no confidence in the Mayor may not be re-initiated within 6 months from the date the previous vote has been held.

Resignation

Article 65

The Mayor may submit his resignation.

The Mayor shall inform the Assembly about his/her resignation.

Termination of the Mayor's term of office by operation of the law

Article 66

The Mayor's term of office shall terminate by operation of the law in following cases:

- 1) Expiraty of his/her term of office;
- 2) If it is determined by means of a final and binding decision that he/she is deprived of business capacities;
- 3) If he/she is convicted by means of a final and binding decision for a criminal offence that makes him/her unsuitable to hold the office;
- 4) If he/she is sentenced to more than 6 months of prison by means of a final and binding decision;
- 5) By changing his/her place of residence;
- 6) In other cases prescribed by the law;

Article 67

When the Mayor's term of office terminates in the cases prescribed by the law, the Deputy Mayor, *i.e.* the Chief Administrator shall hold the office of the Mayor, until a new Mayor is elected.

Article 68

The Assembly shall decide on calling for elections of the Mayor whose term of office terminated before the expiration of the period to which he/she was elected within 15 days from the date the term of office has terminated.

In the case from paragraph 1 of this Article, elections shall be held not more than 60 days from the date of calling for the elections.

The Deputy Mayor

Article 69

The Municipality may have one or more Deputy Mayors.

The Mayor shall appoint and dismiss the Deputy-Mayor from office, with previous consent of the Assembly.

The term of office of the Deputy-Mayor shall be equivalent to the term of office of the Mayor, unless otherwise provided for in the present law.

In the case the Mayor is absent or unable to perform his/her work, the Deputy Mayor shall replace him/her and perform other affairs that were delegated by the Mayor.

In the case the Deputy Mayor has not been appointed, the Chief Administrator shall replace the Mayor.

3. Local administration and public services

Type of the local administrative bodies

Article 70

The Local administrative bodies shall be established (secretariats, offices, directorates, etc.) to perform administrative affairs.

The communal police, special services and centers shall be established to perform specific affairs.

The Mayor may decide to establish agencies to perform affairs that require specific expert and technical knowledge and autonomy in work.

The Chief Administrator shall pass the rules on internal organization and systemization of bodies and services from paragraphs 1 and 2 of this Article; the Director shall pass the rules on agencies, with the consent of a Mayor.

3.1. Affairs performed by local administrative bodies

Affairs specific to local administration

Article 71

Local administration shall:

- 1) Implement laws, regulations and general acts;
- 2) Prepare drafts of decisions and other regulations for adoption by local self-government bodies;
- 3) Exercise administrative supervision;
- 4) Perform technical and other affairs delegated by local self-government bodies;
- 5) Rule in the first instance of administrative procedure on rights and duties of citizens, legal and other persons;
- 6) Keep public and other records prescribed by the law and general regulations of local self-government bodies;
- 7) Rule on disputes in misdemeanor procedure;
- 8) Perform other affairs provided for in the statute and other regulations.

Administrative Supervision

Article 72

The local administrative bodies shall exercise administrative supervision in particular related to:

- 1) legality of regulations passed by public services by which they ruled on the rights, duties and legal interests of citizens and legal persons;
- 2) legality and appropriateness of the work of public services;
- 3) Inspection supervision.

Article 73

When exercising administrative supervision, the local administrative bodies shall:

- 1) Propose to the Chief Administrator to suspend general regulations or their particular provisions from execution, which are not in accordance with the municipal statute and other regulations of local administrative bodies, until proceedings on assessing the constitutionality and legality of general acts are completed;
- 2) Initiate assessment of the constitutionality and legality of general acts passed by public services;
- 3) Order measures for execution of the duties that have been agreed;
- 4) Propose measures for overcoming problems, *i.e.* eliminating failures in work;
- 5) Launch initiatives for amending regulations;
- 6) Submit a request for initiating misdemeanor proceedings, bring criminal charges or charges for commercial offences;
- 7) Inform other bodies if there are reasons for taking measures within their competencies;
- 8) Take other measures envisaged by specific legislation.

3.2. Organization of Local Administration

The Chief Administrator

Article 74

The Chief Administrator shall administer and coordinate the work of local administration.

The Chief Administrator shall perform his/her duties professionally.

The Chief Administrator shall organize the work of local administration and be responsible for the legality, efficiency and effectiveness of its work.

The Chief Administrator shall have jurisdiction of a second instance body in administrative matters.

Article 75

The Chief Administrator shall be appointed and dismissed from duty by the Mayor, with the consent of the Assembly.

The Chief Administrator shall be appointed on the basis of public advertisement, for an indefinite period of time.

Any person who graduated from a school of law, passed the professional exam for work in administrative bodies and has at least 5 years working experience, may be appointed as Chief Administrator.

The Chief Administrator shall be accountable to the Assembly and the Mayor for his/her work and the work of local administrative bodies.

Article 76

The Chief Administrator may be dismissed from office if he/she does not perform his/her duty in accordance with Article 74, paragraph 3 of the present law and in other cases as prescribed by the law.

In the course of procedure for dismissal, the Chief Administrator shall be entitled to state his/her view on reasons for the dismissal at the session of the Assembly.

3.3. The Head of the local administrative body

Article 77

A local administrative body shall be managed by the Head of that body.

The Head of the local administrative body shall be appointed and dismissed from office by the Chief Administrator and with the Mayor's consent, unless otherwise provided for in the present law.

The Head of the local administrative body shall be accountable for his/her work to the Chief Administrator and the Mayor.

The procedure, methods, and conditions for examining the accountability of the Head of the local administrative body shall be regulated in the municipal statute and in accordance with the law.

3.5. Other municipal services

The Manager

Article 78

The Municipality may have a Manager.

The Manager shall participate in preparation of programmes of development, propose projects in accordance with the established program or programmes of development, and take care of their implementation.

The Manager shall be appointed and dismissed by the Mayor.

The Manager shall be appointed on the basis of a public advertisement for an indefinite period of time.

The Manager shall submit a report on his/her activities at least once a year to the Mayor.

The Manager shall be accountable for his/her work to the Mayor.

Communal Police

Article 79

The Municipality shall have a service for exercising communal oversight (hereinafter: “Communal Police”).

The Chief Administrator shall supervise the legality and appropriateness of the work of the Communal Police.

The Communal Police shall ensure communal order in relation to parking, disposal of waste, water supply, sewage and atmospheric waters, maintenance of public hygiene, public lighting, maintaining markets, parks, greenery, traffic signs and signage, burials, local roads, noise, work hours, transport of passengers in the Municipality and surroundings, taxi transport; it shall offer information services to citizens and perform other affairs within jurisdiction of the Municipality that are defined by the law and decisions of the Assembly.

Article 80

In relation to rights and duties and procedures for performing affairs of the Communal Police, provisions of the law regulating the inspection control and other regulations shall be accordingly applied.

The Communal Police shall have identity cards, an official uniform and marks.

The shape and the content of identity cards and marks, as well as appearance, content, and use of uniform and other issues important for Communal Police affairs shall be regulated by the Municipal Assembly.

The Civil Protection Service

Article 81

The Municipality shall have a Civil Protection Service.

The Civil Protection Service shall ensure protection and rescuing of property and citizens from fires, explosions, damages, and other accidents and extraordinary situations.

The supervision over legality and appropriateness of the work of the Civil Protection Service shall be exercised by the Mayor.

The Information Center

Article 82

The municipal authorities, public services and legal persons that hold public powers and provide public service to citizens shall use modern information and communication technologies in performing their affairs and tasks.

Facilities from paragraph 1 of this Article shall be acquired and used in accordance with uniformed standards adopted at the level of the Republic.

The Municipality shall establish an Information Center for the purpose of performing affairs from paragraph 1 of this Article.

3.5. Rules of Administrative Procedure

Applying the administrative procedure

Article 83

The laws on administrative procedure shall be applied before the municipal bodies and public services that hold public powers.

Conflict of competencies

Article 84

The Chief Administrator shall rule over the conflict of competencies between the local administrative bodies.

The Mayor shall rule over the conflict of competencies between the local administration bodies, public services and legal persons, to whom the Assembly has decided to delegate certain affairs.

Exemption

Article 85

The Head of the local administrative body shall decide on exemption of civil servants in local administrative bodies.

The Chief Administrator shall decide on exemption of the Heads of the local administrative bodies.

The Mayor shall have the competence to decide on exemption of the Chief Administrator.

4. Legal Status of officials and civil servants

Local officials

Article 86

The Mayor and deputy-mayor, Speaker and Chief Administrator shall have status of local officials.

Article 87

Local officials shall exercise their right to remuneration and other rights based on employment in accordance with the law and regulations of the municipal assembly.

A Speaker, who holds his/her office on the voluntary basis, shall be entitled to compensation for the time of holding the office, in accordance with regulations of the Assembly.

Local Civil Servants

Article 88

Employees in local self-government bodies shall have the status of civil servants and janitorial staff who exercise affairs from local self-government jurisdiction professionally.

Persons from paragraph 1 of this Article shall be employed on the basis of public advertisement.

The Government shall regulate titles and conditions for their performance.

Article 89

Persons employed in local administration and public services may not be dismissed from service ,nor may their status may be degraded due to membership in a political or trade union organization.

Article 90

In relation to legal status of local officials, local civil servants and janitorial staff, legislation that regulates the status of officials, civil servants and janitorial staff of the Republic shall be applied, unless otherwise provided for in the present law.

Conflict of Interests Clause

Article 91

Holding office of a Mayor, Deputy mayor and Chief Administrator shall be incompatible with office of a municipal councilor.

Holding a local official's office shall be incompatible with holding any other local public office as well as with the membership in managerial bodies of public services.

Holding office of a Head of the administrative body and local civil servants and janitorial staff shall be incompatible with the membership in the Assembly and managerial bodies of public services.

Persons from paragraphs 1 and 2 of this Article may not be employed by public services, legal and natural persons to perform any activity that is related to the affairs of the local self-government bodies and that serve for exercising their rights and interests before the local authorities.

VI MUNICIPAL FINANCE

Public revenues and expenditures

Article 92

The Municipality shall have public revenues as established by the law to enable it to perform affairs within its jurisdiction.

Article 93

To perform affairs from its primary jurisdiction that are of direct and common interest for the local population, the Municipality may prescribe the rate of taxes, fees, and charges in accordance with the law.

Article 94

Inflows and outflows shall be registered in the municipal budget, in accordance with the law.

Funding of the work of the local self-government bodies shall be provided in the municipal budget, in accordance with the law.

VII COMMUNITY SELF-GOVERNMENT

The Local Communities

Article 95

In the Local Communities the citizens shall be entitled to decide and take part in decision-making processes in order to address local needs and interests in the following fields: organization of settlements, housing, consumer protection, culture, physical

education, protection and improvement of environment, as well as in other spheres of life and work, in accordance with the municipal statute.

A number of Local Communities that are territorially connected and related to each other due to their economic development may establish a common co-ordination body to address their common needs and interests in certain fields as provided for in paragraph 1 of this Article.

Article 96

Local Communities shall be established by citizens, in accordance with the law.

The Municipal Assembly shall pass a decision regulating the conditions for establishment of Local Communities, performance of their affairs, their bodies and appointment procedures, organization and work of the bodies, the decision-making procedure, finance and other issues important for the work of Local Communities.

Exceptionally from paragraph 1 of this Article the Assembly may establish Local Communities temporarily and until they are established by citizens themselves, if it becomes necessary for the exercise of rights and duties of the citizens.

Article 97

To address the needs of the local population, the Local Communities shall be funded from:

- 1) Municipal revenues, conceded to Local communities;
- 2) Private funds of the local population, who directly gather their resources either through self-imposed contribution or by some other means;
- 3) Legal and natural persons who may finance certain type of activities of the local self-government;
- 4) Charges for services that Local Communities perform through their activities;
- 5) Gifts, donations, and other resources.

Article 98

A competent municipal authority shall maintain the Registry of Local Communities.

Upon registration, Local Communities shall obtain the capacity of a legal person.

The Ministry responsible for local self-government shall establish the registration form and decide on methods of keeping the registry of Local Communities.

VIII CITIZEN PARTICIPATION IN THE EXERCISE OF THE LOCAL SELF-GOVERNMENT

Article 99

The Municipality shall create conditions, stimulate and assist the participation of the local population in their exercise of local self-government through different methods of expressing views and decision-making of the population regarding affairs of common interest.

For the purpose of addressing their needs in culture, sport, education, health, information and other, the local population shall take part in managerial bodies of public services and other legal persons that hold public powers and offer services to the citizens in the manner established by special legislation and other regulations.

1. Methods of citizen participation

Article 100

The methods of direct citizen participation in expressing their views and in decision-making shall consist of initiative, civil initiative, the assembly of citizens, referendum (at the level of Local communities and The Municipality), and other methods of expressing views and decision making provide for in the municipal statute.

The municipal statute, in accordance with the law, shall specify the methods and procedure of local population participation in expressing views and decision making process related to affairs of common interest.

The initiative

Article 101

Citizens shall be entitled to launch an initiative before the competent bodies for the purpose of considering and deciding on certain matters that are of interest for the local population.

The competent bodies shall take a position on the submitted initiative within 30 days and inform the submitter on it.

If the competent bodies do not take action at the initiative from paragraph 1 of this article, those who submitted the initiative may refer to the Mayor or the Assembly.

The civil initiative

Article 102

Citizens shall be entitled to launch a civil initiative.

The civil initiative shall be launched for the purpose of adoption or amending a regulation that defines important matters falling under the local self-government jurisdiction.

The municipal statute shall regulate matters that may be subject to civil initiative, the required number of citizens' signatures for launching the initiative, procedure for conduct of the initiative and other issues that are important for civil initiative.

If the competent body does not accept the civil initiative, a matter that was subject of the initiative may be submitted to a referendum that shall be held within 90 days from the date the decision has been passed.

The assembly of citizens

Article 103

The assembly of citizens, by a majority vote of citizens present, shall adopt requests and proposals and forward them to competent bodies.

Local self-government bodies shall, within 60 days from the date the assembly of citizens was held, discuss the requests and proposals and inform citizens on it.

The procedure of convening the assembly of citizens, methods of work and decision making shall be regulated by the municipal statute or specific regulation.

The community referendum

Article 104

On a community referendum, citizens living at the portion of the municipal territory shall express their views on matters that fall under the jurisdiction of the local self-government.

The matters that citizens of Local Communities may submit to a referendum, as well as the procedure of calling and holding the referendum shall be regulated in the law, *i.e.* the municipal statute.

Municipal Referendum

Article 105

Calling for a municipal referendum may give citizens an opportunity to express their views on certain matters that fall under the jurisdiction of the local self-government in the cases, pursuant to methods and following the procedure provided for in the municipal statute, in accordance with the law.

2. Other means of expressing citizens' views

Article 106

Apart from direct decision-making and an expression of views, citizens may also participate in the exercise of the local self-government by lodging petitions, suggestions and complaints, in accordance with the municipal statute.

Right to civil complaint or petition

Article 107

Any person may lodge a civil complaint or petition to local self-government bodies, as well as request information concerning the scope of work of these bodies.

The municipal statute shall specify the procedure for submitting civil complaints and petitions as well as the methods of action to be taken by the competent bodies.

The bodies to whom requests from paragraph 1 of this Article have been referred to shall make a decision, *i.e.* provide information respectively within 30 days from the date that the request was received.

Plan and program of participation of the local population in public affairs

Article 108

For the purpose local population participation in making decisions of direct and common interest, the Assembly shall adopt a special decision that regulates the methods and procedure of local population participation in public affairs.

The decision in terms of paragraph 1 of this Article shall regulate: type, mechanisms (surveys, media plans, notice boards, boxes for objections, suggestions and proposals, web sites, orderly telephone lines, organization of workshops in Local Communities, information centres, visits of lecturers, expert meetings and round tables, etc.), subjects, procedures, time-limits and methods of participation of the local population in performing public affairs, reporting on success of the procedures and other issues that are important for activities of the local population in decision-making process.

Article 109

Prior to deciding on municipal development programs, plans of ambient and urbanism, budget, and general acts that regulate rights and duties of citizens, the Municipality shall prepare a Plan on citizen participation in decision-making and appoint a body that shall hold public hearings.

Public hearings may also be held to discuss regulations that regulate matters that are important for local population, in accordance with the statute and decisions of municipal authorities.

The public hearings may not last for less than 15 days.

Article 110

Participation of the local population in decision-making process related to affairs from Article 109 of the present law shall be rendered possible by means of, in particular:

- 1) providing information to any citizen, administrative body, legal and natural persons, non-governmental organisation, and other interested party (hereinafter participants in the public hearings) before the drafts of municipal development plans and programs, budget and general regulations that set forth rights and duties of citizens have been prepared, on activities planned to be carried out during a year at the municipal level and through selecting their needs in the respective areas;
- 2) public advertisement of a draft municipal development plan and program, budget and general regulations that set forth rights and duties of citizens in a manner which makes them accessible to all participants in public hearings; programmes of public hearings about needs of the local population to be held in certain Local communities, in particular in the area of housing, public utilities, urban planning and ecology, educational and social affairs, etc.;
- 3) giving notice on the manner, time limits, place, and hour of holding public hearings which contains the necessary information on the subject to be discussed;
- 4) defining methods of participation of members of minority and ethnic groups in their language in the Municipality where such groups form a majority or significant number of population;
- 5) committing bodies of local self-government to consider all submitted comments, proposals and suggestions of participants in public hearings, make a summary of comments and explain their acceptance, *i.e.* reasons for rejection, prepare a report on results of the public hearings, accompanied with draft municipal development plan and program, budget and general regulations that regulate rights and duties of citizens and refer it to the submitter of the proposal;
- 6) making adopted documents available to the public, in particular to persons with special needs who express an interest in it.

IX RELATIONS AND CO-OPERATION BETWEEN THE LOCAL SELF - GOVERNMENT AND CITIZENS

Standards of handling affairs with citizens

Article 111

Local self-government bodies shall provide the local population with the conditions for exercise of their rights and duties in a lawful and efficient manner, respecting the personality and dignity of citizens.

When handling affairs with citizens, local officials and civil servants shall be under obligation to respect the code of ethics for civil servants and janitorial staff.

Article 112

Local self-government bodies shall provide the citizens, in exercise of their rights and interests, with necessary information, explanation and notification.

Providing information shall be effected through technical facilities, brochures, and public media.

When handling affairs in administrative matters, local self-government bodies shall openly demonstrate standards of proceedings.

Article 113

Local officials and heads of local administration bodies shall establish working hours for meeting the citizens.

The name of local self-government bodies and public services must be emphasized on public buildings where such bodies, *i.e.* services are located.

A plan of premises must be emphasized on a visible spot in a body, *i.e.* public service.

The name and title of office, *i.e.* the profession of civil servants and janitorial staff shall be emphasized in the entrance of official premises.

Employees shall carry visible official identifications, stating their name, photograph and the title in accordance with regulations passed by the Ministry responsible for local government affairs.

Remarks and complaints of citizens

Article 114

Local self-government bodies shall provide visitors' books and boxes for remarks, suggestions, and complaints of citizens, while the head of administrative body shall meet citizens for the purpose of hearing their remarks and complaints about improper work of the body or behaviour of civil servants.

A competent body shall provide a written reply to complaints within 15 days from the date a complaint was submitted, if required so by the citizens.

Local self-government bodies to which remarks were addressed shall analyze them on a monthly basis and undertake measures for solving problems the citizens contacted them for.

Deconcentration of administrative affairs

Article 115

For the purpose of performing certain affairs from the jurisdiction of local administration, in particular related to the exercise of rights of the citizens, the administrative bodies may organize their functioning in Local Communities.

Affairs from paragraph 1 of this Article, manner and place of their performance shall be defined by the Chief Administrator.

Citizens must be informed publicly on the manner the affairs from paragraph 2 of this Article are performed.

X RELATIONS OF LOCAL SELF-GOVERNMENT BODIES AND NON-GOVERNMENTAL ORGANISATIONS

Article 116

For the purpose of promoting an open and democratic society, local self-government bodies shall cooperate with non-governmental organizations.

Cooperation from paragraph 1 of this Article shall be realized through, namely:

- 1) Providing information on all issues that are important for the non-governmental sector;
- 2) Consultation of the non-governmental sector with respect to development programs of the local self-government and drafts of general regulations to be passed by the Assembly;
- 3) Enabling participation in working groups on drafting normative regulations or preparation of programs and projects;
- 4) Organizing joint public hearings , round tables, seminars, etc.;
- 5) Financing projects presented by the non-governmental organizations that are of interest for the local population, under the conditions and procedures prescribed by a general regulation of the Municipality;
- 6) Providing working conditions for non-governmental organizations, in accordance with possibilities of the authorities of local self-government;
- 7) Other methods as set forth in the municipal statute.

XI RELATIONS AND CO-OPERATION BETWEEN LOCAL SELF – GOVERNMENT BODIES AND PUBLIC SERVICES FOUNDED BY THE STATE

Relations with public services

Article 117

Local self-government bodies shall co-operate with public services and other legal persons founded by the State, participate in procedures of preparing and implementing development plans and programs and make proposals, suggestions and views concerning the execution of tasks on the territory of the Municipality.

Organizations from paragraph 1 of this Article shall provide local self-government bodies, at their request, with the reports on implementation of plans and programs within activities carried out on their territory.

Article 118

In case co-operation does not take place as provided for in the present law, the competent bodies of the local self-government may notify the Government and require that adequate measures be taken.

The Government shall inform the competent body of the local self-government about the measures that have been taken within 30 days from the date the notification was received.

XII RELATIONS BETWEEN BODIES OF THE LOCAL SELF-GOVERNMENT AND STATE BODIES

Article 119

Relations between bodies of the local self-government bodies and State bodies shall be based on mutual co-operation and supervision of state bodies over the legality of work of the local self-government bodies.

Article 120

While performing affairs and tasks of the local self-government related to definition and exercise of rights, freedoms and duties of citizens, the competent bodies of the State shall supervise the legality of the work of local self-government bodies within the scope of rights and duties prescribed by the law.

Co-operation between bodies of the local self government and State bodies

Article 121

When performing affairs that fall within the scope of their jurisdiction, the bodies of the local self-government shall:

- 1) initiate with the State bodies the procedure for defining the relations that are important for the local self-government and undertake measures that are important for solving problems within the scope of rights and duties of the local self-government;
- 2) propose to the State bodies to undertake actions concerning the development of the local self-government;
- 3) request an opinion from the competent State bodies on implementation of the laws of direct importance for the development and exercise of the local self-government and for the work of the bodies of local self-government;
- 4) participate in preparation of laws and other regulations the content of whom presents an interest for the exercise and development of the local self-government.

Article 122

When co-operating with the bodies of local self-government, the State bodies shall:

- 1) inform, on their own or by request, the bodies of the local self-government on measures they take or intend to take for the implementation of the laws and other regulations for the purpose of the control of legality, phenomena that violate the rules and steps for their elimination, exercise of the rights of citizens to local self-government, as well as on other issues of direct interest for the exercise of the local self-government and the work of its bodies;
- 2) provide technical assistance to the bodies of the local self-government in relation to execution of their affairs;
- 3) request reports, facts and information about the status of affairs that fall under the scope of rights and duties of the local self-government, as well as other issues important for the functioning of State bodies;
- 4) perform other tasks in accordance with the law.

Article 123

Local self-government bodies, when requested by State bodies, shall submit facts and information that are important for the exercise of the State bodies' functions.

State bodies and local self-government bodies may not prescribe fees for mutually rendered services and exchange of official data that are necessary for their functioning.

Relations between local self-government bodies and the Government

Article 124

The Government shall be entitled, pending a decision of the Constitutional Court, to suspend from execution a regulation or general act of the Assembly or the Mayor if it estimates that such regulation or general act is not in accordance with the Constitution or that it restricts freedoms, rights and duties of citizens as prescribed by the Constitution and laws.

When a regulation or general act is suspended from execution, the Government shall initiate proceedings before the Constitutional Court, without delay and within eight days at the latest.

If the Government does not initiate proceedings within the deadline from paragraph 2 of this Article, the regulation or general act shall be implemented.

Article 125

When an Assembly fails to hold its sessions, enforce decisions of the competent courts or execute its legal duties for longer than three months, the Government shall issue a warning that the Assembly ensure the functioning, *i.e.* that it executes its legal duties within a certain deadline.

If within the deadline from paragraph 1 of this Article, the Assembly does not ensure its functioning *i.e.* perform its legal duties, the Government shall, at the proposal of the Ministry responsible for the local self-government, dissolve the Assembly.

In the case of dissolution, the Mayor shall be in charge of the functioning of the Assembly, until the newly elected Assembly is constituted.

Article 126

In the case of dissolution, the Mayor shall call for elections within 15 days from the date the dissolution became effective.

XIII CO-OPERATION AND ASSOCIATION OF THE LOCAL SELF-GOVERNMENT UNITS

The freedom of association of the local self-government units

Article 127

Based on principles of voluntarism and solidarity local self-government units may, when performing affairs of their primary jurisdiction, freely co-operate and combine resources in execution of tasks of their common interest, for the purpose of addressing the needs of the local population.

Article 128

Municipalities may found their own association of municipalities within the territory of the Republic of Montenegro.

The Association from the paragraph 1 of this Article shall be considered as founded by more than half of the municipalities.

Article 129

Upon registration, the Association of municipalities shall obtain the capacity of a legal person.

Organization, methods of work and finance of the Association from paragraph 1 of this Article shall be regulated in the Statute of the Association.

The competent Ministry for the local self-government shall decree the sample and the method of keeping the register of Association of municipalities.

Article 130

Municipalities and the Association from Article 128 of the present law, within their competencies, may freely co-operate with local communities and associations from

other countries for the purpose of realizing common interests and combine into regional and international organizations of local authorities.

Inter-municipal community

Article 131

In order to perform certain affairs related to administration and public services in common and more economic and efficient manner, municipal assemblies may establish inter-municipal communities (hereinafter: the Community).

The Community shall be established by means of an agreement between municipal assemblies.

Article 132

Agreement on establishing the Community shall stipulate:

- 1) founders;
- 2) name and headquarters of a Community;
- 3) representation and pleading for a Community;
- 4) type, scope and method of performing of affairs;
- 5) Community bodies, method of work and decision-making;
- 6) financing;
- 7) method of supervision over Community's work by municipalities;
- 8) accountability of a Community for performing affairs;
- 9) publicity;
- 10) procedure for leaving the Community;
- 11) termination of the activities of the Community;
- 12) other issues important for organization and functioning of the Community.

Article 133

The Government shall give consent to the regulations on establishing the Community or termination of activities of the Community from Article 131 of the present law.

Article 134

The Community shall be registered in a file kept with the Ministry responsible for the local self-government.

Article 135

When the agreement stipulates that the Community is competent to rule on rights and duties of citizens in administrative matters, the Chief Administrator in the Municipality shall rule over disputes related to administrative regulations adopted by the bodies of the Community.

The territorial jurisdiction of the Chief Administrator from paragraph 1 of this Article shall be defined in accordance with the Law on General Administrative Procedure.

Article 136

Persons employed in the Community bodies shall exercise their rights, duties and responsibilities with bodies of The Municipality in which the Community is located.

Article 137

For the purpose of supervision over the work of Communities, the provisions of the present law that regulate relations and co-operation of local self-government bodies and State bodies shall apply accordingly.

XIV PUBLICITY AND TRANSPARENCY

Article 138

Publicity and transparency of the local administrative bodies and public services shall be ensured through:

- 1) direct access by citizens to regulations and other official files related to the functioning of the local self-government and exercise of rights of citizens;
- 2) citizen participation in public hearing during the procedure of decision-making when matters of direct interest for the local population are to be regulated;
- 3) public advertising of general and other regulations in the Official Gazette and public media;
- 4) organizing different types of citizen education;
- 5) other methods prescribed by the municipal statute.

The method of exercise of citizens' rights from paragraph 1 of this Article shall be specified in the municipal statute, *i.e.* in the Rules of Procedure of the Assembly.

Article 139

Local administrative bodies and public services shall inform the public about the status of affairs from their scope of jurisdiction and report to it on their performance through public media or some other suitable means.

Disclosing of certain facts and reports may be denied only in cases where such disclosure would represent violation a duty to keep state, military and official secrets that refer to protecting the safety and privacy of citizens.

Article 140

The Head of the local administrative body or a person he or she authorises shall provide reports, information and facts that are in relation to the performance of the bodies of local self-government and they shall be personally accountable for their accuracy and timeliness.

Article 141

Local administrative bodies shall publicly announce the holding of symposiums and other methods of professional elaboration and discussion on matters within their scope of jurisdiction, enable citizens' participation and monitoring of the activity by public media.

XV PROTECTION OF THE LOCAL SELF-GOVERNMENT

Methods of protection

Article 142

Any person shall be entitled to submit an initiative to the Constitutional Court for launching the procedure of assessment of the constitutionality and legality of general acts of State bodies that violate the right to local self-government as prescribed by the Constitution or the law.

Municipal assemblies shall be entitled to initiate the procedure of assessment of the constitutionality and legality of laws and other general acts of State bodies that violate rights to local self-government as prescribed by the Constitution or the law.

Article 143

When the right of citizens to local self-government has been violated by means of a particular regulation or activity of State bodies or organisations which hold public powers, and where such regulations or activities are not subject to other judicial protection, the competent municipal body may file a constitutional appeal to the Constitutional Court.

Article 144

When the right of citizens to local self-government has been violated by means of an adopted law, the Association from Article 128 of the present law may submit an initiative to the President of the Republic not to promulgate such a law.

Council for Development and Protection of the Local self-government

Article 145

Municipalities shall establish the Council for Development and Protection of the Local self-government (hereinafter the Council) in order to foster improvement of local self-government.

The members of the Council shall be appointed by the Municipal Assembly from amongst distinguished and prominent citizens of the Municipality and experts in matters that are important for the local self-government.

The Council shall be entitled to submit proposals to State bodies, local self-government bodies and public services with respect to improvement and development of local self-government, increase of the number of , protection of rights and duties of municipalities as prescribed by the Constitution and law and protection of freedoms and rights of the local population.

Bodies and services from paragraph 2 of this Article shall state their opinion on the proposal submitted by the Council within due time limit, and not later than 60 days from the date the proposal has been submitted.

The municipal Statute and the regulation on establishing the Council shall specify the rights and duties of its members, composition and election rules, methods of work and other issues important for its functioning.

XVI TRANSITIONAL AND FINAL PROVISIONS

Article 146

Municipal statutes and other general municipal acts shall be brought into line with the present law within 6 months from the date the present law enters into force.

Article 147

Laws and other regulations prescribing the list of affairs that fall under the primary jurisdiction of the local self-government shall be brought into line with the present law within one year from the date the present law enters into force.

Article 148

The Ministry in charge of local self-government shall pass implementing regulations pursuant to the present law within 6 months from the date the present law enters into force.

Article 149

The President of the Republic shall call for the first election of municipal councilors and Mayors pursuant to the present law.

The outgoing Mayor shall convene the first inaugural constitutional session of a Municipal Assembly, elected in accordance with the present law, within 15 days from the date the municipal councilors have been elected.

If the inaugural session is not convened in accordance with paragraph 2 of this Article, the President of the Government shall convene the session.

Article 150

Chapter V of the present law “Municipal authorities” shall apply as of the date the next election for municipal councilors and Mayors is organized, in accordance with the law.

Article 151

Once the new organization and method of work of the local administration is in place, the Chief Administrator shall become the second instance body in administrative procedure for affairs that fall within the primary jurisdiction of the local self-government.

If the administrative procedure for the purpose of determining the rights of citizens has been initiated, and is still pending before the local administrative bodies it shall be conducted pursuant to the legislation currently in force until a final and binding decision is passed.

Article 152

On the date the present law enters into force the Law on Local self-government, with exception of Chapter V “Organization and work of municipal bodies” (“Official Gazette of the Republic of Montenegro”, no 45/91, 16/95, and 23/96), and the Law on Delegation of Affairs of the State Administration to Local Administration Bodies (“Official Gazette of the Republic of Montenegro”, no. 30/92) shall cease to be valid.

Article 153

The present law shall enter into force on the eighth day from the date of its publication in the “Official Gazette of the Republic of Montenegro”.

