TRAINING NEEDS ANALYSIS

National Training Strategy for Local Government in Montenegro

Center For Entrepreneurship and Economic Development

October 2007
RESEARCH FOR THE TNA WAS CARRIED OUT WITH SUPPORT FROM …

- **THE UNION OF MUNICIPALITIES**
- **THE COUNCIL OF EUROPE**
- **SNV**
- **THE CENTRE FOR ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT**

... by the following experts:

- **LJUBINKA RADULOVIC, JOVANKA LALIČ, REFIK BOJADZIĆ (UOM)**
- **ANA ZEKOVIC, SLAVICA NIKOLIC, MILJANA KOMAR, BUDIMKA MICKOVIC, DRAGANA RADEVIC (CEED)**
- **CEZARY TRUTKOWSKI, GORAN DIJUROVIĆ (COE)**
- **ALEKSANDRA REDZIC, JOHN JACKSON (SNV)**

### STEERING GROUP

<table>
<thead>
<tr>
<th>No.</th>
<th>NAME</th>
<th>POSITION</th>
<th>CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tarzan Milosevic</td>
<td>Mayor of Municipality Bijelo Polje</td>
<td><a href="mailto:protokolso@cg.yu">protokolso@cg.yu</a></td>
</tr>
<tr>
<td>2.</td>
<td>Dejan Mandic</td>
<td>Mayor of Municipality Herceg Novi</td>
<td><a href="mailto:hnovi@cg.yu">hnovi@cg.yu</a></td>
</tr>
<tr>
<td>3.</td>
<td>Vuka Golubovic</td>
<td>Mayor of Municipality Berane</td>
<td><a href="mailto:berane@cg.yu">berane@cg.yu</a></td>
</tr>
<tr>
<td>4.</td>
<td>Veselin Bakic</td>
<td>Mayor of Municipality Andrijevica</td>
<td><a href="mailto:so_andrijevica@cg.yu">so_andrijevica@cg.yu</a></td>
</tr>
<tr>
<td>5.</td>
<td>Stanko Maric</td>
<td>Secretary General of the Union of Municipalities of Montenegro</td>
<td><a href="mailto:uom@cg.yu">uom@cg.yu</a></td>
</tr>
<tr>
<td>6.</td>
<td>Vesna Jovicevic</td>
<td>Ministry for Economic Development</td>
<td><a href="mailto:vesna.jovicevic@mn.yu">vesna.jovicevic@mn.yu</a></td>
</tr>
<tr>
<td>7.</td>
<td>Svetlana Vukovic</td>
<td>Human Resources Management Agency</td>
<td><a href="mailto:svetlana.vukovic@uzk.cg.yu">svetlana.vukovic@uzk.cg.yu</a></td>
</tr>
<tr>
<td>8.</td>
<td>Hamdija Sarkinovic</td>
<td>Ministry of Interior Affairs and Public Administration</td>
<td><a href="mailto:mup.kabinet@cg.yu">mup.kabinet@cg.yu</a></td>
</tr>
<tr>
<td>9.</td>
<td>Vladislav Karadzic</td>
<td>Ministry of Finance</td>
<td><a href="mailto:vladislav.karadzic@mfin.mn.yu">vladislav.karadzic@mfin.mn.yu</a></td>
</tr>
<tr>
<td>10.</td>
<td>Aleksandra Redzic</td>
<td>SNV consultant</td>
<td><a href="mailto:aredzic@snwworld.org">aredzic@snwworld.org</a></td>
</tr>
<tr>
<td>11.</td>
<td>Raffaella Zoratti</td>
<td>Representative of OSCE</td>
<td><a href="mailto:raffaella.zoratti@osce.org">raffaella.zoratti@osce.org</a></td>
</tr>
<tr>
<td>12.</td>
<td>Regina de Dominicis</td>
<td>Representative of EAR</td>
<td>regina.de-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><a href="mailto:dominicis@ear.europe.eu">dominicis@ear.europe.eu</a></td>
</tr>
<tr>
<td>13.</td>
<td>Silvia Ivanova</td>
<td>Representative of COE</td>
<td><a href="mailto:sylvia.ivanova@coe.int">sylvia.ivanova@coe.int</a></td>
</tr>
</tbody>
</table>
# CONTENTS

**SUMMARY**  
4

**SECTION 1  TNA APPROACH**  
7  
1. Key assumptions  
2. TNA goals  
3. TNA methodology  
   a) Qualitative research  
   b) Quantitative research  
   c) Bilateral discussions  
   d) Legal analysis

**SECTION 2  TNA RESEARCH FINDINGS**  
13  
1. The current situation  
   a) Staffing  
   b) Performance appraisal  
   c) Leadership  
   d) Transparence and citizen participation  
   e) Strategic development  
2. Existing training experience  
3. Training needs

**SECTION 3  STAKEHOLDER ASSESSMENT**  
21  
1. Background experience  
2. Perception of training  
3. Assessment of current training  
4. Training priorities  
5. Options for a training system  
6. Contribution to new training system

**SECTION 4  TNA RECOMMENDATIONS**  
27

**SECTION 5  LEGAL ANALYSIS**  
30  
1. Legal status of local government officials  
   Recommendations  
2. Relations between Head of administration and Chief Administrator  
   Recommendations  
3. Relations between Municipal Assembly and Mayor  
   Recommendations  
4. Professional qualifications and licensing  
   Recommendations
SUMMARY

The Training Needs Analysis (TNA) is the first stage in the development of a National Training Strategy (NTS) for local government. It is based on (i) interviews and discussions with key officials and elected members in municipalities, (ii) a survey of all municipalities, (iii) bilateral discussions with key stakeholders, and (iv) an analysis of the legal framework. It thus creates a sound foundation on which to build a training system and a training programme.

Training needs to respond both to the corporate need of municipalities for expertise and to the personal training and development needs of local government officials and elected representatives; programmes that respond to these needs should be developed following the adoption of the NTS. The system needs to be demand-driven.

Municipalities need to develop a proper Human Resource function that operates without political interference; they should take responsibility for recruiting good staff, releasing unproductive staff and ensuring staff receive proper training and perform well.

There is no need to create a new training institution for local government; rather, best use should be made of existing institutions. While the Human Resources Management Agency can, with additional capacity, bring extensive expertise to local government training, the Union should use its legitimacy and authority to develop its own training function for both staff and elected members and to take overall responsibility for the delivery of the NTS. This is the only road to sustainability.

The NTS should make use of existing training providers and create opportunities for new ones; it should introduce a system of quality assurance to ensure that high training standards are achieved.

Training takes place within a legal and institutional framework. Parts of the legal framework are an obstacle to good local government and need to be amended; this is for the Government to take forward. In other cases, appropriate legislation is in place but is not followed; this is primarily for the Union of Municipalities to resolve.
The following key recommendations are made:

- Municipalities should develop effective Human Resource departments; they should be supported by the Union through an HR service.
- Officials should be subject to performance appraisal.
- Appointments should not be subject to political interference; recruitment and promotion should be subject to transparent procedures.
- A quality assurance system should be established to provide a framework for core curricula, Training of Trainers programmes etc.
- High priority should be given to programmes in such areas as:
  - Leadership development;
  - Citizen participation;
  - Management and organisation;
  - Tax collection and budget management;
  - Asset management and local economic development.
- The Union should take the lead responsibility in delivering the NTS; it should develop a training function comprising a resource centre, specialised training provision, a trainers network, an information service, curriculum development etc.
- The HRMA should offer its expertise in curriculum development, training of trainers, generic training, training evaluation etc; the Union and the HRMA should work closely together.
- A national body, comprising the Union, HRMA and the Ministry responsible for local government, should be established to oversee the delivery of the NTS; it should meet with all stakeholders at least once a year to make best use of resources and promote coordination.
- The NTS for local government should be linked to the NTS for central government.
- Ministries should ensure proper training for their officials who work with local government and should support the training of local government officials in exercising shared or delegated responsibilities.
- Changes should be made to the legislative framework to:
  - Establish an HR function in each municipality;
  - Regulate recruitment, promotion, discipline etc and establish a performance appraisal system in municipalities;
  - Provide for flexibility in the salary system to allow for the recruitment of properly experienced and qualified staff;
  - Place an obligation for professional development on officials and a responsibility on municipalities to arrange for the training for staff;
  - Set out clear rights and duties for the Chief Administrator and Head of the administration to avoid overlapping responsibilities;
• *Develop an election system that makes councillors accountable to citizens;*

• *Introduce a better equilibrium in the working relationship between the Mayor and the Municipal Assembly, with clearer powers for the Mayor and the Assembly to act in times of crisis;*

• *Substantiate the posts of President and Secretary General of the Municipal Assembly;*

• *Review the system for examination and professional development for local government officials.*
SECTION 1: TNA APPROACH

1. KEY ASSUMPTIONS

The key premise underlying the decision to develop a National Training Strategy (NTS) was that it should lead to economic and social development at local level. This is a major responsibility of local government. The NTS should improve the capacity of municipalities to deliver good local government through better performance and higher standards.

The NTS should therefore respond to municipalities’ needs for expertise. It should reflect the personal development needs of staff and elected members and take account of their expectations and training experience. It should capture the experience of key stakeholders.

The performance of municipalities takes place within a legal and institutional framework. Shortcomings in the framework make training less effective. The NTS should therefore identify the changes to the framework that are necessary.

Training is important for decentralisation. Decentralisation requires municipalities to perform well. It takes place within a set of European values that are set out in the European Charter of Local Self-Government. These put obligations on the Government as much as upon local government. While municipalities need to develop their expertise, the Government has responsibility for creating the right framework for good local government.

To avoid the politicisation of training, the TNA should be seen to be independent and reliable, based on comprehensive data and recognized research methods.

2. TNA GOALS

The objective of the TNA was to determine the training needs of the key groups in local government. Therefore all those factors influencing local authority activities were analysed, including both the working conditions and capacities of municipalities on the one hand and the skills, knowledge and attitudes of staff and elected members on the other.

The most important issues that the TNA took into account included:
• the existing knowledge and experience of key groups of staff;
• the scope and type of training needed for more knowledge and professional skills;
• municipalities’ willingness to participate in training and their ability to pay;
• external constraints threatening the successful implementation of the NTS;

Several important questions have been identified for further consideration:

• What topics should be covered by the training programmes?
• How extensive should the training be in particular fields?
• Who should be the target of specific training courses?
• What new training methodologies should be introduced?
• What other forms of support to municipalities are needed?
• What should be the institutional arrangements for the delivery of the NTS?
• What external factors should be changed to ensure the effectiveness of the NTS?

3. TNA METHODOLOGY

The TNA comprised relatively extensive research consisting of four components:

1. A qualitative investigation based on a series of in-depth individual and group interviews and focus group discussions with municipal representatives.
2. A verifying survey of a representative sample of municipalities.
3. Bilateral discussions with the principal local government stakeholders.

a) Qualitative research

The most important goals of the qualitative interviews and discussions were to:

- Recognize the most problematic areas in the everyday operations of municipalities;
- Describe existing practices in dealing with those problems;
- Define important areas of training in relation to existing problems and practices;
Define the most common attitudes toward local government and citizen participation on one hand, as well as attitudes toward personal development and participation in training;

Determine how individual training needs might best be assessed;

Learn about key sources of information relevant to training needs.

In-depth individual and group interviews

Trained interviewers carried out in-depth individual and group interviews. The interviews were conducted according to a prepared detailed scenario that defined the objectives and general guidelines for the discussions. They allowed a careful examination of the way the interviewees think and act, how they look at a situation, their level of motivation towards specific activities and the extent of their knowledge.

- Individual interviews with mayors in 18 municipalities all over Montenegro: Andrijevica, Berane, Bijelo Polje, Budva, Cetinje, Danilovgrad, Herceg Novi, Kotor, Mojkovac, Niksic, Plav, Pljevlja, Pluzine, Rozaje, Savnik, Tivat, Ulcinj and Zabljak. Interviews were not conducted with the mayors of Bar, Kolasin and Podgorica.

- Four group interviews, 2 in the northern part and 2 in the southern part of Montenegro with (i) chiefs of secretariats (at least 5 years of work experience in local government), (ii) junior staff members (one from each municipality, 3-5 years of work experience in local government, age: 30-35) and (iii) senior staff members (one from each municipality, more than 15 years of work experience in local government).

Focus Groups

The Focus Groups allowed a carefully planned discussion with 8-12 selected participants in a comfortable environment in order to obtain their perceptions in specific areas of interest. A trained moderator led discussions. The Focus Groups provided an opportunity for the researcher to evaluate group influence on the opinions of specific individuals. This technique is especially suitable for investigating the processes of forming opinions and making decisions that are subject to peer influence and collective behavior.

(Each discussion was recorded and a detailed summary report is available.)
b) Quantitative research

The rationale for using a representative Survey method was the need to obtain credible, robust and verifiable data about the current situation.

The quantitative research was conducted among all municipalities with the following key municipal staff and elected members: Vice-Mayors; Presidents of the Council; Chief Administrators; City Managers and all Chiefs of Secretariats.

There were two Questionnaires prepared, one with more detailed questions targeted at Vice-Mayors and Presidents of the Councils, the other with briefer questions for the others.

The Survey allowed the researchers to:

- Verify the findings of the qualitative interviews;
- Learn about the training experiences to date of municipal staff and elected members;
- Obtain representative, credible data on the demand for training courses;
- Assess the need for personal development of municipal staff and elected members.

The Questionnaires used various techniques and used illustrative and support materials, according to the best professional standards.

**The Survey methodology**

Due to a relatively small number of municipalities, the Survey was conducted in all municipalities and included 134 Questionnaires:

- 24 questionnaire-based interviews with high-level executive staff (21 Vice-Mayors, 3 Mayors)
- 19 Questionnaires with Chief Administrators
- 9 Questionnaires with Managers
- 13 Questionnaires with Presidents of the Assembly
- 69 Questionnaires with Chiefs of Secretariats

The outcome of the Survey was:

- objective and verifiable knowledge of the needs, problems and training expectations of the local government community;
- representative data on the interest in specific training courses.
c) Bilateral discussions

There are a number of institutions that have an important role to play in training provision and within the training environment. Those stakeholders engaged in delivering, overseeing or funding training for municipalities had the opportunity to share their experience and perceptions of local government training and consider what kind of training system would be the most appropriate.

Bilateral meetings were held with:

- Training organisations (CRNVO, ALDP, FONDAS),
- Donor organisations (OSI, OSCE),
- Union of Municipalities (Union), Ministry of Interior and Public Affairs, and Human Resource Management Agency (HRMA).

The aim of the meetings was to:

- Learn from their experience in local government training.
- Take account of their views about training priorities.
- Discuss the kind of training system they felt most appropriate and the ways in which the different institutions could contribute.
- Seek their commitment to the implementation of the NTS.

d) Legal analysis

Local government operates within a legal framework. Of particular relevance to the NTS will be laws affecting:

- the recruitment, promotion and discipline of staff, their professional development;
- the relative powers of the Mayor, the Assembly and the President of the Assembly;
- the respective responsibilities of the Mayor, the Chief Administrator and the Head of Administration.
It was also important to assess the extent to which existing laws – ones that in themselves were robust – were not being implemented properly.

The aim of the Legal Analysis was to identify those obstacles in the legal framework that reduced the capacity and performance of municipalities and make recommendations for appropriate solutions. This would create the conditions for an effective NTS.
SECTION 2: TNA RESEARCH FINDINGS

1. THE CURRENT SITUATION

In 2003, a new law on local government was adopted and came into force after the first municipal elections. The law was significant; it led to changed municipal structures and competences and to the direct elections of Mayors. This gave the Mayors considerable authority over staffing and training issues.

Due to a number of early elections, the law has been in force in some municipalities for 1-2 years longer than in others; this is reflected in the difference between municipalities in some of the issues highlighted by the TNA, such as the understanding between the Mayor and the Assembly and the financial capacity of the municipality.

a) Staffing

Most municipalities face similar staffing problems. There is an excessive number of staff, particularly ones with no more than high school education. On the other hand, in some municipalities there is a shortage of staff with university degrees. Thus, many tasks are performed by staff who lack adequate knowledge and qualifications and cannot manage the responsibilities of employees as set out in law.

Employment in local government was perceived as moderately attractive. Lately, there has been a large outflow of experts from municipalities, especially engineers, because of low salaries and a lack of promotion opportunities.

Municipalities employ too many older staff who have low motivation for work, training or career development. Some employees actually reach retirement age but do not leave the job, thus denying their post to younger people.

Most of the staff are used to old-fashioned working styles and conditions and are afraid to change.

The problem starts with the employment procedure where political parties are particularly influential. There is significant nepotism. In most cases, Mayors are unable to select new employees through approved procedures for the more important positions. Likewise, they
find it difficult to dismiss them due to complicated procedures and potential political conflicts. This prevents a Mayor from establishing a skilled and responsible senior management team.

Most municipalities do not have an organised unit with responsibility for HR.

Employment practices in municipalities are only moderately transparent. Only 43% of municipalities have any formal recruitment policy.

It is particularly difficult to recruit skilled staff for certain important positions (e.g., urban planning, construction and inspection); professionals in these areas are unwilling to work in local government because of the low salaries.

Some 80% of the municipalities have insufficient office space.

While there are no problems with the availability of computers, in many municipalities the equipment is not in use due to a lack of computer knowledge. Telephone lines and internet access are sufficient, but everyday use of e-mail communication is limited. However, some 84% of the municipalities have their own website which is frequently updated.

Greatest confidence lies in municipalities’ knowledge of the legal framework for local government; the least lies in knowledge of foreign languages. Managers are the most confident in their knowledge and skills, while Vice Mayors are the least confident.

There is more confidence within municipalities in skills than in knowledge, with interpersonal skills at the top and computer skills at the bottom.

Staff are evaluated poorly, particularly by Vice Mayors; Chiefs of Secretariat had more confidence in their staff, but in their professionalism and responsibility rather than in their computer skills.

b) Performance appraisal

The law defines the duty to evaluate the performance of officials so that their work can be monitored and promotion properly considered. It lists the following criteria for assessment:

- achievement of work results;
- independence and creativity;
- cooperation with clients and colleagues at work;
- organisation of work;
- skills and performance.
The evaluation should be made once a year by the Head of the administration; the official must be informed about the results.

**Setting out the responsibilities of local officials and monitoring their performance are not usually undertaken in practice.** The local official is not held responsible when he or she fails to meet expected objectives. In those municipalities that do undertake an evaluation, they do so only to define the variable part of the salary. It is not used for the promotion.

Over half the municipalities do not conduct performance appraisal on a regular basis; more than half do not have any evaluation system. Data shows that the promotion of staff depends largely on ad hoc decisions.

The possibilities for promotion and career development in local government are limited because municipalities do not offer a wide spectrum of jobs. The number of management posts in a municipality is small (e.g. the Secretary General of the Municipal Assembly, the Head of the administration, Heads of vocational and other services).

**The challenge of recruiting the right staff and motivating them is recognized in all municipalities.**

c) **Leadership and management**

The weak performance of municipalities derives from poor practices that have been going on for years. **There is no effective approach to management and administration.** Municipalities are slow and inefficient in responding to the needs and demands of citizens. There seems to be a lack of responsibility for the effective performance of tasks and for good administration - both among managers and front-line staff.

The legal framework is not completely clear or precise regarding the distinction between the respective competences of the Mayor and the Chief Administrator; likewise between the competences of the Head of the administration and the Chief Administrator.

According to the law, the Head of the administration is only accountable for his/her work and not for the work of the municipality itself, although he/she manages the work of the municipality and decides on the employment of officials. In addition, the Head of the administration is accountable both to the Chief Administrator and also to the Mayor; this creates potential tension.
The delegation of responsibilities within a municipality is very poor; many issues cannot be resolved without involving the Mayor. Citizens and businesses believe that the Mayor is the only one with enough power to resolve any particular problem. Even when the responsible staff are competent, citizens will usually take their problems directly to the Mayor. Mayors do not seem to respect the professional capacities of staff or the role of councillors.

While respondents generally understand the importance of being focused on the local community, they recognize the need to make citizens more aware of local government.

However, there are some Mayors who are willing to challenge these difficulties. Some newer Mayors have managed to recruit younger, more motivated staff; other Mayors - especially more established ones - expect the problems just to disappear. The option of appointing a City Manager is available, but several Mayors found it difficult to recruit an adequate person.

Regardless of their political party and their relationship with the National Parliament, the elected members are dissatisfied. They feel that the executive does not want the Municipal Assembly to have an important role in the decision-making process. They seem to owe their first duty to their political party rather than to the local community. This can be an obstacle to good decision-making. They are unlikely to be in direct communication with citizens and do not fully understand their needs. Nor do they have an effective relationship with municipal staff. Procedures are complicated. The Assembly therefore is not able to play an effective role. Even when it makes decisions, it does not properly monitor their implementation.

d) Transparency and citizen participation

The transparency of the work of municipalities is above average. Access to documents for citizens is seen as easy. However, communication with citizens is mostly based on informal rules; almost half the municipalities do not have a Citizens' Information Office. The transparency of tendering is quite good. Tenders are mostly announced through TV and other media.

The more effective ways to prevent corruption are seen as an increase in salaries and the introduction of more severe punishments. The least effective are seen as the introduction of Ethical Codes and easy access of citizens to public information.
**TYPICAL PROBLEMS FACED BY MUNICIPALITIES**

- Knowledge of legislation is poor;
- Legislation is too complicated to be implemented;
- There is a lack of professional and skilled staff, especially in the inspection and urbanism departments;
- Salaries for all employees is insufficient, leading to poor motivation;
- There are difficulties in participating in IPA programmes;
- There are difficulties in preparing and implementing the Urban Plan;
- There is too much illegal construction, making the work of the local inspection team difficult;
- The communal infrastructure is inadequate;
- There is a lack of local EU departments and entrepreneurial centres;
- There is a lack of planning documentation;
- EU legislation is not adequately prepared for the Montenegrin context;
- In the summer, crowds are excessive causing long working hours;
- Real-estates registries are inadequate and not up-to-date;
- Some of the One-Stop-Shops are established inappropriately;
- Local people are uninformed about procedures;
- There are no Complaint Books or other systems of communication with citizens;
- Citizens do not show interest in participating in the decision-making process (eg in public debates);
- The organisation of work is very poor; most employees do not have good “working habits”;
- Citizens have free access to all offices without any protocol; office work, therefore, gets interrupted and cannot be performed correctly;
- Assembly members represent the interests of political parties before the interests of good local government.

Political influence and nepotism are seen as the two main obstacles in the employment of staff, in decision-making and in communication between municipalities and other institutions.

There is a range of perception about citizen satisfaction with municipal operations. Some think citizens are satisfied; others don't.
e) **Strategic development**

Almost all municipalities have a Strategic Plan adopted for a period of more than 3 years. In most cases, there are procedures for an update of the Strategic Plan. The Plan is updated on annual basis in the majority of municipalities.

Most municipalities include citizens in the preparation of the Strategic Plan. Most Plans include the professional development of municipal staff.

Most municipalities engage in promotional activities targeted at potential investors.

---

**2. Existing Training Experience**

In all municipalities, most staff attended some training. Most of the training was related to using a computer, budgeting software, real estate structuring and recording. Over half the training was organised by international and non-governmental organisations, with a significant proportion financed by the Union of Municipalities and USAID.

Most municipalities were willing to finance training and many provided University scholarships for students. Mayors are ready to nominate the right staff and elected members for proper training. But municipalities rarely initiated training programmes for themselves. Usually, the training organiser would invite the Mayor or some other high-level representative and they would nominate candidates. The motivation of staff to attend training varies, depending mostly on age: younger staff are more willing to attend training.

Some municipalities have no training register, but Mayors realise this is necessary.

**Municipalities have no training plans; they have not adopted any special curricula for training their staff; rather, their training is organised on an ad hoc basis; results are not monitored.**

**Generally, training has not given satisfactory results.** It mostly takes place through seminars and workshops implemented by international organisations and local NGOs. Most programmes did not focus on performance in specific tasks because they were not based on the real needs of the staff.

Another reason for the poor results of training is the **lack of motivation among staff;** the possibility of implementing newly acquired knowledge and skills is limited. Older staff, in
particular, do not expect to learn anything new; there was a feeling that any training for them would have no results.

In an environment that provides no stimulus for improvement, senior managers are reluctant to support the introduction of innovation and new learning into the work of the municipality. But there are some exceptions.

"We motivate over-aged employees in municipalities by engaging them on serious, important and concrete tasks, with the higher responsibility required so they could feel as a full team member" (said by a Mayor).

Local Assembly members do not have much experience with training for local government. Nor do they show much interest. However, a greater role in decision-making should lead to a greater demand for training. The only training available was organised by some of the political parties.

Most of the respondents were satisfied with the availability of training, but this does not mean that they are ready to participate in training programmes.

**CONSTRAINTS OF THE EXISTING TRAINING SYSTEM**

**Traditional methodology** - the typical training methodology is too narrow, with most of the emphasis on attending short courses with lectures. Most municipalities lack access to the potential training benefits of the internet.

**Duplication of training** - training activities offered by different training providers are often overlapping and do not necessarily build on past experience. There is a ‘reinvention of the wheel’. There is no national training framework to encourage a more systematic and sustainable approach.

**Ad-hoc requests from citizens** – this is seen as one of the greatest bottlenecks in the day-to-day operation of many municipalities. Citizens’ requests take up most of the working hours of staff and impede the normal operation of service units. They crowd out strategic thinking and training opportunities.

**Staff motivation and low wages** - one of the impediments to the effectiveness and sustainability of training is the limited motivation of staff because of their low salaries and the absence of a career structure.

Some ministries have not organised proper training for local officials for implementing new laws and regulations or for performing duties where there is a shared responsibility between the central and local government (eg planning and issuing construction permits; the definition, control and collection of local revenues; entrepreneurship; administrative supervision).
Formally, local civil servants are obliged to pass the *professional exam*. Terms and procedures for passing the exam are established by the Ministry of Education and Science for each occupation. But the professional exam does not offer sufficient new knowledge and skills; it is not adapted to local needs nor is it defined appropriately in the Law.

While most staff believe that their municipalities have special funds for training reserved in the budget, specific knowledge about these funds is very limited.

### 3. TRAINING NEEDS

Apart from their doubts and criticisms, staff expressed some interest in training and career development. All of them mentioned that the most important training relates to the implementation of relevant legislation and to the role of the local Assembly and the departments of the municipality.

Most staff believe that all employees should be trained equally, with some thinking that the Chiefs of Secretariats should be trained first.

There is a conviction that the most effective way to develop professional knowledge is through sharing experience.

Priorities were seen to be:

- training for staff in One-Stop-Shops and for those directly working with citizens and businesses (e.g., courses on data processing);
- technical training for managers in urban development (e.g., preparing planning documentation, traffic infrastructure and construction systems); such training should build on previous programmes and should cover the use of the ARHICAD programme;
- training in the participation of citizens in local decision-making processes, in cooperation with the civil sector (NGOs), and in the principles of transparent performance;
- training in cooperation with Ministries and with the national civil service;
- courses in foreign languages and computer programmes (Word, Excel, Outlook Express, Auto Cad, Archi Cad, GIS).

Of all institutions delivering training, the most trusted are the University, specialized international organizations and the Union of Municipalities. Specialist consultancies and the use of best practices are seen as the most useful way of training.

<table>
<thead>
<tr>
<th>MOST NEEDED TRAINING SUBJECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local economic development</td>
</tr>
<tr>
<td>Attracting financial resources</td>
</tr>
<tr>
<td>Cooperation with external institutions</td>
</tr>
<tr>
<td>Regional development</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
SECTION 3: STAKEHOLDER ASSESSMENT

The NTS should promote not only appropriate training programmes but also a professional training environment that drives up the quality and effectiveness of training. It should create a strategic focus on training, raise professional standards and meet the needs of local government; it should make local government stronger. This requires the engagement of all stakeholders in local government.

1. BACKGROUND EXPERIENCE

The three NGOs profiled themselves as training organisations with a range of experience in working with municipalities:

- FONDAS offers training, particularly to NGOs, and supports relevant projects; training covers leadership, organization development, strategic planning and project preparation.
- ALDP focuses on the development of local communities, providing training and consultancy on legislation and other key issues.
- CRNVO trains municipalities in project cycle management, organisation development, citizens’ participation and in writing EU project proposals; they also support public administration and civil society development.

<table>
<thead>
<tr>
<th>Subject of NGO advice, seminars, courses and expert lectures</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Communication</td>
</tr>
<tr>
<td>• Team building</td>
</tr>
<tr>
<td>• Interpersonal skills</td>
</tr>
<tr>
<td>• Project proposal writing</td>
</tr>
<tr>
<td>• Strategic planning</td>
</tr>
<tr>
<td>• Role and functions of municipalities</td>
</tr>
<tr>
<td>• Gender equity</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>• Protection of civil servants’ rights</td>
</tr>
<tr>
<td>• General procedures and implementing regulations</td>
</tr>
<tr>
<td>• EU standards</td>
</tr>
<tr>
<td>• Transparency and accountability</td>
</tr>
<tr>
<td>• Legal obligations of Chief Administrators</td>
</tr>
</tbody>
</table>
Some training is supported by donors:

- OSI supports municipal training programmes with funding through various NGOs; their focus has been on building capacities in project proposal writing for EU and introducing EU standards.
- OSCE has helped to establish Information Education Centres that are now serving as training organisations in 5 municipalities.

The HRMA has developed considerable experience and expertise at national level in identifying training needs, developing a training culture within Ministries, curriculum development, training of trainers and training delivery. In some cases, local government officials have attended HRMA programmes where the topic is relevant to civil servants from both local and central government (eg the Law on free access to information). The HRMA is keen to make this experience and expertise more available for local government.

The Union has legitimacy and authority by virtue of its representative role, a strong relationship with Mayors and a deep understanding of local government. Municipalities support it. Its initial priority was to focus on the advocacy role and in arguing for a better legal framework and more effective decentralisation; it did not seek to build its training function. But the Union is determined to see higher standards in local government, raise the profile of training and is ready to develop its training capacity to support the NTS.

2. **PERCEPTION OF TRAINING**

These organisations noted common problems in delivering training:

- **Trainees were not motivated; there was inadequate trainee selection, reflecting a lack of care by the municipal leadership.**
- **Courses were often of poor quality in terms of both relevance and delivery; their content was inappropriate; some were not needed.**
- **The leadership of municipalities was not motivated to develop municipal expertise through training; municipalities lacked an HR function to support training; no annual training assessments were carried out, nor were there mechanisms to support the implementation of training.**
- **There was strong political influence on decision-making, especially decisions on senior appointments, that undermines professionalism.**
There was a lack of coherence in the legal framework; there was no legal obligation on local government officials for professional development, nor were there any special laws for training for particular professions (e.g. inspectors); municipalities faced serious difficulties in carrying out their legal obligations.

In order to avoid some of these problems, for example, ALDP has the custom of making an agreement with the Mayor prior to any training and setting clear guidelines on the selection of trainees. Some training organisations carry out some preliminary research to ensure that their training or advice is relevant. The main stakeholders are confident that the quality of the training and support they provide is high.

3. ASSESSMENT OF CURRENT TRAINING

The quality of municipal training generally depends on who provides it as there are no mechanisms for external evaluation.

Municipalities do not have HR departments to stimulate, initiate, monitor and extend the learning inside the administration; there is therefore no real assessment of training need by the municipality; hence many of the trainees are not properly selected.

Decisions about accepting training programmes that are offered or about seeking training from particular organisations are not based on proper information. There is no way of ensuring that training is a continuous process leading to organisation development rather than a one-time effort.

There were also allegations that some NGOs active in delivering training to municipalities in certain operational areas do not do a good job as they neglect the context within which the training is needed.

However, some of the training programmes were needed and judged useful as they assisted municipalities in developing understanding and overcoming operational difficulties.

4. TRAINING PRIORITIES

Some of the training should result in the development of an actual product that would be attractive for donor investments (e.g. a project developed from the Strategic Planning exercise or a brochure to attractive foreign investments to the municipality).
**SUGGESTED PRIORITIES FOR TRAINING OVER THE NEXT 1-3 YEARS**

| • Leadership and Strategic Planning | • Development of local regulations |
| • Capital Investment Planning | • Local administration |
| • Performance Appraisal | • Foreign languages |
| • Implementation of the Laws on Civil Servants, Restitution, General Administrative Procedure, Civil Engineering | • Organisation management |
| • Financial decentralisation | • Organisation structure re-design |
| • Environmental protection | • Project proposal writing |
| • Entrepreneurship stimulation | • Communication |
| • Implementation of Ordinances on the Local Assembly Rule Book and Local Assembly Committees | • Conflict resolution |
| | • Reporting |
| | • Public Relations |
| | • Development of procedures |

Civil servants from both local and central government could come together for some training where the topic was common for both (e.g., general management skills). Also, where training was focused on an area of interest to a particular Ministry, staff of that Ministry should also participate in the training to ensure common understanding and better implementation.

5. **OPTIONS FOR A TRAINING SYSTEM**

At the moment, municipalities are far from capable of organising their own training to high standards; external assistance is required. There is already considerable expertise within the HRMA, NGOs, University Faculties, Union, Ministries and municipalities that can be called upon.

The establishment of a new training institution for local government would be unnecessary; it would be costly and inefficient. Rather, full use should be made of the capacities of existing stakeholders in the training market; they should be strengthened where necessary and coordinated or networked as appropriate.

In particular, any overlap between training initiatives of the HRMA and the Union should be avoided; the two organisations should improve communications between themselves in order to contribute better to a local government training system.

It would be sensible to establish some kind of national Coordinating Body to harness the efforts of all existing stakeholders in the process.
Stakeholders made the following suggestions:

- Create a pool of trainers within the Union linked to the pool developed by the HRMA without increasing staff numbers significantly.
- Local government should learn from the experience of the HRMA in developing a National Training Strategy for central government, particularly in developing criteria for the selection of trainers and training organisations.
- While the main focus of the HRMA is on supporting central authorities, it has only limited capacity for supporting local government. However, it could offer model procedures and curricula, cooperate in materials development and share its experts and lecturers whenever possible. The NTS for local government could be linked to the NTS for central government. Further external support would be necessary to increase the HRMA's capacity to support local government.
- The role of the Union could be multiple:
  - Set out criteria for training providers, develop methodology and prepare annual training plans in the light of a proper training needs analysis;
  - provide training services in specific areas where they are proficient;
  - create transparent and accessible databases both centrally and for each municipality that could provide information for training providers (training needs, training programmes by theme, CVs of trainers, trainee results etc);
  - update annually an NTS for municipalities and act as its main advocate, and monitor and evaluate its implementation;
  - help establish HR departments in each municipality.
- The Union might establish a training centre within its structure but as a separate organisational unit under the Executive Board and the Assembly. This could serve as a library and a centre for development of training materials (in cooperation with the HRMA). It could commission from the HRMA and NGOs “horizontal” training programmes (eg communication, interpersonal skills, reporting, public relations, project proposal writing, foreign languages), whereas the Union could take charge of specialized training. Best use should be made of experts from municipalities, ministries, faculties, NGOs and other institutions.
- The Union should assist municipalities in developing local training plans through their proposed new HR units / secretariats (the Union has a model for such an organisational structure).

- The HRMA should develop its capacity to train both central and local level staff in support of more effective local government, making best use of its premises, pool of trainers, database, ToT and other training programmes that could benefit local officials.

- The Union could provide logistical support and coordination, defining training needs, monitoring training effectiveness and providing feedback information.

- Trainers should be certified, perhaps at levels of trainer and lead trainer, by having to pass a recognised Training of Trainers programme as the key element in the Quality Assurance system. A narrow specialisation could be created for expert trainers (e.g., leadership, inspections). The current expert exam was considered useless, overburdening and unnecessary. Costs should be kept to a minimum.

- A new law should be drafted to make training at work an obligation. The Ministry of Education could issue permits on core training curricula. Products could be standardised to provide adequate training and capacity development services, with a programme and methodology developed for the specific target audiences, where the criteria for achieving the proper grade should be clearly defined.

- An Employment Centre could be established to standardise recruitment and probation and to ensure that new municipal staff receive any obligatory training.

- The Union or the HRMA should oversee a Quality Assurance system to raise the standards of training programmes and trainers.

- Mechanisms should be established to help trainees apply and share their learning in their municipalities after the training.

### 6. CONTRIBUTION TO A NEW TRAINING SYSTEM

All the key stakeholders expressed their interest in contributing to a new training system and supporting the implementation of the NTS, offering such services as training, mentorship, consultancy and donations. They do not see their role just as training providers or donors but as participants in the process of developing the long-term capacity of local government.
SECTION 4: TNA RECOMMENDATIONS

1. **Municipalities should develop effective Human Resource departments.** A key to the successful development of communities is a skilled and professional staff in local government. Officials should undergo performance appraisal to help assess training needs on a regular basis.

   Training should be directed first to senior staff on the importance of Human Resource development, its modern techniques and principles. The idea of the municipality as a **learning organisation** should be explained and promoted.

   The Union of Municipalities has proposed in its Model Ordinance on Organisation and Manner of Work of the Local Administration to establish such a function (i.e. a service for HR management), with the following scope of responsibilities:

   - To monitor and implement the Law on Local Self-Government and other regulations related to the legal status of staff;
   - Whenever there are vacancies, to make public and internal vacancy announcements and organise a competition for the jobs;
   - To identify and analyse the needs for staff training;
   - To prepare a proposal for training programmes and HR development;
   - To provide assistance in the implementation of training programmes and HR development and to monitor their implementation;
   - To provide expert assistance to the Mayors and Chief Administrators in relation to HR management;
   - To ensure the implementation of laws and other regulations relevant to the employment of local officials;
   - To manage a central HR register and other prescribed work records;
   - To cooperate with the HRMA and other bodies implementing training and other development programmes for local officials.

   **TRAINING NEEDED:** modern human resource management methods.
2. **The operation of municipalities should be depoliticised** in order to increase their effectiveness and efficiency and to develop the motivation of officials to improve their qualifications and professional skills.
   - The transparency of the work of municipalities should be substantially increased. Clear and effective procedures for recruiting, promoting and dismissing staff should be developed and introduced.
   - **TRAINING NEEDED: transparency and anti-corruption policies.**

3. **Effective management of a municipality requires good leadership.** Staff will be more motivated to learn and develop competencies if tasks are clearly assigned and good performance is supported.
   - The leadership skills of Mayors and other senior staff should be developed in order to introduce systemic changes in the organisation and performance of municipalities. This will facilitate a more effective use of existing resources. The delegation of responsibilities will provide better services and strengthen the strategic development capacity of municipalities. Elected members should be better trained in local government roles and responsibilities.
   - **TRAINING NEEDED: leadership skills; modern management methods; office organisation.**

4. Decentralisation is not only a political and administrative process. It requires the constant consideration of citizens’ needs and expectations as well as their involvement and understanding. **Only with informed and active citizens** will municipalities be able on one hand to respond to local community needs and, on the other, to withstand political pressures coming from the centre.
   - Programmes promoting cooperation between municipalities and citizens should be introduced. Local platforms for effective communication between representatives of citizens’ groups and representatives of municipalities should be developed.
   - **TRAINING NEEDED: citizen participation, public relations, etc.**
5. Municipalities should be encouraged to **develop their own revenue base** (eg by the use of local taxes, fees and charges) and **to use their assets more efficiently**. This will help them increase their ability to invest in training.

- Municipalities should be trained in developing project proposals so that they can approach donor organisations and potential partner local authorities directly. They should be trained in techniques of asset management, including outsourcing where this is appropriate.

- **TRAINING NEEDED: project writing, project management, tax collection, budget management.**

6. Municipalities should assume more active role in promoting local investments in order to secure more sustainable economic development and greater revenue. New promotional techniques and better communication with potential investors should be developed.

- Training should increase understanding of sustainable local economic development and the importance of promotion.

- **TRAINING NEEDED: local economic development, promotional techniques.**

7. The various initiatives of training providers and donors should be **better coordinated** so that maximum value for money can be obtained from training investment. This requires better training information and the establishment of training priorities. **There should be a focus on developing local training capacity;** foreign trainers can best be used to train local trainers. A network of national and local trainers is required.

- A resource centre should be established with a library of proven training materials and background documents; a website should be established and a newsletter published to improve the flow of training information. A programme of Training the Trainers should be introduced with a recognised curriculum.

- The Union seems to be the organisation best fitted to promote training in local government, define what is needed and monitor its effectiveness; it should coordinate such a resource centre and sponsor a network of trainers.
SECTION 5: LEGAL ANALYSIS

1. THE LEGAL STATUS OF LOCAL GOVERNMENT OFFICIALS

a) The Law on Local Self-Government

The legal status of local government officials is regulated by the provisions of Articles 86 to 91 of the Law on Local Self-Government.

These provisions set out:

- the status of the Mayor, Deputy Mayor, President of the Assembly, and Chief Administrator;
- the basis for employment of officials;
- provisions regulating election procedures and the duties and authorities of the principal officials.

According to the law, officials are employed for an unlimited period of time on the basis of vacancies that must be publicly announced. Their titles and duties are prescribed. Membership of a political party or trade union is allowed. Their duties cannot overlap with those of Assembly members or with the management of other public bodies.

The duties of the Mayor, Deputy Mayor, President of the Assembly, and Chief Administrator cannot overlap with the duty of Assembly members, nor can they perform other public duties or be members of the management bodies of the public services.

On the basis of Article 90, the employment status of local officials is defined by the following regulations:

1. The Law on Civil Servants and State Employees;
2. The Law on Salaries of Civil Servants and State Employees that regulates the right to salary, compensation and other income;
3. The Law on Salaries and Other Incomes of the MP’s and Officials;
4. The Law on State Administration (Chapter VII, Articles 47 – 50);
5. The Decree on Official Titles of Local Civil Servants and Employees and Requirements for the Execution of Those Duties in the Local Administration Bodies;
6. The Labour Law, which stipulates that the provisions of this law apply to the employees in the state administration bodies, i.e. in the local self-government units, unless regulated otherwise by some other law (article 7).

These provisions cover employment procedures, salaries, rights and responsibilities, liabilities, dismissal, performance evaluation, promotion, assessment of capacities, vocational / expert training, cessation of employment, protection of rights, etc. In some cases, these are supplemented by regulations adopted by the municipal Assembly.

b) Employment

Officials must have passed the expert examination for work in the local civil service, except for staff with a primary school diploma.

In the course of selection, candidates’ capacities are reviewed, and written tests or formal interviews may be administered. The decision on the final selection is made by the Head of the administration, and the employment is established through a decision.

The Rulebook on Internal Organization and Systematization of Posts in the administration allows a probationary period, particularly for certain jobs. The subsequent evaluation is the responsibility of the Head of the administration. However, probation is not usually used.

The principle of equal access applies to all posts.

c) Rights and responsibilities of local officials

The rights and responsibilities of officials in the performance of their duties are the same as those of national civil servants and state employees. The Law sets out for local government officials:

- a duty of conscientious performance and respect for instructions issued by superiors;
- an obligation to perform duties in a politically impartial manner in the public interest;
- an obligation not to perform duties that can lead to conflict of interest;
- an obligation to keep to working hours, protect confidential information, etc;
- a responsibility for disciplinary offences and financial liabilities in case of damage.
d) **Dismissal**
The Head of the administration is responsible for dismissing officials.

e) **Evaluation of capacities, performance, promotion**
In order for the Head of the administration to evaluate the work of an official and properly decide on promotion, the Law sets out the following criteria:

- Achieved results
- Independence and creativity
- Cooperation with clients and colleagues at work
- Quality of work organisation
- Skills and the quality of performance

Possible grades are: “excellent”, “good”, “satisfactory” and “unsatisfactory”. The evaluation is made once a year, and no later than by January 31st for the previous year. The official must be informed about the grade received and allows for appeal. The grade is recorded in the Central Human Resource record.

In most municipalities, this evaluation is not performed; where it is, it is done just to define the variable part of the salary (maximum one month salary, the so-called 13th salary).

The possibilities for promotion in local government are limited because there are not many jobs that offer promotion possibilities. The number of management posts is limited (e.g. Secretary General of the Municipal Assembly, Heads of the administration, Heads of vocational and other services).

f) **Titles of local government officials**
There are two categories within which the title of an official with a University degree is defined.

**Category One:**

- Advisor to the Mayor (7 years of work experience);
- Chief Inspector and Head of the administration (6 years of work experience);
- Independent Advisor I and Inspector I (5 years of work experience);
- Independent Advisor II and Inspector II (4 years of work experience);
- Independent Advisor III and Inspector III (3 years of work experience).

**Category Two:**
- Senior Advisor I (3 years of work experience);
- Senior Advisor II (2 years of work experience);
- Senior Advisor III (1 year of work experience).

An official can be promoted within the same category if, in a period of five years, he/she receives the grade “good” or above five times, or if he/she receives the grade “excellent” three times in a row. Exceptionally, an official may be promoted to the lowest title within the higher category if, in the period of five years, he/she receives the grade “excellent” five times.

g) **Prizes**

For exceptional achievement, an official may receive a prize.

h) **Assessment of ability to perform duties**

If an official receives the grade “unsatisfactory”, he/she is instructed to undertake an assessment of his/her abilities by a Committee appointed by the Head of the administration. On the basis of the Committee’s proposal, the Head of the administration decides on the official’s ability to perform the duties of the specific post and can terminate the employment if appropriate.

i) **Vocational/ expert training**

The Law prescribes the adoption of the curriculum of expert training for officials.

The person in charge of HR management has the responsibility for defining the programme of vocational training and setting out the resources necessary for training in the municipal budget. However, in most cases municipalities do not have a service with responsibility for HR management.
j) **Special training**

An official has the right to apply for special training if this is important for the work of the administration. In these cases, a contract is signed between the Head of the administration and the official. The official cannot resign from duty before the end of double the training period.

k) **Scholarships**

In order to attract scarce staff, a municipality may, through a public announcement, offer scholarships to students who will join the administration at the end of their education.

**RECOMMENDATIONS**

1. A chapter should be added to the *Law on Local Self-Government* and amendments made to provisions in other laws to regulate the employment status of local government officials.

2. An **HR function** should be established in each municipality, making use of the Model Ordinance on Organisation and Manner of Work of the Local Administration proposed by the Union of Municipalities, with the following responsibilities:

   - To monitor and implement the *Law on Local Self-Government* and other regulations related to the legal status of local government officials and to HR management;
   - To make public and internal vacancy announcements and organise job competitions;
   - To assess training needs of officials;
   - To prepare proposals for training and personal development programmes;
   - To provide assistance for training and personal development programmes and to monitor their implementation;
   - To provide assistance to the Mayor and the Chief Administrator in HR management;
   - To manage the central HR register;
   - To manage the prescribed work records;
   - To cooperate with the HRMA and other training organisations.
3. Changes to the legislation and the establishment of a professional HR function in municipalities, with strong support from the Union, should bring about a proper performance appraisal system for local government officials, better promotion opportunities and incentives, and recruitment based on merit.

However, a new focus on training is required. Heads of the administration should use existing regulations to introduce an effective training system in each municipality. Performance appraisal should lead to a personal training plan for each official, based on both the corporate needs of the municipality and the official’s personal development needs.

A training budget should be established in each municipality. The proposed HR unit should commission training programmes in the light of those needs; trainees should be properly selected, and any training should be subsequently monitored. Officials who are both interested and competent should be trained as training assistants to work alongside professional trainers when appropriate.

Ministries should accept responsibility for training their staff in working with municipalities as well as local government officials when they have to implement new laws and regulations, particularly where there is a shared responsibility between the central and local authorities (e.g., planning and issuing construction permits; the definition, control and collection of local public revenues; entrepreneurship, administrative supervision).

4. Many problems that exist in the performance and capacity of municipalities are inherited from earlier systems of work. There is a lack of a management culture. Municipalities are slow and inefficient in responding to the new demands and needs of citizens. There is little HR management; expertise is limited. The performance of administrative duties is not understood as the provision of public services to citizens; citizens’ rights are ignored. The need to simplify procedures and reduce costs is not given any priority. In general, there is a lack of a sense of responsibility for good municipal performance.

There are too many municipal staff; many have low qualifications. At the same time, there is a shortage of qualified staff with university degrees like lawyers and economists; responsibilities are often given to staff who lack the right knowledge and qualifications. Engineers and other professionals are leaving municipal posts because of low salaries and poor promotion prospects. Some municipalities are not able to provide the required inspections of building construction.
However, in some cases, municipalities have employed expert staff at much higher salaries than the norm, and have even offered housing support.

**A new salary structure is required for employment in municipalities - one that will motivate all local government officials and is flexible enough to enable the recruitment of experts in short supply.**

5. Where local government officials fail to perform their responsibilities properly and the performance appraisal system fails to bring about improvement, **formal disciplinary procedures** should be applied.

**2. RELATIONS BETWEEN HEAD OF ADMINISTRATION AND CHIEF ADMINISTRATOR**

a) **Rights and Obligations of the Head of the administration**

According to the Article 77 of the Law on Local Self-government, the Head of the administration manages the work of administration and is accountable to the Chief Administrator and the Mayor. He/she also decides on the employment and dismissal of local government officials.

The Head of the administration is a professional who is appointed by the Chief Administrator, with the written consent of the Mayor, on the basis of a public advertisement for an indefinite period of time. Appeals against the selection can be submitted to the Commission for Complaints, which is formed by the Mayor.

b) **Rights and obligations of the Chief Administrator**

The Chief Administrator manages and coordinates the work of the administration and is responsible for its legality, efficiency and effectiveness. He/she holds the authority of a second instance body in administration issues.

Chief Administrator is a professional person, appointed on the basis of a public advertisement for an indefinite period of time. He/she will have (i) graduated from a School of Law, (ii) passed the professional exam and (iii) completed at least 5 years work experience.
The Chief Administrator is accountable to the Mayor, who directs and harmonises the work of the administration, public services and agencies in order that they execute their functions more efficiently and provide higher quality public services. He/she is responsible for administrative supervision and for the implementation of laws, regulations and general enactments.

A Mayor can relieve the Chief Administrator from duty if he/she does not discharge his/her duty in compliance with the Law.

**RECOMMENDATIONS**

1. **The respective legal responsibilities of the Mayor and Chief Administrator are confused and should be clarified.** There is an overlap in their duties to (i) manage the work of the administration, public services and agencies; (ii) supervise the activities of the administration, (iii) implement the laws, regulations and general enactment, and (iv) ensure the legality, efficiency and effectiveness of the administration's activities.

Given the role of the Mayor, there is no real independence of the Chief Administrator in the professional performance of his/her duties.

2. **Likewise, the respective legal responsibilities of the Chief Administrator and the Head of the administration are confused and should be clarified.** The Head of the administration is only accountable for his/her own personal work and not for the work of the administration, although he/she manages the work of the administration and decides on the employment of officials.

In addition, the Head of the administration is not only accountable to the Chief Administrator but also to the Mayor. The procedures for establishing the accountability of the Head of the administration is regulated by the Statute of the municipality, while the accountability of the Chief Administrator is set out in the Law.

In practice, the work of the Head of the administration and the Chief Administrator are complementary, because the Head of the administration depends on the Chief Administrator to verify enactments. However, the overlapping responsibilities can cause tension between the Mayor, Chief Administrator and the Head of the administration.
3. RELATIONS BETWEEN THE MUNICIPAL ASSEMBLY AND MAYOR

The Law states that the local self-government bodies in a municipality are the Municipal Assembly and the Mayor.

a) Municipal Assembly

The Municipal Assembly has a legislative role, enacts the budget, enacts municipal development plans and programmes, enacts physical and urban plans, enacts capital improvement plans, manages property, schedules referendum, establishes public services, decides on borrowing and providing guarantees, appoints and relieves from duty the President of the Assembly, appoints the Secretary General of the Assembly and the members of working and advisory bodies, establishes the Council for the protection of local self-government, reviews the Mayor's reports, decides on citizens initiatives, etc.

The Assembly has a President, who is appointed from among Assembly Members on a voluntary basis. The Assembly President convenes and presides over the Assembly sessions, manages its work, and takes care of executing its decisions and other enactments. The President of the Assembly convenes Assembly sessions whenever needed - at least once every three months.

The Assembly may appoint a Secretary General on the President's proposal for the same term of office as that of the Assembly President.

The Secretary General of the Assembly takes care of convening and holding sessions of the Assembly and its working bodies, and ensures the implementation of decisions and other enactments of the Assembly.

b) Mayor

A Mayor is elected by citizens for the period of 5 years. He/she represents the municipality and performs the following tasks:

i) proposing regulations and other enactments to be adopted by the Assembly;

ii) overseeing the implementation of laws, regulations, and general enactments;

iii) executing devolved and delegated activities;
iv) establishing the administration - its organisation and mode of operation;
v) submitting reports to citizens and to the Assembly on the performance of the municipality at least once a year;
vi) adopting specific enactments under his/her own competence;
vi) implementing decisions and other enactments adopted by the Assembly;
viii) adopting enactments for implementing the municipality budget;
ix) convening the constitutive session of the Assembly.

A Mayor can temporarily adopt enactments within the Assembly's competence if the Assembly is not able to hold a session or if the Assembly's work is made impossible, and their adoption is of interest for the local population. The Mayor shall be obliged to submit the enactment for ratification to the Assembly at its first subsequent session. If the Assembly does not ratify the enactment, or if the Mayor does not submit it for ratification, the adopted enactment shall cease to be valid on the day when the Assembly's session ends.

A municipality can have one or more Deputy Mayors, whom the Mayor has the power to appoint for the same term as that of him/herself or to relieve from duty. The Deputy Mayor will replace the Mayor in case of absence or hindrance, and will carry out other activities delegated by the Mayor.

The Chief Administrator will replace the Mayor if a Deputy-Mayor has not been appointed.

RECOMMENDATIONS

1. The way Councillors are elected and the composition of the Assembly go against the basic principles of the Law on Local Self-Government. There is excessive interference from political parties: Councillors look to their party for decisions before taking account of the interests of their citizens. A new election system needs to be established in law to provide the right of citizens to directly elect their representatives to the Municipal Assembly. Councillors thus become representatives of citizens and represent citizens' interests in the Assembly. This would go a long way in 'depoliticising' the Municipal Assembly.

2. The relationship between the Municipal Assembly and the Mayor do not facilitate the proper execution of the Municipal Assembly's functions. There is not enough understanding
of the division of functions between the Assembly as the representative body and the Mayor as the executive body. The position of the Mayor is very strong as he/she is directly elected by the citizens.

3. On the other hand, it is necessary to provide greater competences to the Assembly to be able to intervene when:
   - the Mayor does not act in accordance with the law;
   - decisions and other enactments of the Assembly are not properly executed with resulting damage to the Assembly;
   - rights and freedoms of citizens are violated.

The Assembly should be able to relieve the Mayor of his/her duty in cases established in law, instead of only being able to initiate a no-confidence vote.

4. Further amendments to the legislative framework are needed to:
   - define more clearly the circumstances when the Mayor can bring forward enactments that are within the competences of the Municipal Assembly;
   - clarify the reasons for dismissing the Assembly in cases where the Assembly is not performing certain functions and is thus violating the rights and freedoms of citizens and going against the public interest;
   - change the competence of the Government to dismiss the Municipal Assembly without the right of the Assembly to state its opinion;
   - create a professional post for the President of the Assembly, with an option of creating a voluntary Vice-President;
   - define precise reasons for relieving the President and Vice-President of the Assembly from their post;
   - make the post of the Assembly Secretary General an obligatory one with clearly defined tasks, and align the term of office of the Secretary General with that of the President of the Assembly;
   - define clearly those areas where a conflict of interest must be avoided.
4. PROFessional qualifications AND LICENSING

a) Professional qualifications

The process of gaining vocational qualifications is defined by the General Law on Education and Breeding and the Law on Vocational Education. Officials can only be employed in local government if they have a recognised education qualification. They are obliged to pass the Professional Exam under terms and procedures established by the Ministry of Education and Science for each vocation (occupation). The professional exam does not offer the knowledge and skills necessary for modern local government.

b) Licensing of organisers of adult education

If officials want new knowledge and skills, they may attend adult education programmes which are provided by different organisers. They can prove that they have knowledge and skills gained in the education process by passing an exam in the Examination Centre. The certification makes the qualification publicly valid.

Until a new Law on National Vocational Qualifications is adopted, the process of gaining knowledge and skills throughout different adult education programmes will not be managed properly.

RECOMMENDATIONS

There is need to amend the Law on Civil Servants and State Employees by adding an obligation on local officials to gain new knowledge and skills; the professional exam should be defined differently and be adapted to the needs of municipalities.

(A more detailed report on the Legal Analysis is separately available.)