

MONTENEGRO

LAW ON LOCAL SELF- GOVERNMENT

Last Amendments, December 2014

LAW ON LOCAL SELF-GOVERNMENT

(“Official Gazette of the Republic of Montenegro”, No. 42/2003, 28/2004, 75/2005, 13/2006 and “Official Gazette of Montenegro”, No. 88/2009, 3/2010, 38/2012 and 10/2014; See Article 62 of Law 57/2014)

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

(1) Local self-government shall be exercised in municipalities, the Capital City, and the Historical Capital (hereinafter: “the Municipality”).

(2) Law on the Capital City can foresee an urban municipality as a special form of exercising local self-government in the Capital City.

Article 3

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

Article 4

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

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

- (Law 88/2009) -

Article 5

(1) The Municipality shall perform affairs which fall within its own jurisdiction through its bodies, bodies of local community and public services, in accordance with the law, Municipal Statute and other acts.

(2) Bodies and public services from paragraph 1 of this Article shall be accountable to the local population for their performance.

Article 6

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

(2) A foreigner can exercise certain rights in a local self-government under the conditions and in the manner prescribed by law.

- (Law 88/2009) -

Article 7

When performing their affairs, local self-government authorities shall provide equal protection of rights and interests determined of the local population and legal entities in accordance with the law.

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 act of state authorities, except in cases and under the conditions provided for by the law and in accordance with the Constitution.

Article 9

(1) The Municipality shall have property and its own revenues.

(2) 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

(1) Political organizations shall be forbidden in local administration bodies.

(2) Employees of local administration bodies shall be forbidden to communicate and represent their political views whilst performing their duties.

Article 12

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

(1) The Municipality shall be entitled to express 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.

(2) In the case referred to in paragraph 1 of this Article, the competent State body shall be under obligation to reply to the Municipality.

Article 15

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

Article 16

Municipalities may freely enter into an association, in accordance with this law.

Article 17

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

Article 18

Provisions of this law shall be implemented upon the Capital City and Historical Capital, if this or special laws do not provide otherwise.

- (Law 88/2009) -

Article 19

Terminology used in this law shall have the following meanings:

- 1) **“The Municipality, Capital City, Historical Capital”** are types of local self-government, or local self-government units;
- 2) **“Local population”**, includes all persons who have a place of residence or own real estate within the territory of the Municipality;
- 3) **“Citizens”** are persons who habitually reside within the territory of a Municipality;
- 4) **“A voter”** is a person who has the right to vote and be eligible for the office of municipal councillor.
- 5) **“Local self-government authorities”** are the Municipal Assembly and the Mayor;
- 6) **“Local administration bodies”** are local bodies that primarily perform administrative affairs (Secretariats, Directorates, Offices);
- 7) **“Public services”** are institutions, enterprises and other types of organizations that are founded by the Municipality for the purpose of providing public services;
- 8) **“Local civil servants and employees”** are persons employed in local administration bodies;
- 9) **“Local public revenues”** are revenues that Municipality is entitled to collect in accordance with special legislation and municipal regulations.

- (Law 88/2009) -

II LEGAL STATUS

Legal Entity

Article 20

The Municipality shall have the capacity of a legal entity.

Territory

Article 21

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

Article 22

The Municipality shall have its Statute and other general acts.

Symbols

Article 23

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

(2) The Municipality may have its holiday.

(3) The Municipal Statute shall regulate the shape and the content of symbols and the holiday.

(4) The Government 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.

- (Law 88/2009) -

Article 24

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

(2) 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 other legal entities or organizations.

Seal Article 25

The Municipality and its bodies shall have a seal.

Article 26

(1) The seal of the Municipality shall contain the name “Montenegro”, name and headquarters of the Municipality. - *(Law 88/2009)* -

(2) The seal of a municipal body, along with elements referred to in paragraph 1 of this Article, shall also contain the name of the body.

(3) The emblem of the Municipality, if it is defined, shall be placed in the centre of the seal.

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

Article 27

Production, use, retention and destroying the seal and other issues related to use of the seal shall be prescribed by a special ordinance of the Municipal Assembly.

III AFFAIRS OF THE LOCAL SELF-GOVERNMENT

Type of Affairs Article 28

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

(2) The Municipality shall also perform affairs that are transferred to it by law or entrusted by means of a Government’s regulation.

1. Own Affairs

Article 29

(1) Municipal own affairs shall be defined by the law and Municipal Statute.

(2) The Municipality shall specify the affairs referred to in paragraph 1 of this Article by means of its own regulations and it shall 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) Plans and programmes for each administration sector;
- 3) Spatial-urban and other plans;
- 4) Budget and final financial statement;
- 5) Perennial investment plan;
- 6) Other act, in accordance with its jurisdiction.

- (Law 88/2009) -

Article 32

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

- 1) Regulate and provide performance and development of communal affairs, maintenance of communal buildings and communal order;
- 2) Regulate and provide performance of construction, reconstruction, maintenance and protection of local and non-categorized roads, and streets in settlements;
- 3) Regulate and provide transport of passengers in line urban and suburban traffic, taxi transport and transport for own needs;
- 4) Regulate and provide traffic on its territory;
- 5) Regulate and provide conditions for construction and use of buildings, and conditions for construction and posting auxiliary and prefabricated temporary buildings;
- 6) Regulate and provide putting the construction land in the purpose, in accordance with local planning documents and utility equipment of construction land;
- 7) Regulate and provide conditions for entrepreneurial development;
- 8) Regulate, provide and take care of local goods of common interest;
- 9) Provide conditions and take care of the environmental protection and its parts (air quality, protection against noise, solid waste management, etc.);
- 10) Regulate and provide conditions for management of water, water land and water buildings which have local importance; take care of their protection and use; issue water acts and keep prescribed registers; determine eroding areas, anti-eroding measures and carry protection against erosions and torrents; regulate and provide other affairs related to the sector of management, use and protection of water and water supply;
- 11) Regulate relations in the residential sector and take care of providing conditions for the maintenance of residential buildings;
- 12) Regulate, provide and take care of the cultural development and protection of the cultural heritage;
- 13) Regulate, provide and take care of the tourist development, and development of services which contribute to the development of tourism;
- 14) Provide conditions for the development and improvement of sports for children, youth and citizens, and development of inter-municipal sports cooperation;
- 15) Provide condition for the use of agricultural land and take care of its protection;
- 16) In accordance with the possibilities, participate in the provision of conditions and improvement of sectors of: health protection, education, social and children protection, employment and other sectors of interest for the local population, and carry out rights and duties of a founder of institutions established within these sectors, in accordance with law;
- 17) In accordance with the possibilities, regulate and provide resolving housing issues for persons with social needs status and persons with disabilities, and support humanitarian and non-governmental organizations working within these sectors;
- 18) Regulate and provide conditions for the informing of the local population;
- 19) Regulate and provide conditions for development of librarianship and other activities of interest for the local population;

- 20) Resolve on rights from sectors of veterans and disabilities protection, and keep the register of beneficiaries;
- 21) Regulate and provide conditions for protection and rescue of the local population from natural disasters, fires, explosions, damages, and other accidental and extraordinary events;
- 22) Organize and implement measures for protection of citizens against infectious diseases;
- 23) Provide conditions for the development of agricultural production (fruit, vegetable and olive growing, etc.) and conduct other affairs within this sector;
- 24) Provide conditions for the consumers protection;
- 25) Regulate method and conditions of keeping of pets, method of treating the abandoned animals, provide conditions for taking care of them and implement measures of the control of their propagation;
- 26) Determine working hours of certain affairs and areas for conducting of certain affairs;
- 27) Regulate and provide conditions for the organization of public fairs of the local importance;
- 28) Regulate method of organizing of public works of the local importance.

- (Law 88/2009) -

Article 33

The Municipality shall also perform the following affairs within its own jurisdiction:

- 1) Manage, dispose and protect its property and conduct certain ownership authorizations on the state property, in accordance with law;
- 2) Regulate, introduce and determine level of its own revenues, in accordance with law;
- 3) Organize and conduct affairs related to the determination, collection and control of its own revenues;
- 4) Decide on rights and duties of citizens in affairs within its own jurisdiction;
- 5) Determine the public interest for the expropriation of real estates to meet local needs, in accordance with law;
- 6) Keep registers, in accordance with law;
- 7) Exercise inspection supervision and provide communal order, in accordance with law;
- 8) Organize and exercise the provision of legal aid to citizens;
- 9) Determine public tributes and awards;
- 10) Perform other affairs in accordance with the needs and interests of the local population.

- (Laws 88/2009 and 10/2014) -

Article 34

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

- 1) Local administration bodies;
- 2) Public services.

- (Law 88/2009) -

Article 35

The Municipality may establish public services referred to in Article 34, paragraph 1, point 2 of the 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 by any other manner.

Article 36

The Municipality shall exercise methods and conditions for performing its own affairs in accordance with possibilities, interests and needs of the local population.

Article 37

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

2. Transferred and Entrusted Affairs

Article 38

(1) Certain affairs that fall under the jurisdiction of State Administration may be transferred to the Municipality by means of law, if that ensures their more efficient and economic performance.

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

(3) A law shall determine conditions in terms of which such affairs may be transferred, or entrusted to the Municipality.

Article 39

The Municipality shall perform transferred affairs in the fields of education, primary health care, social and child welfare, employment and in other fields of activity of the interest to the local population, in accordance with the special law.

IV MUNICIPAL PROPERTY

Article 40

(1) Municipal property shall consist of real and personal estates, financial resources, stocks and bonds, and other property rights, in accordance with the law.

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

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

(4) Municipal property shall be stated in accordance with the law.

V MUNICIPAL AUTHORITIES

Article 41

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

(2) The Assembly is representative body of the citizens from the Municipality.

(3) The Mayor is executive body of the Municipality.

Article 42

(1) The President of State shall call for elections of the Assembly.

(2) The elections in terms of paragraph 1 of this Article shall be held no later than 15 days prior to the expiration of the term of the Assembly.

(3) If the elections are not called for in accordance with the Law, the Government shall call for the elections.

- (Law 88/2009) -

Article 43

Citizens shall elect the Assembly's councillors based on free, general, equal and direct suffrage, in accordance with law.

- (Law 88/2009) -

1. Assembly

Article 44

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

(2) 30 councillors and an additional councillor per every 5,000 voters shall be elected in the Assembly.

Affairs of 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 local planning documents;
- 5) Adopt spatial arrangement programme;
- 6) Adopt the budget and final financial statement;
- 7) Adopt capital improvement plan and investment policy;
- 8) Establish the level of municipal taxes, fees and charges;
- 9) Dispose of property;
- 10) Set up conditions for the establishment of local communities and approve ordinances on their establishment;
- 11) Call for the referendum to be organized on the territory of the Municipality or on a part of its territory;
- 12) Decide upon citizens' initiatives;
- 13) Decide upon the introduction of self-contribution for the territory of the Municipality;
- 14) Establish public services;
- 15) Decide on borrowing and providing guarantees, in accordance with law;
- 16) Proceed to the verification of terms and decide on rights of councillors;
- 17) Appoint and dismiss from duty the President of the Assembly, the Mayor, 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 acts 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) Adopt the Code of Ethics;
- 22) Provide authentic interpretation of its own regulations;
- 23) Perform other affairs as provided for by the law and Municipal Statute.

- (Law 88/2009) -

Methods of Convening and Decision-Making of the Assembly

Article 45a

(1) The first session of newly elected Assembly shall be convened by the President of the Assembly from the previous convocation, no later than 30 days from the Election Day.

(2) If the session of the Assembly is not convened within the period specified in paragraph 1 of this Article, the session shall be convened by the Government.

- (Law 88/2009) -

Article 46

(1) The Assembly shall be convened by the President of the Assembly when it is necessary, but not less than once in three months.

(2) The Assembly shall be convened by the President at his/her own initiative, at the Mayor's request; request of 1/3 of councillors, and at citizen's initiative within 15 days from the date the request, or initiative was submitted.

(3) The Municipal Statute shall define the number of citizens required for submitting the initiative, in sense of paragraph 2 of this Article.

(4) If the President of the Assembly does not convene the Assembly within the deadline as set forth in paragraph 2 of this Article, the submitter of the request or initiative shall do so.

(5) In the case referred to in paragraph 4 of this Article, the session of the Assembly shall be chaired by a councillor who shall be chosen by the submitter of the request or initiative.

Article 47

(1) The Mayor, a councillor, and number of voters defined by the Municipal Statute shall be entitled to propose ordinances, other regulations, and general acts.

(2) The Assembly can make decisions if a majority of the total number of councillors attends the session.

(3) The Assembly shall adopt decisions by a majority vote of councillors present at the session, unless the law or Municipal Statute requires a different majority for adoption of certain decisions.

(4) Decision on the adoption of the Statute shall be made by a majority vote of councillors present at the session.

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

Article 48

Councillors may not be held criminally accountable, detained, or punished for expressing views or voting at the Assembly.

Working Bodies

Article 49

(1) In order to perform affairs within the jurisdiction of the Assembly in a more efficient and rational way, boards and councils shall be established as standing working bodies, while commissions may be established as temporary working bodies.

(2) The Assembly shall appoint members of boards among councillors.

(3) The Assembly shall appoint other persons along with councillors for councils and commissions members.

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

Article 50

(1) Decision-making competence regarding certain matters falling within the jurisdiction of the Assembly may be entrusted to boards by the Municipal Statute or a special ordinance of the Assembly.

(2) The affairs of the Assembly from Article 45, points 1-19 of this Law may not be entrusted to boards.

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

(4) 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 to regulate that specific issue.

Assembly Acts

Article 51

(1) When performing affairs from the scope of its jurisdiction, the Assembly shall adopt the Statute, ordinances and other acts.

(2) The Statute is the fundamental act that prescribes organization, functions, and methods of exercising of the local self-government.

(3) The ordinance decides upon rights and duties of citizens, establishes public services and decides upon other issues in accordance with the law and the Municipal Statute.

(4) The normative act regulates individual issues in accordance with law and other regulation.

(5) The Assembly shall adopt conclusions on certain issues that are important for defining and conducting the municipal policies.

(6) 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.

(7) The Assembly may also adopt other acts from the scope of its jurisdiction.

Article 52

The Municipal Statute shall regulate, in particular: rights and duties of the Municipality and methods of exercise them; type of affairs conducted by the local population and methods of their decision-making; methods and conditions of performing municipal own affairs; 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 entrusting certain affairs to Assembly working bodies; methods of ensuring the publicity of work of bodies and public services; financing; definition of symbols and municipal holiday and way of celebrating it, and other issues important for the local self-government functioning.

President of the Assembly

Article 53

(1) The Assembly shall have a President.

(2) The President of the Assembly shall be elected from among councillors, at the proposal of 1/3 of councillors, by a majority vote of the total number of councillors.

(3) The term of office of the President of the Assembly shall be equivalent to the term of office of the Assembly.

(4) The President shall hold his/her office voluntarily, as a rule.

(5) The President of the Assembly may be dismissed from office before the expiration of his/her term, in accordance with the Municipal Statute.

Article 54

(1) The President of the Assembly shall convene the Assembly, chair and administer its work and take care of execution of its ordinances and other acts.

(2) If the President is absent or indisposed, a councillor chosen by the President shall chair the Assembly.

Secretary of the Assembly Article 55

(1) The Assembly shall have a secretary.

(2) The Assembly shall appoint its Secretary at the proposal of the President of the Assembly.

(3) The Secretary of the Assembly shall organize and take care of vocational, administrative and other tasks for the Assembly and its working bodies, and s/he shall conduct other tasks determined by the Statute and other acts of the Assembly.

(4) A person can be nominated for the Secretary of the Assembly if s/he has: law faculty degree, passed a professional exam for the work in the state administration and, at least, five years of experience.

(5) The Secretary can be dismissed before expiration of his/her term, if s/he does not perform or perform negligently tasks determined by this Law, Statute and other acts of the Assembly.

(6) A proposal for the dismissal of the Secretary of the Assembly can be filed by the President of the Assembly or 1/3 of councillors, at least.

(7) The Statute shall regulate a method and procedure for the dismissal of the Secretary of the Assembly.

- (Law 88/2009) -

2. The Mayor

Article 56

(1) The Mayor shall hold his/her office professionally.

(2) The Mayor shall be elected by the Assembly, by the majority vote of a total number of councillors for a period of 4 years.

(3) 1/4 of all councillors, at least, shall be entitled to propose a candidate for Mayor.

(4) Provisions of the Law related to the election of councillors and Parliament members shall be implemented in respect to the conditions for the election of the Mayor.

(5) The Statute shall regulate methods and procedure for the election of the Mayor.

(6) If the Mayor is elected from among the councillors, his/her term of the councillor shall be determinate.

(7) 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".

- (Law 88/2009 and Law 3/2010) -

Affairs Performed by the Mayor
Article 57

The Mayor shall:

- 1) Represent and act on behalf of the Municipality;
- 2) Propose regulations and other acts 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 acts, as well as, for implementing strategic documents of the state interest;
- 4) Take care and be responsible for executing transferred and delegated affairs;
- 5) Define the organization and methods of functioning of municipal administration, based on the opinion of the Chief Administrator;
- 6) Appoint and dismiss the Deputy Mayor and the Chief Administrator, upon the consent of the Assembly;
- 7) Appoint and dismiss chiefs of local administration bodies, vocational and other services, directors of agencies and the Manager;
- 8) Submit reports at least once a year on his/her performance and performance of local administration bodies and services to the Assembly;
- 9) Direct and harmonize performance of local administration 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 acts;
- 10) Supervise the performance of the local administration;
- 11) Adopt acts from his/her jurisdiction and acts for execution of transferred and delegated affairs, unless specific regulation regulates otherwise;
- 12) Be responsible for implementing ordinances and other acts adopted by the Assembly and shall adopt acts for their execution;
- 13) Adopt acts for execution of the municipal budget;
- 14) Perform other affairs prescribed by law, municipal statute, and other municipal acts.

- (Law 75/2005 and Law 88/2009) -

Article 58

(1) The Mayor shall, temporarily, pass acts that fall within the jurisdiction of the Assembly, if the Assembly is unable to hold a session or its work is made impossible for other reasons, and when the failure to adopt such acts would endanger the life of citizens or property of an important value.

(2) The Mayor shall submit to the Assembly the acts referred to in paragraph 1 of this Article for the verification at the first session following its adoption.

(3) If the Assembly does not verify the act referred to in paragraph 1 of this Article, or the Mayor fails to submit it, the act shall cease to be valid on the date the session of the Assembly terminates.

- (Law 75/2005 and Law 88/2009) -

Article 59

(1) The Mayor shall be accountable to the Assembly for performing tasks from his/her jurisdiction.

(2) The Mayor shall also be accountable to the Government for performing transferred and entrusted affairs.

(3) In case of illegal performing or a lack of performing the transferred and entrusted affairs, the Government shall inform the Assembly and propose adequate measures.

(4) If the Assembly fails to undertake 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***

(1) The Mayor's term of office shall be terminated prior to the expiry of the period which s/he is elected for in the case of: dismissal by the Assembly, dismissal by the Government, resignation, or by operation of the law.

(2) If the Mayor's term of office terminates by the resignation or by operation of the law, the Assembly shall pass a regulation certifying the termination of Mayor's term of office.

- *(Law 88/2009)* -

Dismissal of the Mayor ***Article 60a***

(1) The Assembly may dismiss the Mayor if s/he does not:

- Propose the budget and the final statement, in a prescribed deadline;
- Provide for the implementation of development plans and programs;
- Submit the Report on his/her performance and the performance of local administration bodies and services to the Assembly;
- Implement courts' decisions;
- provide open and transparent task's performance within his/her competences on a way determined by Article 138 Para 1 Point 2 of the Law;
- Provide for the performance of other tasks from the jurisdiction of the Municipality, which are determined by law, the Statute or other regulations.

(2) A proposal for the Mayor's dismissal can be filed by 1/3 of the total number of Assembly's councillors, at least.

(3) The Mayor shall have a right to pronounce upon the proposal for his/her dismissal at the Assembly's session.

(4) The Assembly shall decide on the proposal for dismissal of the Mayor by a majority of total number of councillors in a deadline of 30 days starting from a day of filing the proposal.

(5) Method and procedures for dismissal of the Mayor shall be stipulated by the Statute.

- *(Law 88/2009 and 38/2012)* -

Article 60b

(1) The Government may dismiss the Mayor if s/he does not carry out his/her duties longer than six months.

(2) It shall be considered that Mayor does not carry out his/her duties, if s/he does not provide for: the implementation of laws, other regulations and general acts; the implementation of strategic documents of national importance and if s/he does not carry out other tasks from his/her jurisdiction, and by that s/he disables realization of human rights and freedoms.

(3) If Mayor does not carry out tasks from paragraph 2 of this Article, the Government shall warn him/her and ask to undertake measures for carrying out his/her duties in a certain deadline.

(4) At a proposal of the Ministry in charge for the local self-government, the Government shall dismiss the Mayor, if s/he does not provide for carrying out tasks from his/her jurisdiction, after the warning from paragraph 3 of this Article.

(5) The Ministry shall submit the Mayor's statement, along with the proposal from paragraph 4 of this Article.

(6) The Mayor may file a petition against the Government's decision on his/her dismissal to the Administration Court of Montenegro.

(7) The proceedings upon the petition shall be urgent.

- (Law 88/2009) -

Recall Article 61

(1) Citizens may initiate the procedure of recall of the Mayor.

(2) The procedure of recall of the Mayor may be initiated by at least 20% of voters in the Municipality.

(3) The procedure of recall may not be re-initiated within 6 months from the date the previous proposal of recall is decided upon.

(4) The procedure of recall, time of voting and other issues with regard to the recall shall be specified by the law and the Statute.

- (Law 75/2005) -

Vote of no Confidence Article 62

(1) The Mayor may raise the issue of his/her confidence to the citizens.

(2) A vote of no confidence may be requested by the Assembly in cases when the Mayor: denies rights and freedoms of citizens, does not perform affairs properly, does not implement development programs and other acts, causes an important material damage to the Municipality, does not submit to the Assembly the report on his/her performance and if the Assembly does not certify the regulation from Article 58 paragraph 1 of this law or s/he does not bring such regulation to the Assembly for the certification.

(3) At least 1/3 of municipal councillors or 10% of the citizens in the Municipality and the Government shall be eligible to initiate the procedure of the vote of no confidence.

(4) The Assembly shall decide on the initiative from paragraph 3 of this Article by majority votes of the total number of municipal councillors, within 30 days from the date the initiative is filed.

Article 63

(1) If the Assembly accepts the initiative from Article 62, paragraph 3 of this law, the procedure of confidence of the Mayor shall be launched.

(2) The decision on launching the procedure of 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 other issues important for conducting the voting procedure.

Article 64

(1) Citizens shall vote on no-confidence of the Mayor, in accordance with the law.

(2) If the vote of no-confidence is passed, the Assembly shall pass a regulation certifying the termination of the Mayor's term of office.

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

- (Law 75/2005) -

Resignation
Article 65

- (1) The Mayor may submit his/her resignation.
- (2) 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 be terminated by operation of the law in following cases:

- 1) Expiration of his/her term of office;
- 2) If it is determined by means of a final decision by which s/he is deprived of legal ability;
- 3) If s/he is convicted by means of a final decision for a criminal offence that makes him/her unsuitable to hold the office;
- 4) If s/he is sentenced to more than 6 months of prison by means of a final 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 shall hold the office of the Mayor, until a new Mayor is elected.

- (Law 88/2009) -

Article 68

- Erased -

- (Law 88/2009) -

Deputy Mayor
Article 69

- (1) The Municipality may have one or more Deputy Mayors.
- (2) The term of office of a Deputy Mayor shall be equivalent to the term of office of the Mayor, unless this law provides otherwise.
- (3) 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 are delegated by the Mayor.

- (Law 75/2005 and Law 88/2009) -

3. Local Administration and Public Services

Type of Local Administration Bodies
Article 70

- (1) Local administration bodies (secretariats, offices, directorates, bureaus, etc.) shall be established to perform administrative affairs.
- (2) The Communal Police, special services and centres shall be established to perform specific affairs.
- (3) The Mayor may decide to establish agencies to perform affairs that require specific expert and technical knowledge and autonomy in work.

- (Law 88/2009) -

3.1. Affairs performed by local administration bodies

Local administration affairs Article 71

Local administration shall:

- 1) Implement laws, regulations and general acts;
- 2) Develop drafts of decisions and other regulations for adoption by local self-government authorities;
- 3) Exercise administrative supervision;
- 4) Perform vocational and other affairs delegated by local self-government authorities;
- 5) Rule in the first instance of administrative procedure on rights and duties of citizens, legal and other entities;
- 6) Keep public and other records prescribed by the law and general acts of local self-government authorities;
- 7) Rule in misdemeanour procedure, in accordance with a law;
- 8) Perform other affairs provided for by the Statute and other acts.

- (Law 88/2009) -

Administrative Supervision Article 72

The local administration bodies shall exercise following administrative supervision:

- 1) Supervision of the legality of acts passed by public services by which they ruled on the rights, duties and legal interests of citizens and legal entities;
- 2) Supervision of the legality and viability of public services performance;
- 3) Inspection supervision.

Article 73

When exercising administrative supervision, the local administrative bodies shall:

- 1) Propose to the Mayor to suspend general acts or their particular provisions from execution, which are not in accordance with the Municipal Statute and other acts of local administrative bodies, until proceedings on assessing the constitutionality and legality of the 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 determined duties;
- 4) Propose measures for overcoming problems, *i.e.* eliminating failures in performance;
- 5) Launch initiatives for regulations' amending;
- 6) Submit a request for initiating misdemeanour proceedings, 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 regulation.

- (Law 88/2009) -

3.2. Organization of Local Administration

Chief Administrator Article 74

(1) The Chief Administrator shall coordinate the performance of local administration bodies and services, be responsible for legality, efficiency and effectiveness of its performance, give technical guidance and instructions on how to act when they carry out their duties, give opinions on

the act on internal organization and systematization of duties of local administration bodies and services and carry out other tasks as assigned to him/her by the Mayor.

(2) The Chief Administrator shall have jurisdiction of a second instance body in administrative matters within the municipal competencies.

(3) A service for carrying out duties of the Chief Administrator may be established.

- (Law 88/2009) -

Article 75

(1) The Chief Administrator shall be appointed based on public advertisement, for a period of four years.

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

(3) The Chief Administrator shall be accountable to the Mayor and the Assembly for his/her performance and the performance of his/her service.

- (Law 75/2005 and Law 88/2009) -

Article 76

(1) The Chief Administrator may be dismissed from his/her office if s/he does not perform his/her duty in accordance with Article 74 of this Law.

(2) The Statute shall regulate a method and procedure for dismissal of the Chief Administrator.

(3) During the procedure for dismissal, the Chief Administrator shall be entitled to pronounce upon the reasons for the dismissal at a session of the Assembly.

- (Law 88/2009) -

3.3. Head of a Local Administration Body

Article 77

(1) A local administration body shall be managed by a Head of the body.

(2) The Head of the body shall be appointed based on a public announcement, for a period of four years.

(3) The Head of the body shall be accountable to the Mayor for his/her performance and for performance of his/her body.

(4) The Head of the body shall bring an act on internal organization and systematization of tasks, with the consent of the Mayor; decide on selection and deployment of servants and employees; and carry out other tasks in accordance with the law, Statute and other acts.

- (Law 88/2009) -

3.5. Other municipal services

The Manager Article 78

(1) The Municipality may have a Manager.

(2) The Manager shall coordinate a development and implementation of development programmes relate to: inciting the economic development; providing the environmental protection, sustainable development; inciting private initiatives, public-private partnerships and initiating

amendments to regulations in order to create inciting environment for development of local self-government.

(3) The Manager shall be appointed and dismissed by the Mayor.

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

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

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

- (Law 88/2009) -

Communal Police Article 79

(1) The Municipality shall have a service for exercising communal supervision (hereinafter: "Communal Police").

(2) The Communal Police shall ensure communal order in sectors of: parking, disposal of waste, water supply, drainage of sewage and storm water, public hygiene, public lighting, maintaining markets, parks, greenery, traffic signs and signalling, burials, local roads, noise, working 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 ordinance of the Assembly.

- (Law 88/2009) -

- (According to Article 62 of the Law on Communal Police - No. 57/2014, Article 79, Para 2 will be abolished on 3 October 2015)

Article 80

(1) 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.

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

(3) 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.

- (According to Article 62 of the Law on Communal Police - No. 57/2014, Article 80 will be abolished on 3 October 2015)

Civil Protection Service Article 81

(1) The Municipality shall have a Civil Protection Service.

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

(3) The supervision over legality and viability of the work of the Civil Protection Service shall be exercised by the Mayor.

IT Centre Article 82

(1) The municipal authorities, public services and legal entities that hold public office and provide public service to citizens shall use modern information and communication technologies in performing their affairs and tasks.

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

(3) The Municipality shall establish an IT Centre for the purpose of performing affairs from paragraph 1 of this Article.

- (Law 88/2009) -

3.5. Rules of Administrative Procedure

Applying the Administrative Procedure

Article 83

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

Conflict of competencies

Article 84

(1) The Chief Administrator shall rule over the conflict of competencies between the local administration bodies.

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

Exemption

Article 85

(1) The Head of local administration body shall decide on exemption of civil servants in local administration bodies.

(2) The Mayor shall to decide on exemption of heads of local administration bodies and the Chief Administrator.

- (Law 88/2009) -

4. Legal Status of Officials and Civil Servants

Local Officials

Article 86

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

Article 87

(1) Local officials shall exercise their right to salary and other rights based on employment in accordance with the law and regulations of the Municipal Assembly.

(2) President of the Municipal Assembly, who holds his/her office on the voluntary basis, shall be entitled to compensation for the time of holding the office, in accordance with a regulation of the Assembly.

Local Civil Servants

Article 88

(1) Employees in local administration bodies shall have the status of civil servants and employees who exercise affairs from local self-government jurisdiction professionally.

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

(3) The Government shall regulate official titles and conditions for their performance.

Article 89

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

Article 90

Legislation that regulates the status of state officials, civil servants and employees shall be accordingly applied on legal status of local officials, local civil servants and employees, unless otherwise provided for in this law.

- (Law 88/2009) -

Conflict of Interests Clause

Article 91

(1) Affairs of the Mayor, Deputy Mayor and Chief Administrator shall be incompatible with office of a councillor and membership in governing boards of public services established by local self-government unit.

(2) Affairs of heads of local administration bodies and public services shall be incompatible with office of a councillor and membership in governing boards of public services.

(3) Persons from paragraph 1 of this Article may not be engaged by public services, legal entities and persons to perform any activity that is related to the affairs of the local authorities and that serve for exercising their rights and interests before local bodies.

- (Law 88/2009) -

VI MUNICIPAL FINANCE

Public revenues and expenditures

Article 92

The Municipality shall provide for revenues for funding its own affairs, from following resources:

- 1) Local taxes, fees and charges, which shall be introduced by the Municipality in accordance with the law;
- 2) Shared taxes and charges, in a level as it is established by a special law;
- 3) Subsidies from the Budget of Montenegro;
- 4) Other resources, in accordance with the law.

- (Law 88/2009) -

Article 93

Resources for transferred and entrusted affairs shall be provided to the Municipality from the Budget of Montenegro.

- (Law 88/2009) -

Article 94

(1) Municipality shall have a budget.

(2) Inflows that belong to the Municipality and outflows from its own affairs shall be registered in the Municipal Budget.

- (Law 88/2009) -

VII COMMUNITY SELF-GOVERNMENT

Local Communities

Article 95

Citizens in a Local Community shall decide and take part in decision-making processes in order to address local needs and interests in the following areas: organization of settlements, housing, consumer protection, culture, physical education, the environmental protection and improvement, as well as in other areas of life and work, in accordance with the Statute.

- (Law 75/2005) -

Article 96

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

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

(3) Notwithstanding 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

Funds for address the needs of the local population in the Local Community shall be provided 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) Funds of legal entities and persons who may finance certain type of activities of the local self-government;
- 4) Charges for services that Local Communities makes through their activities;
- 5) Gifts, donations, and other resources.

Article 98

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

(2) Upon registration, a Local Community shall obtain the capacity of a legal entity.

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

Community Centre

- (Law 88/2009) -

Article 98a

(1) A Community Centre may be established for addressing common needs and interests of citizens in the areas referred to in Article 95 of this law at the territories of several Local Communities which are linked by their territories, development and economics.

(2) An initiative for establishment of the Community Centre may be filled by competent body/bodies of one or more Local Communities from paragraph 1 of this Article.

(3) The initiative for establishment of the Community Centre shall contain:

- Name and headquarters;
- Reasons for the establishment;
- Financing means;
- Other issues important for the work of the Community Centre.

-(Law 75/2005 and Law 88/2009) -

Article 98b

(1) The Community Centre shall be established by the municipal ordinance.

(2) The Ordinance of establishment of the Community Centre shall contain:

- Name and headquarters;
- Means of representation of the Community Centre until the appointments;
- Bodies of the Community Centre;
- Type, scope and method of affairs performing;
- Financing means;
- Other issues important for the work of the Community Centre.

-(Law 75/2005 and Law 88/2009) -

Article 98c

The Community Centre's Council and President of the Community Centre shall be bodies of the Community Centre.

-(Law 75/2005 and Law 88/2009) -

Article 98d

(1) Members of the Community Centre's Council shall be appointed by bodies of the Local Communities from the territory which the Community Centre is established for.

(2) The Community Centre's Council shall have a President, who shall represent the Community Centre, chair sessions of the Council and coordinate the implementation of agreed plans and programs.

(3) The President of the Community Centre's Council shall be appointed by the Council upon its members.

(4) Provisions of regulations related to the Local Communities shall be applied accordingly on the issues related to procedures, method of appointment and dismissal of members of the Community Centre's Council.

(5) Other issues related to the performance of the Community Centre shall be regulated in details by the Statute and ordinance of the Municipal Assembly.

-(Law 75/2005 and Law 88/2009) -

Article 98e

(1) The Community Centre may have a secretariat.

(2) A secretary shall coordinate the work of the secretariat.

(3) The Community Centre's Council shall decide on the appointment of the secretary.

-(Law 75/2005 and Law 88/2009) -

Article 98f

State administration and local administration bodies may organize the work in the Community Centre for performing certain affairs from the competences of the local and state administration, especially in addressing citizens' rights and needs, in accordance with law and the Statute.

- (Law 75/2005 and Law 88/2009) -

Article 98g

(1) The Community Center shall be enrolled in a register.

(2) The Register from paragraph 1 of this Article shall be kept by the competent municipal body.

(3) Upon registration, The Community Centre shall obtain the capacity of a legal entity.

- (Law 75/2005) -

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

Article 99

(1) 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.

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

1. Methods of Citizen Participation

Article 100

(1) Forms of direct citizen participation in expressing their views and in decision-making shall be: initiative, civil initiative, the assembly of citizens, referendum (at the level of Local Community and the Municipality), and other forms of expressing views and decision making provide for in the Statute.

(2) The Statute, in accordance with the law, shall specify the method and procedure of participation of local population in expressing views and decision making process related to affairs of common interest.

Initiative

Article 101

(1) 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.

(2) The competent body shall take a position on the filed initiative within 30 days and inform the applicant on it.

(3) If the body do not take action based on the initiative from paragraph 1 of this Article, the applicant may refer to the Mayor or the Assembly.

Civil Initiative

Article 102

(1) Citizens shall be entitled to launch a civil initiative.

(2) The civil initiative shall propose adoption or amending a regulation that defines important matters falling under the local self-government jurisdiction.

(3) The Statute shall regulate matters that may be subjected to the civil initiative, the required number of citizens' signatures for launching the initiative, procedure for conduct upon the initiative and other issues that are important for the civil initiative.

(4) If the competent authority 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.

Assembly of Citizens ***Article 103***

(1) The assembly of citizens shall adopt requests and proposals by majority votes of present citizens, and it shall forward them to competent authority.

(2) Local self-government authorities shall discuss the requests and proposals and inform citizens on it, within 60 days from the date the assembly of citizens is held.

(3) The procedure of convening the assembly of citizens, methods of work and decision making shall be regulated by the Statute or specific regulation.

Community Referendum ***Article 104***

(1) Citizens living at one part of the municipal territory shall express their views on matters that fall under the jurisdiction of the local self-government on a community referendum.

(2) Law or the Statute shall regulate the matters that citizens may submit to a community referendum, as well as procedure of calling and holding the referendum.

Municipal Referendum ***Article 105***

A municipal referendum may be called with purpose that citizens living on the territory of the Municipality 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***

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

(2) The Municipal Statute shall specify the procedure for filing a civil complaint and petition and proceeding by the competent body.

(3) The bodies to whom application 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 when the application was received.

Plan and Program of Participation of the Local Population in Conducting Public Affairs

Article 108

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

(2) The Ordinance in terms of paragraph 1 of this Article shall regulate: forms, mechanisms (surveys, media plans, notice boards, boxes for remarks, 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, deadlines and methods of participation of the local population in public affairs conducting, reporting on success of the procedures and other issues that are important for activities of the local population in decision-making process.

Article 109

(1) Prior to adoption of municipal development programs, spatial and urban plans, budget and general acts that regulate rights and obligations of citizens; the Municipality shall prepare a Plan on Citizen Participation in Decision-Making and it shall appoint a body that shall hold public hearings.

(2) Public hearings may also be held to discuss regulations related to the matters that are important for local population, in accordance with the Statute and Municipal Ordinance.

(3) The public hearings may not last less than 15 days.

Article 110

Participation of the local population in decision-making process related to affairs from Article 109 of this law shall be provided, in particular as following:

- 1) To make available information on activities planned to be carried out at the municipal level during a year to every citizen, administration body, legal entity, person, 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 obligations of citizens have been prepared, and their needs in the respective areas have been collected;
- 2) To make public drafts of municipal development plan and program, budget and general acts that set forth rights and obligations of citizens shall be publicized in a manner which makes them accessible to all participants in public hearings; programmes of public hearings in every Local Community related to the needs of the local population, in particular in the area of housing, public utilities, urban planning and environment, educational and social affairs, etc.;
- 3) To give notice on the manner, deadlines, venue and time of holding public hearings which contains the necessary information on the subject to be discussed;
- 4) In the Municipality where members of minority nations and other minority national communities form a majority or significant number of population, the Plan shall contain a method of providing the participation of minority nations and other minority national communities on their languages, too;
- 5) To commit local self-government authorities to consider all submitted comments, proposals and suggestions of participants in public hearings, to make a summary of comments and explain their acceptance, *i.e.* reasons for their rejection, to prepare a report on results of the public hearings, and to convey all of that accompanied with draft municipal development plan and program, budget and general regulations that regulate rights and obligations of citizens to the applicant;
- 6) To make adopted documents available to the public, in particular to persons with special needs who express an interest in it.

- (Law 88/2009) -

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

Standards of Citizens Treatment

Article 111

(1) Local self-government authorities shall be under obligation to 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.

(2) Councillors, local officials, civil servants and employees shall be under obligation to respect the Code of Ethics.

- (Law 88/2009) -

Article 112

(1) Local self-government authorities shall be under obligation to provide the citizens with necessary information, explanation and notification for exercise of their rights and interests.

(2) The information shall be provided by technical facilities, brochures, and public media.

(3) When handling affairs in administrative matters, local administration bodies shall openly post standards of proceedings.

Article 113

(1) Local officials and heads of local administration bodies shall be under obligation to establish working hours for meeting the citizens.

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

(3) A plan of premises must be posted on a visible spot in the authority, *i.e.* public service.

(4) Names and titles, *i.e.* the professions of civil servants and employees must be posted at the entrance of official premises.

(5) Employed persons shall be under obligation to carry visible official identifications, stating their names, photographs and titles during their service in accordance with regulations passed by the Ministry responsible for local self-government affairs.

Remarks and Complaints of Citizens

Article 114

(1) Local administration bodies shall be under obligation to provide visitors' books and boxes for remarks, suggestions and complaints of citizens, and reception at the head of a body for the purpose of communicating their remarks or complaints related to work of the body or improper behaviour of civil servants.

(2) A competent body shall be under obligation to give a written reply to complaints within 15 days from the date a complaint was submitted, if required so by a citizen.

(3) Local administration bodies which remarks were addressed to shall be under obligation to analyze them on a monthly basis and to undertake measures for solving problems the citizens contacted them for.

Deconcentration of Administrative Affairs

Article 115

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

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

(3) 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

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

(2) 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 acts to be passed by the Assembly;
- 3) Enabling participation in working groups on drafting normative acts or preparation of projects and programs;
- 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 act of the Municipality;
- 6) Providing working conditions for non-governmental organizations, in accordance with possibilities of the local self-government;
- 7) Other means as set forth in the Municipal Statute.

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

Relations with Public Services

Article 117

(1) Local self-government authorities shall co-operate with public services and other legal entities founded by the State, participate in preparing and implementing development plans and programs and make proposals, suggestions and opinions concerning the carrying out activities on the territory of the Municipality.

(2) Organizations from paragraph 1 of this Article shall be under obligation to provide local self-government authorities, at their request, with the reports on implementation of plans and programs within activities carried out on their territory.

Article 118

(1) If co-operation does not achieved in a manner as provided for in this law, the competent authorities of the local self-government may notify the Government and require for adequate measures to be taken.

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

XII RELATIONS BETWEEN LOCAL SELF-GOVERNMENT AUTHORITIES AND STATE BODIES

Article 119

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

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 state bodies shall supervise the legality of the performance of local self-government authorities and they shall have rights and duties prescribed by the law.

Co-operation between Local Self-Government Authorities and State Bodies

Article 121

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

- 1) Make initiatives to state bodies to regulate relations that are important for the local self-government and to undertake measures that are important for solving problems within the scope of rights and duties of the local self-government;
- 2) Propose the state bodies to undertake actions concerning the development of the local self-government;
- 3) Ask for 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 performance of the local self-government authorities;
- 4) Participate in preparation of laws and other acts which content is of an interest for the exercise and development of the local self-government.

Article 122

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

- 1) Inform the local self-government authorities, on their own initiative or by request, on measures they undertake or intend to undertake for the implementation of the laws and other regulations related to the protection of legality, phenomena that violate them and measures 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 performance of its bodies;
- 2) Provide technical assistance to the local self-government authorities related to execution of their affairs;
- 3) Request reports, data and information related to the 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 a law.

Article 122a

(1) While preparing laws and general acts, State administration bodies shall be under obligation to deliver drafts, or bills of laws and other acts which prescribe the status, rights and duties of the local self-government to the Municipality for giving opinion on it.

(2) Deadline for giving opinion shall be no less than 15 days from a day of delivering the act from Paragraph 1 of this Article.

- (Law 88/2009) -

Article 123

(1) When it is requested by State bodies, local self-government authorities shall be under obligation to submit data and information that are important for the exercise of the State bodies' functions.

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

Relations between Local Self-Government Authorities and the Government

Article 124

(1) 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 it restricts freedoms, rights and duties of citizens as prescribed by the Constitution or laws.

(2) When the Government suspends a regulation or general act from execution, it shall initiate proceedings before the Constitutional Court, without delay and within eight days at the latest.

(3) 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

(1) When an Assembly fails to hold its sessions during a period longer than six months, to enforce decisions of the competent courts or to execute its legal duties, the Government shall issue a warning that the Assembly should ensure the functioning, or execute its legal duties within a determined deadline.

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

(3) In the case of dissolution, a Board of Creditors nominated by the Government shall be in charge of the functioning of the Assembly, until the newly elected Assembly is constituted.

- (Law 88/2009) -

Article 126

(1) In the case of dissolution of the Assembly, the Mayor shall call for elections within 15 days from the date the dissolution.

(2) If Mayor fails to call for the elections within the deadline from Paragraph 1 of this Article, the Government shall call for the elections.

- (Law 88/2009) -

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

The Freedom of the Local Self-Governments to Associate **Article 127**

When performing affairs from their primary jurisdiction, based on principles of voluntarism and solidarity, local self-governments may freely co-operate and associate their resources in execution of tasks of their common interest and for the purpose of addressing the needs of the local population.

Article 128

(1) Municipalities may found their own association of municipalities for the territory of Montenegro.

(2) The Association shall be considered as set forth in Paragraph 1 of this Article if it is founded by more than half of the municipalities.

- (Law 88/2009) -

Article 129

(1) Upon the enrolment in a registry, the Association of Municipalities shall obtain the capacity of a legal entity.

(2) Organization, methods of work and finance of the Association from paragraph 1 of this Article shall be regulated by the Statute of the Association.

(3) Ministry in charge for local self-government shall prescribe the form and the method of keeping the register of associations of municipalities.

Article 130

Municipalities and the Association from Article 128 of this Law, within their competencies, may freely co-operate with local communities and associations from other countries for the purpose of realizing common interests and associate into regional and international organizations of local authorities.

Inter-Municipal Community **Article 131**

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

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

Article 132

The agreement on establishing the Community shall stipulate:

- 1) Founders;
- 2) Name and headquarters of the Community;
- 3) Representation and advocating for the 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 performance by municipalities;
- 8) Accountability of the Community for performing affairs;
- 9) Transparency;
- 10) Procedure for withdraw from the Community;

- 11) Termination of work of the Community;
- 12) Other issues important for organization and performance of the Community.

Article 133

The Government shall give consent to the acts on establishing the Community or termination of work of the Community from Article 131 of this law.

Article 134

The Community shall be enrolled in a registry kept by the Ministry in charge for the local self-government.

Article 135

(1) 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 acts of the bodies of the Community.

(2) 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 within bodies of the Municipality where the Community is located.

Article 137

In respect of supervision over the work of the Community, the provisions of this law that regulate relations and co-operation between the local self-government authorities and State bodies shall be applied accordingly.

XIV PUBLICITY AND TRANSPARENCY

Article 138

(1) Publicity and transparency of local self-government bodies, local administration bodies and public services shall be ensured by:

- 1) Publishing general and other enactments in the "Official Gazette of Montenegro" and on internet-site of a local self-government unit;
- 2) Publishing decisions on tendered affairs and services and contracts concluded with legal entities and persons and normative acts and other enactments related to the disposal of municipal property on internet-site of a local self-government unit;
- 3) Direct citizens access to enactments and other official documents related to the functioning of the local self-government and exercise of rights of citizens;
- 4) Citizen participation in public hearings during the decision-making procedures related to regulating matters of direct interest for the local population;
- 5) Organizing different types of citizen education;
- 6) Other methods prescribed by the Municipal Statute.

(2) The method of exercise of citizens' rights from paragraph 1 of this Article shall be specified by the Municipal Statute and the Rules of Procedure of the Assembly.

- (Law 38/2012) -

Article 139

(1) Local administration bodies and public services shall inform the public about the performance of affairs from their scope of jurisdiction and report to it on their performance by public media or some other suitable means.

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

Article 140

The Head of the local administration body or a person s/he authorises shall provide reports, information and data that are in relation to the performance of affairs of the local administration body and they shall be personally accountable for their accuracy and timeliness.

Article 141

Local administration bodies shall be under obligation to publicly announce the holding of counselling and other methods of professional elaboration and discussion on matters within their scope of jurisdiction; enable citizens' participation and monitoring of the performance by public media.

XV PROTECTION OF THE LOCAL SELF-GOVERNMENT

Methods of Protection

Article 142

(1) 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 law.

(2) Municipal Assembly 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 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 body or organisation which exercise public powers, and where such regulations or activities are not subjected to other judicial protection, the competent municipal authority may file a constitutional appeal to the Constitutional Court.

Article 144

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

- (Law 88/2009) -

Council for Development and Protection of the Local Self-Government

Article 145

(1) Council for Development and Protection of the Local Self-Government (hereinafter: "the Council") shall be established in order to foster improvement of local self-government.

(2) 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.

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

(4) Authorities and services from paragraph 2 of this Article shall be under obligation to 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 is submitted.

(5) The Municipal Statute and the act on establishing the Council shall specify the rights, duties and composition of its members, election rules, and methods of work and other issues important for its functioning.

XVI TRANSITIONAL AND FINAL PROVISIONS

Article 146

Statutes and other municipal general acts shall be brought into line with this Law within a year from the date this law enters into force.

- (Law 28/2004) -

Article 147

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

Article 148

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

Article 149

(1) The President of the Republic shall call for the first election for municipal councillors and Mayors pursuant to this Law.

(2) The outgoing Mayor shall convene the first inaugural constitutional session of a Municipal Assembly, elected in accordance with this Law, within 15 days from the date the municipal councillors have been elected.

(3) 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 149a

(1) The President of the Republic shall call for the first election for municipal councillors and Mayors pursuant to this Law in municipalities of: Andrijevica, Bar, Berane, Bijelo Polje, Danilovgrad, Kolašin, Plav, Plužine, Pljevlja, Rožaje, Ulcinj and Šavnik, at the same time with the call for members of the Parliament of the Republic of Montenegro in 2006.

(2) Terms of offices of municipal councillors and Mayors from municipalities from paragraph 1 of this Article shall be extended until the election of councillors and Mayors which shall be held in sense of paragraph 1 of this Article.

- (Law 13/2006) -

Article 150

Chapter V “Municipal authorities”, with exception of Article 47 paragraph 4 and Article 52 of this Law, shall be applied as of the date the next election for municipal councillors and Mayors is organized, in accordance with the law.

- (Law 28/2004) -

Article 151

(1) 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.

(2) 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 previously being in force until a final and binding decision is passed.

Article 151a

Statutes and other general acts shall be brought in the line with this Law in a deadline of 6 months starting from a day when this law will be put in force.

- (Law 88/2009) -

Article 151b

(1) Mayors, the Mayor of the Capital City and the Mayor of the Historical Capital elected in accordance with the Law on Local Self-Government (“Official Gazette of RM”, No. 42/03, 28/04, 75/05 and 13/06) and the Law on Election of Mayors (“Official Gazette of RM”, No. 42/03), shall continue to hold their offices until the expiration of the term which they were elected for.

(2) Provisions of the Law on Local Self-Government (“Official Gazette of RM”, No. 42/03, 28/04, 75/05 and 13/06), relating to the obligation to report to the citizens on performance and holding of offices of local self-government (Article 57, paragraph 1, item 8), accountability to citizens for their performance (Article 59 paragraph 1) and termination of office by impeachment proceedings and initiation of trust until the expiration of terms (Art. 61-64) shall be applied on the persons referred to in paragraph 1 of this Article.

(3) After the expiration of terms of the Mayors referred to in paragraph 1 of this Law, the Assemblies shall elect the Mayors, the Mayor of the Capital City and the Mayor of Historical Capital by the end of the assemblies’ terms, in accordance with this law.

- (Law 88/2009) -

Article 152

When 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) with the exception of Article 36 from that Chapter, and the Law on Transfer of Affairs from the State Administration to Local Administration Bodies (“Official Gazette of the Republic of Montenegro”, No. 30/92) shall cease to be valid.

- (Law 28/2004) -

Article 153

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