

I Annex - Democracy and the rule of law

6. LAW ON LOCAL SELF-GOVERNMENT

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Pursuant to Article 88, item 2, of the Constitution of the Republic of Montenegro, I hereby issue the

Decree Promulgating the Law on Local Self-Government

(Official Gazette of the Republic of Montenegro 42/03, 28/04, 75/05 and 13/06)

I hereby promulgate the Law on Local Self-Government, passed by the Parliament of the Republic of Montenegro at the second sitting of the first ordinary session in 2003 on 9 July 2003

Number 01-450/2
Podgorica, 10 July 2003
Republic of Montenegro
President
Filip Vujanovic

LAW ON LOCAL SELF-GOVERNMENT

I GENERAL PROVISIONS

Article 1

Local self-government shall include the right of citizens and local self-government bodies to regulate and administer specific public and other affairs within the limits stipulated by the law, on the basis of their own accountability and in the interest of local population.

Article 2

Local self-government shall be exercised in a municipality, the Capital, and the Historic Royal Capital (hereinafter referred to as "Municipality").

Article 3

Local self-government shall be exercised applying the principles of democracy, decentralisation, de-politicisation, autonomy, legality, professionalism, efficiency of local self-government bodies and mutual cooperation between the State and a municipality.

Article 4

Needs of immediate and common interest to local population shall be met within a municipality.

For the purpose of creating the conditions for as immediate and efficient conducting of affairs as possible and for meeting citizens' needs, local self-government shall be exercised in municipal district self-government as well.

Article 5

A municipality shall conduct affairs that fall within its competences through its bodies, municipal district self-government bodies and public services, pursuant to the law, Municipal Charter and other regulations.

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

Article 6

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

Article 7

When conducting their affairs, local self-government bodies shall provide equal protection of rights and legal interests of local population and legal persons grounded in the law.

Article 8

A municipality shall be autonomous in conducting local self-government affairs, and its rights cannot be denied or restricted by any state body regulation, except in cases and under the conditions stipulated by the law and in accordance with the Constitution.

Article 9

A municipality shall have its property and raise its own revenues.

A municipality shall independently manage its property and revenues, in accordance with the law.

Article 10

A municipality shall provide conditions for the protection and enhancement of minority rights, in accordance with the Constitution, international regulations and separate legislation.

Article 11

Political organising shall be forbidden in local self-government bodies.

Employees in local self-government bodies shall be forbidden to express and stand for their political views whilst performing their duties.

Article 12

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

Article 13

When laws and regulations defining local self-government status, rights and obligations are being drafted, in particular in areas regulated by this Law, a municipality shall be entitled to express its views.

Article 14

A municipality shall be entitled to express its views or launch an initiative before the competent state bodies in relation to issues that do not fall within its competences but may be of interest to the local self-government.

In the case referred to in paragraph 1 of this Article, the competent state body must provide a response to the municipality.

Article 15

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

Article 16

Municipalities may freely enter into associations, in accordance with this Law.

Article 17

A municipality shall enjoy legal protection, in accordance with the Constitution and the law.

Article 18

Local self-government in the Capital and Historic Royal Capital shall be exercised pursuant to the provisions of this Law, unless otherwise stipulated by a separate law.

Article 19

The terminology used in this Law shall have the following meanings:

- 1) **“Municipality, Capital, Historic Royal Capital”** are territorial units and types of local communities in which local population exercises its right to local self-government;

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- 2) **“Local population”** includes all individuals residing in or owning property within the territory of a municipality;
- 3) **“Citizens”** are individuals residing in and living within the municipal territory;
- 4) **“A voter”** is an individual who has the right to vote and to be elected a Municipal Assembly Member;
- 5) Municipal Assembly and President of municipality are **“local self-government bodies”**;
- 6) **“Local administration bodies”** are local bodies that primarily conduct administrative affairs (Secretariats, Directorates, Offices);
- 7) **“Public services”** are institutions, enterprises and other types of organizations that are founded by Municipality for the purpose of providing public services;
- 8) **“Local public servants”** are individuals employed in local administration bodies;
- 9) **“Local public revenues”** are revenues that a municipality is entitled to collect in accordance with separate legislation and decisions passed by a municipal assembly.

II LEGAL STATUS

Legal person

Article 20

A municipality shall have the capacity of a legal person.

Territory

Article 21

A municipality shall have its name and territory as defined by the law.

Article 22

A municipality shall adopt its Municipal Charter and other general regulations.

Symbols

Article 23

A municipality may have a coat of arms and a flag (hereinafter referred to as the “symbols”).

A municipality may have a holiday.

The shape and contents of symbols, as well as the holiday, shall be regulated by the Municipal Charter.

The Government of the Republic of Montenegro (hereinafter referred to as the “Government”) shall give its approval for provisions of the Municipal Charter defining the shape and contents of symbols as well as the holiday.

Article 24

Use of symbols shall be defined in a regulation adopted by the Municipal Assembly.

Symbols shall have the contents that correspond to historic, cultural, natural and other characteristics of the municipality, and may not have identical or modified shape to the State symbols, i.e. national symbols, or to state symbols of other countries or to logos of political parties, companies, institutions, and some other legal person or organisation.

Seal

Article 25

A municipality and its bodies shall have their seals.

Article 26

The municipal seal shall contain the name of the Republic of Montenegro, name of the municipality and its seat.

The seal of a municipal body, in addition to elements referred to in paragraph 1 of this Article, shall also contain the name of that body.

The municipal coat of arms, if defined, shall be put in the centre of the seal.

The text of the seal shall be written in accordance with the law governing matters related to seals of State bodies.

Article 27

Creation, use, safekeeping and destruction of the seal and other matters relevant for using the seal shall be defined by a separate decision passed by the municipal assembly.

III LOCAL SELF-GOVERNMENT AFFAIRS

Type of Affairs

Article 28

A municipality shall conduct local self-government affairs of direct and common interest to local population.

A municipality shall also conduct affairs devolved by law or delegated by means of Government's regulations.

1. Reserved Affairs

Article 29

Reserved affairs of a municipality shall be defined by the law and municipal charter.

A municipality shall specify the affairs referred to in paragraph 1 of this Article through its own regulations, as well as provide conditions for their execution.

Article 30

A municipality may also conduct other affairs of interest to local population that do not fall within competence of state bodies or other bodies and organisations.

Article 31

A municipality, in accordance with the law and other regulations, shall adopt:

- 1) development plans and programmes;
- 2) construction land improvement programmes;
- 3) spatial and urban plans;
- 4) budget and final budget statement;
- 5) capital improvement plan and investment policy;
- 6) plans and programmes in particular administrative areas, in accordance with the separate legislation;
- 7) environmental development and protection programmes.

Article 32

A municipality, in accordance with the law, shall regulate and provide:

- 1) conditions for carrying out and developing municipal services;

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- 2) conditions for development of entrepreneurship;
- 3) conditions for conducting affairs of improving, using and protecting construction land;
- 4) use of business premises;
- 5) conditions for the preservation and protection of natural resources;
- 6) social welfare, in relation to home care and help at home for the elderly and disabled persons, along with resolving housing issues for persons with social needs status, and introducing additional forms of social welfare;
- 7) child welfare related to school holidays and recreation of children, their accommodation, nutrition, and other additional forms of child welfare;
- 8) conditions for the preservation, use, management and improvement of areas with natural medicinal qualities;
- 9) public transport of passengers in local traffic;
- 10) affairs concerning assessment, collection and control of local revenues;
- 11) relations in the field of housing, along with creating conditions for the maintenance and protection of blocks of flats, and protecting condominium ownership rights;
- 12) conditions for construction and use of facilities;
- 13) conditions for informing the local population;
- 14) conditions for the protection from natural disasters, fires, explosions, devastations, and other accidental and extraordinary events and conditions for their prevention;
- 15) conditions for the improvement of sport and physical education, recreation of children, youth and adults, construction and maintenance of facilities intended for physical education, and development of inter-municipal sports cooperation;
- 16) relations related to construction and installation of temporary and other facilities;
- 17) conditions for protecting monuments of local importance;
- 18) monitoring of and protection against noise;
- 19) conditions for the development of librarianship and archive activities of local interest;
- 20) conditions for the development of publishing industry;
- 21) conditions for line shipping in its territory;
- 22) working hours and working conditions in premises providing services to citizens;
- 23) conditions for organising taxi services;
- 24) conditions for organising public exhibitions of local importance.

Article 33

Within its reserved affairs, a municipality shall also:

- 1) take care of protecting eroding areas;
- 2) determine public interest in expropriation of property for local needs;
- 3) manage, use and protect local property;
- 4) perform inspection control;
- 5) define offences for violation of its regulations and initiate misdemeanour procedure;
- 6) organise the provision of legal assistance to citizens;

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- 7) keep records on population, voter registration lists and other records, in accordance with the law; define water management conditions, water management approvals, and water management permits;
- 8) keep records on communal and waste waters, users and polluters of water management facilities and installations and other affairs;
- 9) define public acknowledgements and awards;
- 10) decide on rights and obligations of citizens in affairs falling within its competence;
- 11) meet certain needs of citizens in other fields of direct interest to them;
- 12) conduct other affairs in accordance with the needs and interests of local population.

Article 34

For the purpose of conducting affairs of direct interest to local population, a municipality shall establish:

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

Article 35

A municipality may establish public services referred to in Article 34 paragraph 1 item 2 of this Law, if conducting those affairs represents an indispensable requirement for life and work of local population, and if the needs of citizens in those fields cannot be addressed in a high-quality and economical manner by means of private initiative or in any other manner.

Article 36

A municipality shall define methods and terms for conducting reserved affairs taking into account the possibilities, interests and needs of local population.

Article 37

When the Government considers that conducting reserved affairs is of common interest for two or more municipalities, it may require the municipalities to perform such affairs jointly or decide that such affairs are of public interest and ensure their execution.

2. Devolved and Delegated Affairs

Article 38

Pursuant to the law, certain affairs that fall under the competence of state administration may be devolved on a municipality when, in so doing, it is ensured that their execution will be carried out in a more efficient and economical manner.

Execution of certain affairs that fall within the competence of state administration may be delegated to a municipality by means of a Government's regulation.

The conditions of devolving on and delegating such affairs to a municipality shall be defined by the law.

Article 39

A municipality shall conduct affairs devolved on it in the fields of education, primary health care, social and child welfare, employment and in other fields of direct interest to local population, in accordance with the separate law.

IV MUNICIPAL PROPERTY

Article 40

Municipal property shall include movable and immovable items, financial resources, securities, and other property rights, in accordance with the law.

A municipality shall use and administer its property pursuant to its purpose and in accordance with the law and good practices of economic and financial management.

A municipality and public services founded by it shall keep records of their property.

Municipal property shall be registered in accordance with the law.

V MUNICIPAL BODIES

Article 41

Municipal bodies shall be the municipal assembly (hereinafter referred to as the “assembly”) and the president of municipality.

The assembly shall be the representative body of citizens of a municipality.

The president of municipality shall have executive powers in the municipality.

Article 42

Elections for the assembly shall be called by the president of municipality.

Elections for the president of municipality shall be called by the assembly.

Elections referred to in paragraphs 1 and 2 of this Article shall be held not later than 15 days prior to the expiry of terms of offices of members of the assembly and of the president of municipality.

No less than 60 and no more than 100 days may pass between the day of calling the elections referred to in paragraphs 1 and 2 and the day of elections.

If elections are not called in accordance with paragraph 3 of this Article, they shall be called by the Government.

Article 43

Citizens shall elect the assembly and the president of municipality on the basis of free, universal, equal and direct suffrage, in accordance with the law.

1. Assembly

Article 44

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

Thirty members of the assembly shall be elected to the assembly and an additional member of the assembly per every 5,000 voters.

Affairs Conducted by the Assembly

Article 45

The assembly shall:

- 1) adopt the municipal charter;
- 2) adopt regulations and other general legislation;
- 3) adopt municipal development plans and programmes;
- 4) adopt spatial and urban plans;
- 5) adopt construction land improvement and utilisation programmes;
- 6) adopt final budget statement;

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- 7) adopt capital improvement plan and investment policy;
- 8) establish the amount of municipal taxes, fees and charges;
- 9) manage its property;
- 10) define conditions for establishing municipal districts and give approval for decisions on their establishment;
- 11) call a referendum within municipal territory or within one part of its territory;
- 12) decide upon citizens' initiatives;
- 13) decide upon the introduction of self-imposed contribution within the municipal territory;
- 14) establish public services;
- 15) decide on borrowing and issuance guarantees, in accordance with the law;
- 16) verify of mandates and decide on the rights of members of the municipal assembly;
- 17) appoint and dismiss the chairperson of the assembly, appoint the secretary to the assembly and members of the assembly's working and advisory committees;
- 18) submit a proposal for assessing constitutionality and legality of a regulation passed by state bodies, when it deems that the right to local self-government is violated thereby;
- 19) review reports submitted by the president of municipality;
- 20) adopt its Rules of Procedure;
- 21) provide authentic interpretation of its own regulations;
- 22) conduct other affairs stipulated by the law and by the municipal charter.

Procedures for Convening the Assembly and Decision-making Process Article 46

Chairperson shall convene the assembly when necessary, and not less than once in three months.

Chairperson shall convene the assembly at his/her own initiative, at the request of the president of municipality, at the request of 1/3 of members of the assembly, and at citizens' initiative within 15 days from the day the request, i.e. initiative is submitted on.

Number of citizens required for submitting the initiative, within the meaning of paragraph 2 of this Article, shall be defined by the municipal charter.

If chairperson does not convene the assembly within the deadline referred to in paragraph 2 of this Article, the party submitting the request, i.e. initiative shall do so.

In the case referred to in paragraph 4 of this Article, the session of the assembly shall be chaired by a member of assembly who shall be chosen by the party submitting the request, i.e. initiative.

Article 47

President of municipality, a member of municipal assembly, and the number of citizens as defined in the municipal charter shall be entitled to propose the adoption of decisions, other regulations and general acts.

The assembly shall make decisions if majority of the total number of assembly members attend the session.

The assembly shall make decisions by a majority vote of assembly members present at the session, unless the law or municipal charter requires a different type of majority for adoption of certain regulations.

The municipal charter shall be adopted by the majority vote of the total number of assembly members.

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Assembly's work and decision-making procedure shall be specified by its Rules of Procedures.

Article 48

A member of the assembly shall not be held criminally liable, detained, or punished for expressing views or voting in the assembly.

Working Bodies

Article 49

For the purpose of ensuring more efficient and rational execution of affairs within assembly's competence, committees and councils shall be established as permanent working bodies, while commissions may be established as temporary working bodies.

The assembly shall appoint assembly members as committee members.

The assembly shall appoint other persons, along with assembly members, as council and commission members.

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

Article 50

Decision-making on certain matters falling within the competence of the assembly may be delegated to committees in accordance with the municipal charter or a decision passed by the assembly.

Assembly affairs referred to in Article 45, items 1-19 of this Law shall not be delegated to committees.

Decisions made by committees shall be presented to the assembly at its first session following the decision.

If the assembly deems that decisions made by committees are illegal or inappropriate, it shall annul or repeal them and adopt a decision to regulate that specific matter.

Assembly Regulations

Article 51

When conducting affairs from the scope of its competences, the assembly shall adopt the municipal charter, decisions and other regulations.

The municipal charter shall be the fundamental regulation governing organisation, work, and manner of exercising local self-government.

A decision shall prescribe rights and obligations of citizens, establish public services and regulate other matters, in accordance with the law and municipal charter.

An ordinance shall regulate particular matters, in accordance with the law and other regulations.

The assembly shall adopt conclusions on particular matters important for defining and conducting a policy.

The assembly shall adopt charters and recommendations to express its own views regarding certain system related matters that fall under its competence, i.e. matters that refer to other bodies and public services.

The assembly may also adopt other regulations from the scope of its competences.

Article 52

The municipal charter shall particularly regulate: rights and obligations of municipality and procedures for exercising them; affairs and decision-making involving local population; procedures for and terms of conducting reserved affairs; organisation and methods of work of municipal bodies; procedures for adopting regulations; procedures for exercising supervision over the work of municipal bodies and public services; procedures for delegating specific affairs to assembly's working bodies; procedures of ensuring public work of municipal bodies and services; financing; definition of symbols and municipal holiday and procedures for celebrating it; and other matters important for the functioning of local self-government.

**Chairperson
Article 53**

The assembly shall have a chairperson.

Chairperson of the assembly shall be elected from among assembly members, at the proposal of 1/3 of assembly members, by a majority vote of the total number of assembly members.

Chairperson's term of office shall be equal to the assembly's term of office.

As a rule, chairperson shall hold his/her office voluntarily.

Chairperson may be dismissed before the expiry of his/her term of office, in accordance with the municipal charter.

Article 54

Chairperson shall convene the assembly, chair and administer its work and take care of execution of its decisions and other regulations.

If chairperson is absent or indisposed, an assembly member chosen by chairperson shall chair the assembly.

**Assembly Secretary
Article 55**

The assembly may have a secretary responsible for conducting technical and other affairs related to convening and holding sessions of the assembly and its working bodies, as well as for conducting other affairs defined by the municipal charter and other regulations.

The assembly shall appoint its secretary at the chairperson's proposal.

The provisions of this Law referring to the status of the chief administrator shall be accordingly applied to terms for appointment and dismissal of assembly secretary.

Assembly secretary's term of office shall be equal to the chairperson's term of office.

**2. President of Municipality
Article 56**

President of municipality shall hold his/her office professionally.

President of municipality shall be elected for a period of 5 years.

Any citizen of Montenegro may hold the president of municipality's office, for two terms of offices maximum.

When assuming the office, president of municipality shall make the following pledge before the assembly:

"I solemnly pledge that I shall perform president of municipality's duties in accordance with the Constitution, law and Municipal Charter".

Affairs Conducted by President of Municipality

Article 57 (Official Gazette of the Republic of Montenegro 75/05)

President of municipality shall:

- 1) represent and act on behalf of Municipality;
- 2) propose regulations to be adopted by the Assembly, as well as procedures for resolving specific issues from the assembly's competence;
- 3) take care and be responsible for implementation of laws, other regulations and general acts;
- 4) take care and be responsible for execution devolved and delegated affairs;
- 5) define the organisation and operational procedures of local administration, at the chief administrator's proposal;
- 6) appoint and dismiss deputy president of municipality;
- 7) appoint and dismiss chief administrator, directors of agencies, managers, and give approval for appointing and dismissing heads of local administration bodies, unless otherwise stipulated by this Law;
- 8) submit reports, at least once a year, on his/her performance and on executing local self-government duties to citizens and to the assembly;
- 9) direct and harmonise work of local government bodies, public services and agencies founded by his/her office, for the purpose of more efficient execution of their functions and provision of high-quality public services, for which he/she shall adopt appropriate regulations;
- 10) supervise the work of local administration;
- 11) adopt regulations from his/her competence and regulations for execution of devolved and delegated affairs, unless otherwise stipulated by separate legislation;
- 12) be responsible for implementation of decisions and other regulations adopted by the assembly and adopt regulations for their execution;
- 13) adopt regulations for execution of the municipal budget;
- 14) convene the constitutive session of the assembly;
- 15) conduct other affairs defined by the law, municipal charter, and other regulations.

Article 58

President of municipality shall, temporarily, adopt regulations that fall within the competence of the assembly should the assembly be unable to hold a session or its work made impossible, and when the failure to adopt such regulations would affect the life of citizens or property of a major value.

President of municipality shall submit the regulation referred to in paragraph 1 of this Article to the assembly for ratification at the first session following its adoption.

If the assembly does not ratify the regulation referred to in paragraph 1 of this Article, or president of municipality fails to submit it, the adopted regulation shall cease to be valid on the day assembly's session ends.

Article 59

For his/her work on conducting the affairs within the scope of local self-government competence, president of municipality shall be accountable to the assembly and to citizens.

For conducting devolved and delegated affairs, president of municipality shall also be accountable to the Government.

If president of municipality illegally conducts or fails to conduct devolved or delegated affairs, the Government shall inform the assembly and propose measures to be taken.

If the assembly fails to take measures referred to in paragraph 3 of this Article, the Government shall warn the assembly of the consequences for failure to act and take further actions, in accordance with its powers.

End of President of Municipality's Term of Office
Article 60

President of municipality's term of office shall end prior to the expiry of the period he/she is elected for in the case of: impeachment, no confidence vote, resignation, or by force of the law.

The assembly shall adopt regulation confirming the end of president of municipality's term of office.

Impeachment
Article 61 (Official Gazette of the Republic of Montenegro 75/05)

Citizens may initiate the procedure of president of municipality's impeachment.

The impeachment procedure may be initiated by at least 20% of voters living in the territory of a municipality.

The impeachment procedure can be re-initiated after the expiry of one year from the day of voting on the previous impeachment motion.

The impeachment procedure, voting date and other issues related to impeachment shall be in detail regulated by the law and municipal charter.

No confidence vote
Article 62

President of municipality may initiate a no confidence vote for citizens to decide thereof.

A no confidence vote procedure may also be initiate by the assembly, in cases when president of municipality: denies rights and freedoms to citizens, fails to conduct affairs properly, fails to implement development programmes and other regulations, causes major material damage to the municipality, fails to submit the report on his/her performance to the assembly, and if the assembly fails to ratify the regulation referred to in Article 58 paragraph 1 of this Law or president of municipality fails to submit the regulation to the assembly for ratification.

At least 1/3 of assembly members or 10% of the citizens living in the municipality or the Government may initiate the no confidence vote procedure.

The assembly shall decide on the initiative referred to in paragraph 3 of this Article by a majority vote of the total number of assembly members within 30 days from the day the initiative is launched.

Article 63

If the assembly accepts the initiative referred to in Article 62 paragraph 3 of this Law, the no confidence vote procedure shall begin.

The decision on initiating the no confidence vote procedure shall set the required period for organising the voting, which cannot be longer than 60 days from the day procedure is initiated on, as well as other matters important for conducting the voting procedure.

Article 64 (Official Gazette of the Republic of Montenegro 75/05)

Citizens shall decide on no confidence in president of municipality, in accordance with the law.

In case no confidence is voted, the assembly shall adopt a regulation ratifying the end of president of municipality's term of office.

The vote of no confidence in president of municipality can be re-initiated within one year from the day vote of no confidence takes place.

Resignation
Article 65

President of municipality may hand in his/her resignation.

President of municipality shall inform the assembly about his/her resignation.

End of President of Municipality's Term of Office by Force of the Law
Article 66

President of municipality's term of office shall end by force of the law in the following cases:

- 1) expiry of his/her term of office;
- 2) if a final and binding decision clearly shows that he/she does not have the capacity to exercise rights;
- 3) if he/she is convicted by means of a final and binding decision for a criminal offence that makes him/her unsuitable to hold the office;
- 4) if he/she is sentenced to more than 6 months of prison by means of a final and binding decision;
- 5) change of his/her place of residence;
- 6) in other cases defined by the law.

Article 67

When president of municipality's term of office ends in the cases defined by the law, deputy president of municipality, i.e. chief administrator shall hold the office of president of municipality, until a new president of municipality is elected.

Article 68

The assembly shall decide on calling elections for president of municipality, whose term of office ends before the expiration of the period he/she was elected to, within 15 days from the day his/her term of office ends.

In the case referred to in paragraph 1 of this Article, elections shall be held not later than 60 days from the day of calling for the elections.

Deputy President of Municipality

Article 69 (Official Gazette of the Republic of Montenegro 75/05)

A municipality may have one or more deputy presidents of municipality.

President of municipality shall appoint and dismiss deputy president of municipality.

Deputy president of municipality's term of office shall be equal to president of municipality's term of office, unless otherwise stipulated by in this Law.

If president of municipality is absent from office or unable to perform his/her work, he/she shall be replaced by deputy president of municipality, who shall also conduct other affairs delegated by president of municipality.

If deputy president of municipality is not appointed, president of municipality shall be replaced by chief administrator.

3. Local Administration and Public Services
Categories of Local Administration Bodies
Article 70

For the purpose of conducting local administration affairs, local administration bodies shall be established (secretariats, offices, directorates, bureaus, etc.).

For the purpose of conducting particular affairs, communal police, special services and centres shall be established.

For the purpose of conducting affairs that require specific expert and technical knowledge and autonomy in work, special agencies may be established by president of municipality's decision.

Rulebooks on internal organisation and job description of bodies and services referred to in paragraphs 1 and 2 of this Article shall be adopted by the chief administrator and for agencies by their directors, with the president of municipality's approval.

3.1. Affairs Conducted by Local Administration Bodies

Local Administration Affairs

Article 71

Local administration shall:

- 1) implement laws, regulations and general acts;
- 2) draft decisions and other regulations to be adopted by local self-government bodies;
- 3) exercise administrative inspection;
- 4) conduct technical and other affairs delegated by local self-government bodies;
- 5) decide in first instance administrative procedure on rights and obligations of citizens, legal and other entities;
- 6) keep public and other records required by the law and general acts of local self-government bodies;
- 7) pass decisions in misdemeanour procedure;
- 8) conduct other affairs stipulated by the charter and other regulations.

Administrative Supervision

Article 72

Local administration bodies shall exercise administrative supervision related to:

- 1) legality of regulations adopted by public services that regulate rights, obligations and legal interests of citizens and legal persons;
- 2) legality and purposefulness of public services' performance;
- 3) inspection supervision.

Article 73

When exercising administrative control, local administration bodies shall:

- 1) propose to chief administrator to suspend implementation of general regulations or their particular provisions that are not in accordance with the municipal charter and other regulations of local self-government bodies, until the procedure for assessing the constitutionality and legality of general acts is completed;
- 2) launch an initiative for assessment of constitutionality and legality of general acts adopted by public services;
- 3) order measures for execution of prescribed duties;
- 4) propose measures for overcoming problems, i.e. eliminating failures in work;
- 5) launch initiatives for amending regulations;
- 6) submit a request for initiating a misdemeanour procedure, bring criminal charges or charges for commercial offences;

- 7) inform other bodies if there are reasons for taking measures within their competences;
- 8) take other measures stipulated by separate legislation.

3.2. Organisation of Local Administration

Chief Administrator

Article 74

The chief administrator shall administer and coordinate the work of local administration.

The chief administrator shall perform his/her duties professionally.

The chief administrator shall organise the work of local administration and be accountable for the legality, efficiency and effectiveness of its performance.

The chief administrator shall have competence of a second instance body in administrative matters.

Article 75 (Official Gazette of the Republic of Montenegro 75/05)

The chief administrator shall be appointed and dismissed by president of municipality, with assembly's approval.

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

Any person who graduated from the faculty of law, passed the professional exam for work in administration bodies and has at least five-year working experience may be appointed chief administrator.

For his/her work and the work of local administration bodies, the chief administrator shall be accountable to the assembly and president of municipality.

Article 76

The chief administrator may be dismissed if he/she does not perform his/her duties in accordance with Article 74 paragraph 3 of this Law and in other cases stipulated by the law.

During the dismissal procedure, the chief administrator shall be entitled to express his/her view on reasons for the dismissal at assembly's session.

3.3. Head of a Local Administration Body

Article 77

A local administration body shall be managed by a head of the body.

Head of a local administration body shall be appointed and dismissed by the chief administrator, with the president of municipality's approval, unless otherwise stipulated by this Law.

Head of a body shall be accountable for his/her work to the chief administration and president of municipality.

Head of a body shall decide on appointment and assignment of civil servants, and perform other affairs in accordance with the law and municipal charter.

The procedure, method and conditions for determining the accountability of the head of a local administration body shall be regulated by the municipal charter, in accordance with the law.

3.4. Other Municipal Offices and Services

Manager

Article 78

A municipality may have a manager.

The manager shall participate in drafting development programmes, propose projects in line with the approved development programme, and take care of their implementation.

The manager shall be appointed and dismissed by the president of municipality.

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

The manager shall submit a report on his/her activities, at least once a year, to the president of municipality.

The manager shall be accountable for his/her work to the president of municipality.

Communal Police

Article 79

A municipality shall have a service in charge of carrying out communal supervision (hereinafter referred to as the “communal police”).

The chief administrator shall supervise the legality and appropriateness of the work of the communal police.

The communal police shall ensure communal order in relation to parking, waste disposal, water supply, drainage of waste and storm waters, urban sanitation, street lighting, maintaining green markets, parks, greenery, traffic signs and signage, burials, local roads, noise, working hours, transport of passengers within city and its surroundings, taxi transport; it shall offer information services to citizens and conduct other affairs within municipal competence defined by the law and assembly’s decisions.

Article 80

With regard to rights and obligations and procedures for conducting affairs of the communal police, provisions of the law regulating inspection control and other regulations shall be accordingly applied.

The communal police shall have identity cards, official uniform and emblems.

The form and contents of identity cards and emblems, as well as appearance, contents, and use of the uniform and other matters important for conducting communal police affairs shall be defined by the municipal assembly.

Civil Protection Service

Article 81

A municipality shall have a civil protection service.

The civil protection service shall ensure rescue and protection of property and citizens from fires, explosions, devastations, and other accidental and extraordinary situations.

Supervision over legality and purposefulness of work of a civil protection service shall be exercised by the president of municipality.

Information Centre

Article 82

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Municipal bodies, public services and legal persons that exercise public authorities and provide public services to citizens shall use modern information and communication technology tools in conducting their affairs and carrying out their tasks.

Tools referred to in paragraph 1 of this Article shall be acquired and used pursuant to common standards adopted at the level of the Republic.

For the purpose of conducting affairs referred to in paragraph 1 of this Article, a municipality shall establish an information centre.

3.5. Rules of Administrative Procedure

Applying Administrative Procedure

Article 83

Regulations on administrative procedure shall be applied in procedures before municipal bodies and public services that exercise public authorities.

Conflict of Competences

Article 84

Conflict of competences between local administration bodies shall be resolved by the chief administrator.

Conflict of competences among local administration bodies, public services and legal persons, to which certain affairs are delegated by an assembly's decision, shall be resolved by the president of municipality.

Exemption

Article 85

Head of a local administrative body shall decide on exemption of civil servants in local administration bodies.

Chief administrator shall decide on exemption of heads of the local administrative bodies.

President of municipality shall decide on exemption of the chief administrator.

4. Legal Status of Officials and Civil Servants

Local Officials

Article 86

President of municipality and deputy president of municipality, chairperson and chief administrator shall have the status of local officials.

Article 87

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

A chairperson, who holds his/her office on the voluntary basis, shall be entitled to remuneration for the time of holding the office, in accordance with the assembly's regulations.

Local Civil Servants

Article 88

Employees in local government bodies shall have the status of civil servants who professionally conduct affairs from local self-government competence.

Individuals referred to in paragraph 1 of this Article shall be employed on the basis of public advertisement.

Official titles and terms for their execution shall be defined by the Government.

Article 89

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

Article 90

With regard to the legal status of local officials and local civil servants, legislation that regulates the status of the Republic officials and civil servants shall be applied, unless otherwise stipulated by this Law.

Conflict of Interests Clause

Article 91

Holding the office of a president of municipality, deputy president of municipality and chief administrator shall be incompatible with office of an assembly member.

Holding a local official's office shall be incompatible with holding any other local public office and with the membership in public services' management boards.

Holding the office of a head of administration body and local civil servant shall be incompatible with the membership in the assembly and public services' management boards.

Individuals referred to in paragraphs 1 and 2 of this Article cannot be employed by public services, natural persons and legal persons to perform any activity related to the affairs of local government bodies and serving for exercising their rights and interests before the local bodies.

VI MUNICIPAL FINANCING

Public Revenues and Expenditures

Article 92

For the purpose of conducting affairs from its competence, a municipality shall have public revenues defined by the law.

Article 93

For conducting reserved affairs that are of direct and common interest to local population, a municipality may define rates of taxes, fees, and charges, in accordance with the law.

Article 94

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

The work of local self-government bodies shall be funded from the municipal budget, in accordance with the law.

VII MUNICIPAL DISTRICT SELF-GOVERNMENT

Municipal Districts

Article 95 (Official Gazette of the Republic of Montenegro 75/05)

Citizens in municipal districts shall make decisions and participate in decision-making processes related to addressing local needs and interests in the following fields: organisation of settlements, housing, consumer protection, culture, physical education, environmental protection and improvement, as well as in other spheres of life and work, in accordance with the municipal charter.

Article 96

Municipal districts shall be established by citizens, in accordance with the law.

Municipal assembly shall adopt a decision to define conditions for establishment of municipal districts, conducting their affairs, their bodies and appointment procedures, organisation and work of the bodies, decision-making procedure, finance and other matters important for the work of municipal districts.

By way of derogation from paragraph 1 of this Article, the assembly may, when it is necessary for exercising rights and obligations of citizens, temporarily establish municipal districts, until it is established by citizens themselves.

Article 97

Funds for addressing the needs of local population in municipal districts shall be provided from:

- 1) municipal revenues, shared with municipal districts;
- 2) private funds of local population, who directly group their resources, either by means of self-imposed contributions or in some other way;
- 3) legal persons and natural persons who may finance particular local self-government activities;
- 4) charges for services that municipal districts provide through their activities;
- 5) gifts, donations, and other sources.

Article 98

A Registry of municipal districts shall be kept by the competent municipal body.

Upon registration, a municipal district shall obtain the status of a legal person.

The Ministry in charge of local self-government affairs shall define a registration form and procedures for keeping the Registry of municipal districts.

Municipal Districts Coordination Centre

Article 98a (Official Gazette of the Republic of Montenegro 75/05)

A number of municipal districts that are territorially connected and interrelated in terms of economy and development may establish a joint coordination centre (hereinafter referred to as the "municipal districts centre") with the view of addressing their common needs and interests in fields referred to in Article 95 of this Law.

An initiative for establishment of municipal districts centre may be launched by competent bodies of one or more municipal districts that are territorially connected and interrelated in terms of economy and development.

The initiative for establishment of municipal districts centre shall contain:

- name and headquarters;
- reasons for establishment;
- type, scope and procedure for performing affairs that municipal districts delegate to the municipal districts centre;
- method of financing;
- other matters important for functioning of the municipal districts centre.

Article 98b (Official Gazette of the Republic of Montenegro 75/05)

The municipal districts centre shall be established by means of an agreement.

The agreement referred to in paragraph 1 of this Law shall be considered approved if, upon prior opinion of the municipal districts' boards meetings, it is signed in the identical form by all presidents of councils of municipal districts, within the meaning of Article 98a of this Law.

The agreement on establishing of the municipal districts centre shall contain:

- founders;
- name and headquarters;
- procedure for representing the municipal districts centre, until the bodies of the municipal districts centre are appointed;
- type, scope and procedure for performing affairs;
- method of financing;
- procedure for supervision to be performed by the founders;
- accountability for performing affairs;
- publicity of work;
- procedure for leaving the coordination board;
- end of operation of the coordination board;
- other matters important for work of the municipal districts centre.

The municipal districts centre may also perform other affairs falling within the competence of local self-government if delegated to the centre by means of a municipal assembly's decision.

The decision referred to in paragraph 4 of this Article shall define the procedure for performing affairs and method of financing

The agreement on establishing the municipal districts centre shall be submitted to the president of the municipality, to the chief administrator and to the Council for Development and Protection of Local Self-Government for consideration.

Article 98c (Official Gazette of the Republic of Montenegro 75/05)

Bodies of the municipal districts centre shall be:

- board of the municipal districts centre, and
- president of the municipal districts centre.

Board of the municipal districts centre shall be appointed by councils of municipal districts establishing the municipal districts centre.

Board of the municipal districts centre shall have seven members minimum.

As a rule, presidents of councils of municipal districts shall be members of the municipal districts centre.

Work procedure of the municipal districts centre shall be specified in its Rules of Procedure.

Article 98d (Official Gazette of the Republic of Montenegro 75/05)

The municipal districts centre shall have a president.

The president of the municipal districts centre shall be appointed from among the members of the board of municipal districts centre, by the members themselves.

Provisions of regulations governing municipal districts shall be accordingly applied to matters related to the procedure for appointment and dismissal of members of the board of municipal districts centre.

Article 98e (Official Gazette of the Republic of Montenegro 75/05)

The municipal districts centre may have an administrative service.

Work of the administrative service shall be conducted by a secretary.

Board of the municipal districts centre shall decide upon appointment of the secretary.

Article 98f (Official Gazette of the Republic of Montenegro 75/05)

Local administration bodies may organise their work in the municipal districts centre for the purpose of performing certain affairs falling under the competence of local administration, in particular with regard to exercise of citizens' rights.

Article 98g (Official Gazette of the Republic of Montenegro 75/05)

The municipal districts centre shall be entered into a register.

The register referred to in paragraph 1 of this Article shall be kept by a competent municipal body.

The municipal districts centre shall obtain the status of legal person by entry into the register.

VIII PARTICIPATION OF CITIZENS IN EXERCISING LOCAL SELF-GOVERNMENT

Article 99

A Municipality shall create conditions, stimulate and assist participation of local population in exercising local self-government using different forms of citizens' participation in discussions and decision-making processes regarding affairs of common interest.

For the purpose of addressing their needs in culture, sport, education, health, information and other, local population shall participate in management boards of public services and other legal persons that hold public powers and provide services to citizens, in the manner defined by separate legislation and other regulations.

1. Forms of Citizens' Participation

Article 100

Forms of citizens' direct participation in discussions and in decision-making process shall include: initiative, citizens' initiative, citizens' meeting, referendum (at the municipal and district level), as well as other forms of expressing their views and participating in decision-making provided for in the municipal charter.

The municipal charter, in accordance with the law, shall specify forms and procedures for local population's participation in discussions and decision-making process related to affairs of common interest.

Initiative

Article 101

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

The competent body shall take a position on the initiative within 30 days and inform the party that launched the initiative about it.

If the competent body do not take action upon the initiative referred to in paragraph 1 of this Article, those who launched the initiative may refer it to the president of municipality or the assembly.

Citizens' Initiative

Article 102

Citizens shall be entitled to launch a citizens' initiative.

The citizens' initiative shall be launched for the purpose of adopting or amending a regulation governing important matters falling within local government competence.

The municipal charter shall define matters that may be subject to citizens' initiative, number of citizens' signatures required for launching the initiative, procedure for acting on the initiative and other matters important for citizens' initiative.

If a competent body does not approve citizens' initiative, a referendum may be called on the matter the initiative deals with, and held within 90 days from the day of deciding to call the referendum.

Citizens' Meeting

Article 103

Citizens' meeting, by a majority vote of citizens present, shall adopt requests and proposals and forward them to competent bodies.

Local self-government bodies shall, within 60 days from the day of holding citizens' meeting, discuss the requests and proposals and inform citizens thereof.

The procedure for convening a citizens' meeting, manner of work and decision-making procedures shall be defined by the municipal charter or a separate regulation.

District Referendum

Article 104

Citizens living on a part of municipal territory shall express their views on matters that fall under local self-government's competence at a district referendum.

Matters that citizens of municipal districts may call a referendum for, as well as the procedure for calling and holding a referendum, shall be defined by the law and municipal charter.

Municipal Referendum

Article 105

A municipal referendum may be called to give citizens an early opportunity to express their views on particular matters that fall under local self-government competence in cases and following the procedure provided for in the municipal charter, in accordance with the law.

2. Other Forms for Citizens to Express Their Views

Article 106

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

Right to Civil Complaint or Petition

Article 107

Any person may lodge a civil complaint or petition to local self-government bodies, as well as require information regarding their scope of work.

The municipal charter shall specify the procedure for lodging civil complaints and petitions and actions upon them to be taken by competent bodies.

The bodies that the requests referred to in paragraph 1 of this Article are referred to shall make a decision, i.e. provide information within 30 days from the day that the request is received.

Plan and Programme of Local Population's Participation in Conducting Public Affairs

Article 108

For the purpose of accomplishing local population's participation in the process of making decisions of direct and common interest, the assembly shall adopt a separate decision that shall define forms and procedures of local population's participation in conducting public affairs.

The decision referred to in paragraph 1 of this Article shall define: types, mechanisms (polls, media plans, notice boards, boxes for lodging complaints, suggestions and proposals, web sites, 24-hour phone lines, organisation of workshops in municipal districts, information centres, visits of lecturers, expert meetings and round tables, etc.), subjects, procedures, deadlines and forms of local population's participation in conducting public affairs, reporting on success of the procedures and other matters important for activities of local population in decision-making processes.

Article 109

Prior to adopting municipal development programme, physical and city plans, budget, and general regulations defining rights and responsibilities of citizens, a Municipality shall prepare a Plan on Citizen Participation in Decision-making Processes and appoint a body in charge of holding public debates.

Public debates may also be held for the purpose of reviewing other regulations that define matters important for local population, pursuant to the Charter and Assembly's Ordinance.

Public debates cannot take less than 15 days.

Article 110

Local population's participation in decision-making processes related to affairs referred to in Article 109 of this Law shall be rendered possible in particular by means of:

- 1) providing information to any citizen, administration body, legal person and natural person, non-governmental organisation, and other interested parties (hereinafter referred to as "participants in public debates") on activities planned to be carried out during a year at the municipal level, and by taking into consideration their needs in respective fields, before municipal development plans and programmes, budget and general acts governing rights and obligations of citizens are defined;
- 2) publishing draft municipal development plan and programme, budget and general acts governing rights and obligations of citizens, in a manner that makes them accessible to all participants in public debates; programmes of public debates about local population's

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needs to be held in municipal districts, in particular in the fields of housing, municipal services, urban planning and ecology, education, health care and social affairs, etc.;

- 3) providing announcements on procedures, deadlines, location, and time of holding public debates with necessary information on the topic;
- 4) defining a plan for minority and ethnic group members' participation in their own language in those municipalities where such groups make a majority or significant part of population;
- 5) requiring from local self-government bodies to consider all comments, proposals and suggestions of participants in public debates, making a summary of comments and explaining their approval, i.e. reasons for rejection, preparing a report on results achieved with public debates and, together with draft municipal development plan and programme, budget and general acts on rights and responsibilities of citizens, presenting it to proposing party;
- 6) making adopted documents available to the public, in particular to individuals with special needs who express an interest in them.

IX RELATIONS AND COOPERATION BETWEEN LOCAL SELF-GOVERNMENT AND CITIZENS

Standards of Acting towards Citizens

Article 111

Local self-government bodies shall ensure implementation of local population's rights and obligations in a lawful and efficient manner, with full respect to citizen's personality and dignity.

When acting towards citizens, local officials and civil servants shall observe the Code of Ethics for Civil Servants.

Article 112

Local self-government bodies shall provide necessary information, explanation and notification to citizens when exercising their rights and interests.

Dissemination of information shall also be carried out through technology, brochures, and public media.

When acting in administrative matters, local self-government bodies shall publicly present standards of proceedings.

Article 113

Local officials and heads of local administration bodies shall set up time for meetings with citizens.

Names of local government bodies and public services shall be displayed on public buildings where such bodies, i.e. services are located.

A layout of premises shall be displayed visibly in a body, i.e. public service.

Personal names and titles, i.e. occupation of civil servants shall be displayed at the entrance to offices.

Employees shall wear visible official identifications, with their name, photograph and title, pursuant to regulations adopted by the Ministry in charge of local self-government affairs.

Citizens' Comments and Complaints

Article 114

Local administration bodies shall make available a book of impressions and boxes for citizens to lodge their comments, suggestions, and complaints, while the head of an administration body shall meet citizens for the purpose of hearing their comments and complaints about improper work of the body or improper behaviour of civil servants.

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A competent body shall provide a written reply to comments within 15 days from the day a comment or complaint is lodged, if required so by a citizen.

Local administration bodies that the comments are addressed to shall consider them on a monthly basis and undertake measures for solving the problems citizens contacted them about.

Distribution of Administrative Affairs Article 115

For the purpose of conducting specific affairs from local administration competence, in particular those related to exercising citizens' rights, administration bodies may organise their operations in municipal districts.

Affairs referred to in paragraph 1 of this Article, as well as method and location of their execution shall be defined by the chief administrator.

Citizens shall be informed on the method of conducting affairs referred to in paragraph 2 of this Article.

X RELATIONS BETWEEN LOCAL SELF-GOVERNMENT AND NON-GOVERNMENTAL ORGANISATIONS Article 116

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

Cooperation referred to in paragraph 1 of this Article shall in particular be accomplished through:

- 1) providing information about all matters important to the non-governmental sector;
- 2) consultations with the non-governmental sector in relation to local self-government development programmes and draft general acts to be adopted by the Assembly;
- 3) allowing participation in working parties assigned to prepare draft regulations or develop programmes and projects;
- 4) organising joint public debates, round tables, seminars, etc.;
- 5) funding non-governmental organisations' projects of interest to local population, under the conditions and procedures prescribed by a municipal general act;
- 6) providing conditions for functioning of non-governmental organisations, in accordance with the possibilities of local self-government;
- 7) in other manners provided for in the Municipal Charter.

XI RELATIONS AND COOPERATION BETWEEN LOCAL SELF-GOVERNMENT BODIES AND PUBLIC SERVICES FOUNDED BY THE STATE

Relations with Public Services

Article 117

Local self-government bodies shall establish cooperation with public services and other legal persons founded by the State, participate in procedures of preparing and implementing development plans and programmes, give proposals, suggestions and opinions with reference to conducting affairs in the municipal territory.

Organisations referred to in paragraph 1 of this Article shall submit reports to municipal bodies, at their request, on implementation of their action plans and programmes in their territory.

Article 118

In case cooperation as defined by this law is not established, competent local self-government bodies may notify the Government and require adequate measures to be taken.

The Government shall inform the competent local self-government bodies about the measures taken within 30 days from the day the notification is received.

XII RELATIONS BETWEEN LOCAL SELF-GOVERNMENT BODIES AND STATE BODIES

Article 119

Relations between local self-government bodies and state bodies shall be based on mutual cooperation and state bodies' control over the legality of local government's work.

Article 120

When conducting local self-government affairs and tasks related to definition and exercise of rights, freedoms and obligations of citizens, competent state bodies shall perform control over legality of work of local self-government bodies, within the scope of rights and responsibilities stipulated by the law.

Cooperation between Local Self-Government Bodies and State Bodies

Article 121

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

- 1) offer initiatives to state bodies for defining the relations important to local self-government and take measures important for solving problems that fall within the scope of local self-government rights and responsibilities;
- 2) give proposals concerning actions that state bodies might take for further development of local self-government;
- 3) request an opinion from competent state bodies on implementation of the laws of direct importance for development of the local self-government and for the work of local government bodies;
- 4) participate in drafting of laws and other regulations the contents of which is of interest to the implementation and development of local self-government.

Article 122

When establishing cooperation with local self-government bodies, state bodies shall:

- 1) inform, on their own or if requested, local self-government bodies about measures they take or intend to take regarding implementation of the laws and other regulations related to protection of legality, trends that violate them and steps for their elimination, about exercising citizens' right to local self-government, as well as about other matters of direct interest to local government and work of its bodies;
- 2) provide technical assistance to local self-government bodies with regard to execution of their affairs;
- 3) require reports, facts and information about the status of affairs that fall under the scope of local self-government rights and obligations, as well as other matters important for the functioning of state bodies;
- 4) carry out other tasks, in accordance with the law.

Article 123

Local self-government bodies, at the request of state bodies, shall provide data and information important for executing state bodies' functions.

State bodies and local self-government bodies shall not impose charges for mutually rendered services and exchange of official data necessary for executing their functions.

Relations between Local Self-Government Bodies and the Government

Article 124

The Government shall be entitled, in anticipation of the Constitutional Court's decision, to suspend from execution a regulation or a general act approved by the assembly or president of municipality if it estimates that such regulation is not in accordance with the Constitution and laws, or that it restricts freedoms, rights and obligations of citizens stipulated by the Constitution and laws.

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

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

Article 125

When municipal assembly fails to hold its sessions, enforce court decisions or execute its legally defined obligations for more than three months, thus preventing implementation of citizens' rights or causing major damage, the Government shall issue a warning to the assembly to ensure execution of its functions, i.e. to execute its legal obligations within a specified deadline.

If, within the deadline referred to in paragraph 1 of this Article, the Assembly does not ensure execution of its functions, i.e. execution of its legal obligations, the Government shall, at the proposal of the Ministry in charge of local self-government affairs, dissolve the assembly.

In the case of dissolution, assembly's function shall be executed by the president of municipality, until a new assembly is constituted.

Article 126

In the case of dissolution, president of municipality shall call the elections within 15 days from the day the dissolution becomes effective on.

XIII COOPERATION AND ASSOCIATION OF LOCAL SELF-GOVERNMENTS

Freedom of Association of Local Self-Governments

Article 127

Based on the principles of voluntarism and solidarity, local self-governments may, when conducting reserved affairs, freely cooperate and combine resources in execution of tasks of their common interest, for the purpose of addressing the needs of local population.

Article 128

Municipalities may establish their own associations of municipalities within the territory of the Republic of Montenegro.

Within the meaning of paragraph 1 of this Article, the association shall be any association established by more than half of the municipalities.

Article 129

Upon registration, the association of municipalities shall obtain the status of a legal person.

Organisation, work procedures and funding of the association referred to in paragraph 1 of this Article shall be defined by the association's statute.

The Ministry in charge of local self-government affairs shall develop the form and procedure of keeping the register of municipal associations.

Article 130

Municipalities and the association referred to in Article 128 of this Law, within their competences, may freely cooperate with local communities and associations from other countries, for the purpose of accomplishing their common interests, and join regional and international organisations of local authorities.

Inter-Municipal Union

Article 131

For the purpose of conducting jointly specific administrative affairs and public services in a more economic and efficient manner, municipal assemblies may establish an inter-municipal union (hereinafter referred to as the "union").

The Union shall be established by means of an agreement signed by municipal assemblies.

Article 132

An agreement on establishing the Union shall stipulate:

- 1) founders;
- 2) union's name and headquarters;
- 3) representation of the union;
- 4) type, scope and procedure of conducting affairs;
- 5) union's bodies, work procedures and decision-making;
- 6) financing;
- 7) control over the union's work, exercised by municipalities;
- 8) union's accountability in conducting affairs;
- 9) public character of work;
- 10) procedure for leaving the union;
- 11) ending of union's activities;
- 12) other matters important for union's organisation and operation.

Article 133

The Government shall give its approval for regulations on establishing the union or ending its activities referred to in Article 131 of this Law.

Article 134

The union shall be registered in a register kept by the Ministry in charge of local self-government affairs.

Article 135

When the agreement stipulates that the union is authorised to make decisions on rights and obligations of citizens in administrative matters, municipal chief administrator shall decide on disputes related to administrative regulations adopted by union's bodies.

Territorial competence of the chief administrator referred to in paragraph 1 of this Article shall be defined in accordance with the provisions of the Law on General Administrative Procedure.

Article 136

Individuals employed in union's bodies shall exercise their rights, obligations and responsibilities with municipal bodies in which union's offices are located.

Article 137

For the purpose of supervising union's work, the provisions of this Law that regulate relations and cooperation of local self-government bodies and state bodies shall be applied accordingly.

XIV PUBLICITY AND TRANSPARENCY

Article 138

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

- 1) citizens' direct access to regulations and other official documentation related to the functioning of local self-government and exercise of citizens' rights;
- 2) citizens' participation in public debates during a decision-making process when matters of direct interest to local population are to be regulated;
- 3) publishing general and other regulations in the Official Gazette and public media;
- 4) organizing different types of citizen education;
- 5) other manners prescribed by the municipal charter.

The procedure for exercising citizens' rights referred to in paragraph 1 of this Article shall be specified in the municipal charter, i.e. in the assembly's Rules of Procedures.

Article 139

Local administration bodies and public services shall inform the public about the status of conducting affairs from their scope of competence as well as about their performance, through public media or in some other suitable manner.

Disclosure of specific data and reports may be denied only in cases where such disclosure would represent violation of the duty of keeping state, military and official secrets related to protecting the safety and privacy of citizens.

Article 140

Reports, information and data related to the performance of local administration bodies shall be provided by the head of a local administration body or a person he/she authorises and they shall be personally accountable for their accuracy and timeliness.

Article 141

Local administration bodies shall publicly announce symposiums and other forms of professional elaboration and discussion on matters within their scope of competence, allow citizens' participation and attendance by public media.

XV PROTECTION OF LOCAL SELF-GOVERNMENT

Forms of Protection

Article 142

Any individual shall be allowed to launch an initiative before the Constitutional Court for opening a procedure for assessing the constitutionality and legality of general acts of state bodies that violate the right to local self-government as defined by the Constitution or the law.

Municipal assembly shall be entitled to initiate the procedure of assessing the constitutionality and legality of laws and other general acts of state bodies that violate the right to local self-government as defined by the Constitution or the law.

Article 143

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

Article 144

When citizens' right to local self-government is violated by means of an adopted law, the association referred to in Article 128 of this Law may submit an initiative to the President of the Republic not to promulgate such a law.

Council for Development and Protection of Local Self-Government

Article 145

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

Members of the Council shall be appointed by the municipal assembly from amongst distinguished and prominent citizens in a municipality and experts in matters important for local self-government.

The Council shall be entitled to submit proposals to state bodies, local self-government bodies and public services with regard to improvement and development of local self-government, increase in the level of quality of services provided, protection of municipal rights and responsibilities as defined by the Constitution and the law, and protection of freedoms and rights of local population.

Bodies and services referred to in paragraph 2 of this Article shall state their opinion on proposals submitted by the Council within appropriate period of time and not later than 60 days from the day the proposal is submitted.

The municipal charter and the regulation on establishing the Council shall specify the rights and responsibilities of its members, composition and appointment rules, work procedures and other matters important for its work.

XVI TRANSITIONAL AND FINAL PROVISIONS

Article 146

The municipal charters and other general municipal acts shall be harmonised with this Law within one year from the day this law becomes effective.

Article 147

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Laws and other regulations governing the reserved affairs of local self-government shall be harmonised with this Law within one year from the day of entry into force of this Law.

Article 148

The Ministry in charge of local self-government affairs shall adopt implementing regulations pursuant to this Law within 6 months from the day of entry into force of this Law.

Article 149

Pursuant to this Law, the President of the Republic shall call first elections for members of municipal assembly and president of municipality.

The outgoing president of municipality shall convene the first constitutive session of a municipal assembly, elected in accordance with this Law, within 15 days from the day members of municipal assembly are elected.

If the constitutive session is not convened in accordance with paragraph 2 of this Article, the Prime Minister shall convene the session.

Article 149a (Official Gazette of the Republic of Montenegro 13/06)

Pursuant to this Law, the President of the Republic shall call first elections for members of municipal assemblies and presidents of municipalities Andrijevica, Bar, Berane, Bijelo Polje, Danilovgrad, Kolasin, Pluzine, Pljevlja, Rozaje, Ulcinj and Savnik simultaneously with elections for Members of the Parliament of the Republic of Montenegro in 2006.

Terms of office of the members of municipal assemblies and presidents of municipalities referred to in paragraph 1 of this Article shall be prolonged until the new members of municipal assemblies and presidents of municipalities are elected pursuant to paragraph 1 of this Article.

Article 150 (Official Gazette of the Republic of Montenegro 28/04)

Chapter V of this Law, "Municipal Bodies", with the exception of Article 47 item 4, and Article 52, shall be implemented as of the day next elections for members of municipal assemblies and president of municipalities are organised, in accordance with the law.

Article 151

Once the new organisation and work procedures of local administration are in place, the chief administrator shall assume the second instance administrative procedure for reserved affairs of local self-government.

If the administrative procedure for exercising citizens' rights is initiated, and is still pending before local administration bodies, it shall be brought to an end in accordance with the legislation currently in force until a final and binding decision is passed.

Article 152 (Official Gazette of the Republic of Montenegro 28/04)

The Law on Local Self-Government, with the exception of its Chapter V "Organisation and Work of Municipal Bodies" (Official Gazette of the Republic of Montenegro 45/91, 16/95, and 23/96), not including Article 36 of that Chapter, as well as the Law on Delegation of State Administration Affairs to Local Administration Bodies (Official Gazette of the Republic of Montenegro 30/92) shall be repealed on the day of entry into force of this Law.

Article 153

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of the Republic of Montenegro.

PUBLISHER'S NOTE:

Articles 8 and 9 of the Law on Amendments to the Law on Local Self-Government (Official Gazette of the Republic of Montenegro 75/05) that are not incorporated in the consolidated text shall read as follows:

“Article 8

Municipal charters shall be adjusted to the provisions of this Law within 6 months from the day of entry into force of this Law.

Article 9

This Law shall enter into force on the eight day following that of its publication in the Official Gazette of the Republic of Montenegro.”