

## **Chancellery of the Sejm**

### **Act**

**of 8<sup>th</sup> March 1990**

**on municipal local government**

### **Chapter 1**

#### **General provisions**

**article 1** 1. Inhabitants of a commune create a self-governing community by virtue of law.

2. Whenever in the act reference is made to a commune, this shall be understood as a self-governing community and its relevant territory.

**article 2** 1. The commune performs public tasks on its own behalf and within its own responsibility.

2. The commune has legal personality.

3. The independence of the commune is subject to judicial protection.

**article 3** 1. The statute of the commune determines its system.

2. The project of the statute of the commune inhabited by over 300 000 inhabitants is subject to an agreement with the President of the Council of Ministers / the Prime Minister at the request of the minister competent for public administration.

3. Disputable issues are resolved by the Council of Ministers.

**article 4** 1. The Council of Ministers, by way of regulation:

1) creates, connects, divides communes and abolishes and sets their boundaries.

2) awards the status of a city to a municipality or a town and establishes its boundaries.

3) establishes and changes names of communes and seats of their authorities.

2. The regulation, referred to in paragraph 1, may also be issued at the request of the commune council concerned.

3. Establishment and change of municipal borders are made in a manner ensuring the commune possibly homogenous territory due to its settlement and spatial arrangement, including social, economic and cultural ties, and ensuring the ability to perform public tasks.

4. Granting a municipality or a town the status of a city, establishing its boundaries and their change are made in a way including social and technical infrastructure, urban layout, and a character of development.

5. The amendments, referred to in paragraph 1, come into effect on 1<sup>st</sup> January.

**article 4a.** 1. The issue of the regulation, referred to in article 4 paragraph 1, requires the opinion of the municipal councils concerned by the minister competent for public administration, preceded by the councils' consultations with residents, and in case of change of borders of the communes violating the borders of poviats or voivodships – additionally opinions of appropriate poviat councils or regional assemblies, subject to paragraph 2.

2. Consultations with residents on matters of borders change of communes or a town consisting in exclusion of an area or a part of an auxiliary unit of a commune and its inclusion into a neighbouring auxiliary unit of this commune or into a neighbouring commune can be limited to:

1) inhabitants of the auxiliary unit of the commune covered by the change - by relevant commune councils;

2) inhabitants of communes covered by the change violating the borders of the poviats or voivodships - by relevant councils of the poviat or voivodship parliaments.

3. If the opinion referred to in paragraph 1 is not expressed within 3 months from the day of receiving the request of an opinion, the requirement of reception of the opinion shall be deemed to be met.

4. In the event of holding a local referendum on establishment of a commune, a merger, a division and an abolishment of a commune and setting the borders of a commune referred to in article 4c, the consultations with the inhabitants referred to in paragraphs. 1 and 2 are not conducted.

**article 4b.** 1. The issue of the regulation, referred to in article 4 paragraph 1, at the request of the commune council requires:

1) an application of the council of the commune preceded by conducting consultations with the inhabitants by this council with justification and the necessary documents, maps and information confirming legitimacy of this application.

2) opinions of commune councils covered by the application, preceded by conducting consultations with the inhabitants by these councils, and in case of change of borders of the commune violating the borders of poviats or voivodships – opinions of appropriate poviat councils or voivodship parliaments.

3) opinions of voivode competent for the commune or communes covered by the application.

2. The provisions of article 4a paragraphs 2 and 3 shall apply accordingly to the application and opinion referred to in paragraph 1.

3. The council of the commune submits the application referred to in paragraph 1 to the minister competent for public administration through the voivod.

4. The Council of Ministers by way of a regulation shall define the procedure of submitting applications referred to in paragraph 1 and the documents which should be attached to the application.

**article 4c.** In the event of an establishment of a commune, a merger, a division and abolishment of a commune and setting the borders of a commune a local referendum can be conducted at the initiative of the residents.

2. An initiative to conduct a local referendum referred to in paragraph 1 may be taken by only a group of at least 15 citizens referred to in article 11 paragraph 1a of the act of 15 September on local referendum (Journal of Laws of 2016, item 400, of 2017 item 850, and of 2018, items 1349 and 1579).

3. The referendum referred to in paragraph 1 is not conducted if the analysis performed before the referendum implies that as a result of division or establishment of the new borders of the commune:

1) tax revenues per resident of the commune within changed borders or of the created commune would be lower than the lowest tax revenues per resident established for individual

communes pursuant to an act of 13 November 2003 on revenues of local government units (Journal of Laws of 2003, items 1530, 2161, 2193 and 2245)

2) the commune within changed borders or the created commune would be smaller than the smallest one with respect to the number of residents of the commune in Poland as for December 31 of the year preceding an announcement of the regulation referred to in article 4.

4. An analysis referred to in paragraph 3 is conducted by the competent voivod.

5. In case of conducting the referendum on the initiative of the residents referred to in paragraph 1, the question included in the application referred to in article 15 paragraph 2 of an act of 15 September 2000 on local referendum should specify in detail proposed changes in territorial division of the state.

6. The voivode informs the minister competent for public administration information about the publication of the report with the result of the referendum referred to in paragraph 1 in the official voivodship journal.

**article 4d.** The Council of Ministers does not make changes referred to in article 4, paragraph 1 item 1 if:

1) tax revenues per resident of the commune within changed borders or of the created commune would be lower than the lowest tax revenues per resident established for individual communes pursuant to an act of 13 November 2003 on revenues of local government units;

2) the commune within changed borders or the created commune would be smaller than the smallest one with respect to the number of residents of the commune in Poland as at December 31 of the year preceding an announcement of the regulation referred to in article 4.

**article 4e.** 1. In the event of mergers of the communes or creating a new one, the President of the Council of Ministers at request of the voivod through the minister competent for public administration appoints an authorised representative for a merger of the communes or creation of a new commune from among the employees subordinated to the voivod or from among the employees of the commune office, the territory which is included into the commune being merged or a newly-created commune.

2. Until the communes are merged, or a new commune is created, the task of the representative referred to in paragraph 1 is an organisational or a legal preparapgraphion of the commune to perform public tasks including a project of a budget resolution of a commune in the manner and on the principles set out in the regulations on public finances.

3. On the day of the merger of the communes or creation of a new commune, the representative referred to in paragraph`

4. 1 takes performance of the tasks and competences of the bodies over until the day of the election of new bodies of the commune, and in case referred to in article 390a § 2 of the act of 5 January 2011 - the Election Code (Journal of Laws of 2018 item 754, 1000 and 1349 and of 2019 item 273) - until the day of the first session of the council of the commune convened in the mode of article 20 paragraph 2 ba.

**article 4ea.** 1. The commune, which has been established as a result of a merger of communes, assumes all the rights and obligations of the merged communes, including the rights and obligations resulting from permissions, concessions and other administrative acts.

2. The bodies of the commune, which has been created as a result of a merger of communes, become the authorities competent or parties of initiated and uncompleted administrative and judicial proceedings.

3. Disclosure in land and mortgage registers or in registers of transition to the commune referred to in paragraph. 1 of the laws registered in these books or registers is performed at request of a commune.

4. In case when the regulation on the merger of the communes has been published at request supported by all the councils of the communes concerned, these communes reach an agreement referred to in article 44, item 2.

5. Local law acts, constituted by the bodies of the communes before the merger of the communes, become the local law acts of the commune established as a result of the merger, being in force on the territory operated by the authorities which established them until the day of entry into force of the new local law acts constituted by the bodies of the commune established as a result of the merger, but for not longer than for the period of 3 years from the day of the merger.

**article 4eb.** 1. In the event of border change of communes concerning the exclusion of the part of the territory of the commune and its inclusion into the neighbouring commune, the commune into which this area has been incorporated assumes all the rights and obligations of the merged commune in this area including the rights and obligations resulting from permissions, concessions and other administrative acts.

2. Local law acts of spatial planning and development constituted by the organ of the commune before the change of the borders:

1) in part concerning the area which has been incorporated into this commune they become local law acts of the commune into which this area has been incorporated and they are in force until the day of entry into force of the new local law acts constituted by the body of this commune, but not longer than for the period of 3 years from the day of the change of the borders;

2) in part concerning the area not excluded from this commune they remain in force.

**article 4f.** If, as a result of changes in territorial division of the state, the council of the commune was dissolved by virtue of law pursuant to article 390 § 5 of an act of 5 January 2011 - *the Election Code*, the President of the Council of Ministers at request of the voivod submitted through the minister competent for public administration appoints a person who performs tasks and competences of a council of the commune until a new commune council is chosen.

**article 5. 1.** A commune can create auxiliary units: sołectwas as well as districts, housing estates, etc. an auxiliary unit can also be a city situated in the area of the commune

2. An auxiliary unit is created by the council of the commune by way of resolution after consultations with the residents or on their initiative.

3. The rules of creating, merging as well as dividing of an auxiliary unit are determined in the statute of the commune.

4. (repealed)

**article 5a.** 1. In cases provided by the law as well as in other matters important for a commune, consultations with the residents of the commune can be conducted in its area.

2. Rules and mode of conducting consultations with residents of a commune specifies a resolution of a commune council subject to paragraph 7.

3. A participatory budget is a special form of social consultations.

4. Within a participatory budget residents in a direct voting annually decide on a part of budget expenditure of a commune. The tasks chosen within the participatory budget are included in a budget resolution of a commune. The commune council in the course of work on a project of a budget resolution cannot remove or change significantly the tasks chosen within the participatory budget.

5. In the communes being cities with poviats rights creating a participatory budget is obligatory, provided that amount of a participatory budget is at least 0,5% of the commune's expenditure in the last submitted report on the budget implementation.

6. Funds spent within a participatory budget can be divided into pools, covering total commune and its parts in the form of auxiliary units or groups of auxiliary units.

7. A commune council describes by way of a resolution the requirements which should be met by the project of a participatory budget, in particular:

1) formal requirements to be met by submitted projects including - if possible - a universal planning, referred to in article 2 point 4 of an act of 19 July 2019 on ensuring availability for persons with special needs (*Journal of Laws*, item 1969)

2) a required number of signatures of the residents supporting the project while it cannot be bigger than 0,1% of residents of the area covered by the pool of the participatory budget in which the project is submitted.

3) the rules of assessment of the submitted projects with regard to their conformity with the law, technical feasibility, meeting formal requirements by them and the mode of appealing against a decision on non - admission of the project to voting.

4) the rules of conducting voting, determining voting results and making them publicly known taking into consideration that the principles of conducting voting have to ensure equality and directness of voting.

**article 5b.** 1. A commune takes actions to support and spread a local government idea among the residents of a commune, especially among the youth.

2. A commune council at request of the communities concerned may give its consent to establish a youth commune council of a consultative character.

3. A commune council appointing a youth commune council confers it a statute specifying the mode of election of its members and its principles.

**article 5c.** 1. A commune fosters intergenerational solidarity and creates conditions to stimulate civic participation of elderly persons in a local community.

2. A commune council on its own initiative or at request of the communities concerned can establish a commune council of seniors.

3. A commune council of seniors has a consultative, advisory and initiative character.

4. A commune council of seniors consists of the representatives of elderly persons and entities acting for elderly people, particularly representatives of non-governmental organisations as well as entities leading Third Age universities.

5. A commune council appointing a commune council of seniors confers it a statute specifying the mode of election of its members and its principles aiming at using the potential of the organisations acting for the elderly and the entities acting for elderly persons, as well as for ensuring an efficient manner of election of the members of a commune council of seniors.

6. A commune council in the statute of an auxiliary unit may authorize it to establish a commune council of seniors of an auxiliary unit. The Provisions of paragraphs 3-5 shall apply accordingly.

## **Chapter 2**

### **The scope of activities and tasks of a commune**

**article 6.** 1. The scope of activity of a commune includes: all the public affairs of local significance, not reserved by acts for other entities.

2. Unless the acts provide otherwise, settlement in the cases referred to in paragraph 1 belongs to a commune.

**article 7.** 1. Satisfying the collective needs of a community belongs to the commune's own tasks. In particular the own tasks include the matters of:

- 1) spatial order real estate economy protection of environment and nature, and water economy;
- 2) municipal roads, streets, bridges, square and traffic systems;
- 3) waterpipes and water supply, sewage system, municipal sewage removal and treatment, maintenance of cleanliness and tidiness and of sanitary facilities dumps and municipal waste disposal, electricity and heat supply as well as gas;
- 3a) telecommunications activities;
- 4) local public transport;
- 5) health protection;
- 6) social welfare, including centres for nursing care services and care centres;
- 6a) family support and foster custody;
- 7) municipal housing construction;
- 8) public education;
- 9) culture, including commune libraries and other institutions of culture and protection of historical monuments and preservation of historical monuments;
- 10) physical culture and tourism, including recreation grounds and sports facilities;
- 11) marketplaces and market halls;
- 12) communal greenery and forest cover;
- 13) communal cemeteries;
- 14) public order and safety of citizens as well as fire protection and flood protection, including equipment and maintenance of a communal anti-flood warehouse;
- 15) maintenance of communal public utility buildings and facilities as well as administrative buildings;
- 16) pro-family policy, including ensuring for pregnant women social, medical care and legal protection;

17) support and popularisation of a local government idea, including creating conditions for activity and development of auxiliary units and implementation of the programmes of stimulating an active citizenship;

18) promotion of a commune;

19) cooperation and activity for non-governmental organisations and entities mentioned in article 3 paragraph. 3 of the Act of 24 April 2003 on public benefit and volunteer work (Journal of Laws of 2018, item. 450, 650, 723 and 1365 and of 2019 item 37);

20) cooperation with local and regional communities from other countries;

1a. (repealed);

2. The acts define which own tasks of the commune are of an obligatory character.

3. Transferring to a commune by way of an act requires providing necessary financial resources for their realization in the form of increasing the own incomes or subventions. The provision of article 8, paragraphs 4 and 5 shall apply as appropriate.

article 8. 1. The acts can impose on a commune an obligation to perform commissioned tasks in the field of government administration as well as in the field of organisation of preparapgraphitions and holding general election and referenda.

2. The commune may perform the tasks in the field of government administration also on the basis of an agreement with the authorities of this administration.

2a. The commune can also perform the tasks in the area of poviats properties as well as voivodeship properties, on the basis of agreements with these local government units.

2b. Property disputes resulting from the agreements referred to in paragraphs 2 and 2a, as well as in article 74, are investigated by a court of general jurisdiction.

3. The commune receives financial resources in the amount necessary to perform the tasks referred to in paragraphs 2 and 2a.

4. Specific principles and dates of financial resources transfer referred to in paragraph 2 describe the acts imposing on the communes an obligation to perform commissioned tasks or included agreements.

5. In case of a failure to meet the deadlines referred to in paragraph. 4 a commune is entitled to interest in the amount established for tax arrears.

**article 8a.** (expired)<sup>1</sup>

**article 9.** 1. In order to perform tasks, the commune can create organizational units, and also conclude agreements with other entities, including non-governmental organizations.

2. The commune and other municipal legal person may conduct economic activity exceeding the tasks of a public utility only in the cases determined in the separate act .

2a. The commune and other municipal legal person may manage residential real estate not belonging to municipal resource of residential real estate in the forms determined in the act of 20 December 1996 on Municipal Management (Journal of Laws of 2019, item 712).

3. The forms of conducting municipal economy including performing by a commune public utility tasks are determined by a separate act.

4. The public utility tasks within the meaning of the act are the commune's own tasks determined in article 7 paragraph 1, the purpose of which is current and continuous satisfying the collective needs of the population through providing services that are widely available.

**article 9a.** 1. The commune in order to ensure public order and citizen security as well as fire and flood protection may use technical measures enabling an image registration (video surveillance) in the area of the public space with the consent of the managing entity of this area or the entity possessing a legal title for this area or in the area of a property and buildings if it is necessary to ensure public order or citizen security or fire and flood protection.

2. Video surveillance does not cover sanitary rooms, cloakrooms, canteens, smoking rooms and social facilities.

3. Video recordings including personal data are processed only for the purposes for which they have been collected and they are kept for the period not exceeding 3 months from the day of the recording unless the special provisions provide otherwise.

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<sup>1</sup> On 6 October 2006 on the basis of the adjudication of the Constitutional Tribunal on 26 September 2006 file No. K 1/06 (Journal of Laws 1337).

4. After the lapse of the time, referred to in paragraph 1, video recordings possessing personal data, obtained as a result of the video surveillance are destroyed except for the situations in which these recordings have been secured in accordance with separagraphte regulations.

5. Property and buildings covered by the video surveillance are marked in a visible and legible way of information about video surveillance, in particular with the appropriate signs.

6. Video surveillance within which personal data is processed requires applying measures protecting processing of the data, in particular preventing their loss or illegal dissemination, as well as making an access to the data impossible for unauthorised persons.

**article 10.** 1. Performing public tasks may be realised by way of cooperation between local government units.

2. Communes, inter - municipal unions as well as associations of local government units may help one another or other local government units, including financial help.

**article 10a.** A commune may ensure a common service, in particular administrative, financial and organisational for:

1) administrative units of a commune included into the sector of public finances;

2) municipal institutions of culture;

3) other included into the sector of public finances municipal legal persons established on the basis of the separagraphte acts in order to perform public tasks, excluding enterprises, research institutes, banks and commercial partnerships,

- hereinafter referred to as “served units”;

**article 10b.** 1. A common service may be conducted by a commune office, other organizational unit of a commune, an organizational unit of an inter-municipal union or an organizational unit of a poviat - commune unit hereinafter referred to as “serving units.”

2. The commune council with respect to the units served referred to in article 10a point 1 defines by way of a resolution, in particular:

1) serving units;

2) served units;

3) the scope of the obligations entrusted to serving units within a common service;

3. The served units referred to in article 10a points 2 and 3 may on the basis of the agreements concluded by these units with a serving unit, join common service after prior reporting of this intention to a commune head. The scope of the common service is determined in the concluded agreement.

4. A serving unit has the right to demand information and access to documents from a served unit to the extent that is necessary to perform tasks within the common service of this unit.

5. A served unit has the right to demand information and access to documents from a serving unit to the extent that is necessary to perform tasks within the common service by a serving unit.

**article 10c.** 1. The scope of the common service cannot cover the competences of the managers of the units of the sector of public finances to have public funds at their disposal and to incur liabilities as well as to prepare and approve a financial plan and an expenditure transfer in this plan.

2. In the event of entrusting the obligations in the scope of accounting and reporting of the serviced units referred to in article 10a points 1 and 2 they are conveyed in whole.

**article 10d.** The serving unit is entitled to personal data processing, processed by the served unit within the scope and in purpose necessary to perform the tasks within the common service of this unit.

## Chapter 3

### The commune authorities

**article 11.** 1. Commune residents decide in general election (through elections and a referendum) or by bodies of the commune.

2. (repealed).

**article 11a.** 1. The commune authorities are:

1) a commune council;

2) a commune head (a mayor, a president of a city).

2. The rules and mode of conducting elections to a commune council as well as elections of a commune head (a mayor, a president of a city) determine separate acts.

3. Whenever in the act reference is made to a commune head it shall mean also a mayor and a president of the city.

**article 11b.** 1. An activity of the commune bodies is transparent. The limitations of the transparency may result exclusively from the acts.

2. Transparency of the operation of municipal bodies covers the right of the citizens to obtain information, access to sessions of the commune council and its committee meetings as well as to access to documents resulting from the performance of public tasks including minutes of meetings of authorities and committees of the commune.

3. Access rules to the documents and use of them are defined in the commune's statute.

**article 12** The rules and the mode of conducting a municipal referendum determines a separate act.

**article 13** (repealed).

**article 14.** 1. Resolutions of the commune council are adopted by a simple majority of votes in the presence of at least a half of the statutory composition of the council in an open vote, unless the act states otherwise.

2. Open votes at sessions of the council are carried out through devices enabling preparation and recording of a list of the councillors' roll-call voting.

3. In case when carrying out of the voting in the manner determined in paragraph 2 is not possible due to technical reasons the roll-call voting is carried out.

4. The personal lists of the councillors' voting are made publicly known immediately in the Bulletin of Public Information and on the website of the commune as well as in a manner customarily adopted in the area of the commune.

**article 15.** 1. Subject to article 12 the constitutive and control body in the commune is the council of the commune.

2. If the seat of the authorities there is in a city located in the area of this commune, the council is called the city council.

**article 16.** The term of the commune council lasts 5 years counting from the election day.

**article 17. 1.** The council consists of the following number of the councillors:

- 1) fifteen in the communes up to 20 000 inhabitants;
- 2) twenty one in the communes up to 50 000 inhabitants;
- 3) twenty three in the communes up to 100 000 inhabitants;
- 4) twenty five in the communes up to 200 000 inhabitants and three for each subsequent 100 000 inhabitants but no more than forty five councillors.

2. The commune council created as a result of the merger of the communes in the first term consists of the following number of the councillors:

- 1) twenty one in the communes up to 20 000 inhabitants;
- 2) twenty three in the communes up to 50 000 inhabitants;
- 3) twenty five in the communes up to 100 000 inhabitants and three for each subsequent 100 000 inhabitants, but no more than forty eight councillors.

**article 18. 1.** Within the scope of competence of the commune council are all the matters remaining in the scope of activities of the commune, unless separate acts provide otherwise.

2. Within the exclusive scope of competence of the council of the commune are:

- 1) adopting the commune's statute;
- 2) determining remuneration for the commune head, deciding about directions of his activity and accepting reports concerning its activity;
- 3) appointing and dismissing the treasurer of the commune, who is the chief accountant of the budget - at the request of the commune head;
- 4) adopting the commune budget, considering the report on the implementation of the budget as well as adopting a resolution on granting or not granting a discharge in this respect;
- 4a) considering the report on the state of the commune and adopting a resolution on granting or not granting a vote of confidence in this virtue;

5) adopting the study of prerequisites and directions of spatial planning of the commune as well as local spatial development plans.

6) adopting economic programs;

6a) adoption of the development programs in the manner specified in regulations on the principles of conducting development policy;

7) determining the scope of the auxiliary units' activities, the rules of property transfer to use as well as the rules of the budgetary means transfer to perform the tasks by these units.

8) adopting resolutions on taxes and fees within the limits specified in the separate acts.

9) adopting resolutions in cases involving property of the commune, exceeding the scope of ordinary management activities concerning:

a) the principles of purchasing, selling and encumbering real properties as well as their leasing and renting for specified time longer than 3 years or for an indefinite period of time unless the specific acts provide otherwise; the resolution of the commune council is required also in case when after an agreement concluded for a definite period until 3 years the parties conclude subsequent agreements, the subject of which is the same real property. Until the principles are specified the head of the commune may perform these activities exclusively with the consent of the commune council.

b) issuing bonds and specifying the principles of their selling, purchasing and their buyout by the commune head.

c) incurring long-term liabilities included to the debt instrument referred to in article 72 paragraph.1 item 2 of the Act of 27 August 2009 on public finance (Journal of Laws of 2017, item 2077, as amended)<sup>2</sup>.

d) determining maximum amount of short-term loans and credits incurred by the commune head in a budget year.

e) liabilities in the scope of making investments and renovations of the value exceeding the limit set annually by the commune council.

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<sup>2</sup> Amendments to the consolidated version of the said Act have been announced in Journal of Laws of 2018 item. 62, 1000, 1366, 1669, 1693, 2245, 2354 and 2500 and of 2019 item. 303.

f) creating and joining copartnerships and cooperatives as well as dissolving and leaving them.

g) specifying the principles of introducing, withdrawing and selling shares and stocks by the commune head.

h) creation, liquidation and reorganization of enterprises, plants and other organisational units and equipping them with assets.

i) determining maximum amount of loans and guarantees granted by the commune head in a budget year.

j) expression of a consent for a contract conclusion referred to in article 50a paragraph. 1

10) determining the amount up to which the commune head can incur liabilities independently.

11) adopting resolutions in the case concerning taking over the tasks referred to in article 8a paragraph. 2 and 2a;

12) adopting resolutions in the cases concerning cooperation with other communes and distributing necessary assets for this purpose.

12a) adopting resolutions in the cases concerning cooperation with local and regional communities of other countries as well as joining international associations of the local and regional communities.

13) adopting resolutions in the cases concerning the emblem of the commune, the names of streets and squares being public roads or the names of internal roads as defined in the act of 21 March 1985 on public roads (Journal of Laws of 2018 item 2068) and also on erecting monuments;

14) awarding a honorary citizenship of the commune;

14a) adopting resolutions in the case concerning the rules of granting scholarships for school and university students.

15) establishing in other cases reserved by acts for the competences of the commune council;

3. (repealed).

4. (repealed).

**article 18a.** 1. The commune council controls the activity of the head commune, organizational units of the commune as well as the auxiliary units of the commune; to this end it appoints a revision committee.

2. The revision commission consists of the councillors including the representatives of all the clubs except for the councillors performing functions referred to in article 19 paragraph 1.

3. The revision commission expresses an opinion on budget implementation of the commune and it applies to the commune council to grant of discharge or to fail to discharge to the commune head. The application on discharge shall be endorsed by the Regional Chamber of Accounts.

4. The revision commission performs other tasks commissioned by the council in the scope of a control. This entitlement does not violate controlling entitlements of other commissions established by the commune council on the basis of article 21 paragraph 1.

5. The rules and mode of performance of the revision commission is described in the statute of the commune.

**article 18b.** 1. The commune council investigates complaints against the activities of the commune head and organizational units of the commune, applications and petitions submitted by citizens; to this end the commission of complaints, applications and petitions is established.

2. The commission of complaints, applications and petitions consists of the councillors including the representatives of all the clubs except for the councillors performing functions referred to in article 19, paragraph 1.

3. The rules and mode of performance of the commission of complaints, applications and petitions is determined in the statute of the commune.

**article 19.** 1. The commune council elects a chairman from among its members and 1-3 vice-chairmen, with an absolute majority of votes, in the presence of at least half of the statutory composition of the council, in a secret ballot.

2. The task of the chairman is solely to organize the work of the council and to conduct the proceedings of the council. The chairman may designate a vice-chairman to perform his duties. In case of the absence of a chairman and not designating a vice-chairman the tasks of the chairman are performed by the oldest vice-chairman.

3. (repealed).

4. Dismissal of the chairperson and vice-chairmen take place at the request of at least 1/4 of the statutory membership of the council in the manner specified in paragraph 1.

5. In case of resignation of the chairperson or the vice – chairman the council adopts a resolution on adoption of this resignation not later than within 1 month from the day of submission of the resignation.

6. Not adopting the resolution referred to in paragraph 5 within 1 month from the day of resignation by the chairperson or the vice–chairman is tantamount to an adoption of resignation by the commune council upon the lapse of the last day of the month in which the resolution should have been adopted.

7. In case of the dismissal or the acceptance of the resignation of the chairperson or the vice–chairman and not electing instead of them the persons to perform these functions within 30 days from the day of the adoption of resignation or from the day of the removal, the session of the commune council in order to elect the chairperson are convened by the voivod. The session is convened for the day within 7 days after the deadline referred to in the first sentence.

8. The session of the commune council referred to in paragraph 7 until the election of the chairperson is conducted by the oldest councillor present at the session who gave his consent to conduct the session.

**article 20.** 1. The commune council shall debate at sessions called by the chairman if necessary, but not less frequently than once a quarter. The agenda of the session along with the draft resolutions shall be attached to the notice of the session being convened.

1a. The commune council may introduce changes in the agenda with an absolute majority of votes of the statutory composition of the council.

1b. The debate of the commune council are transmitted and recorded by the recorders registering the image and the sound. The recordings of the debate are available in the Bulletin of Public Information and on the website of the commune as well as in other manner customarily adopted.

1c. (repealed).

2. The first session of the newly elected commune council is convened by an election commissioner on the day within 7 days after the elapse the term of office of the commune council.

2a.(repealed).

2b. In case of the pre-term elections the first session is convened by the person appointed by the President of the Council of Ministers to perform the functions of the bodies of a local government unit on the day within 7 days after publishing the results of the elections to the commune council.

2ba. The first session of the commune council established as a result of a merger of the communes or the council of the newly elected commune is convened by an election commissioner on the day within 7 days after the day of publishing the results of the elections to the commune council and in the case referred to in article 390a § 2 of the act of 5 January 2011 – the Election Code on the day within 7 days of the establishment of the commune.

2c. The first session of the newly elected commune council until election of the chairperson is conducted by the oldest councillor present at the session.

3. At request of the commune head or at least  $\frac{1}{4}$  of the statutory composition of the commune council the chairperson is obliged to convene the session within 7 days from the day of submitting a request. The request for convening the session should meet the requirements specified in paragraph 1 in the second sentence.

4. To change the agenda of the session convened in the manner specified in paragraph 3 the provisions of paragraph 1a shall apply provided that additionally the consent of the applicant is required.

5. At request of the commune head the chairperson of the commune council is obliged to introduce to the agenda of the nearest session of the commune council the project of the resolution if it was submitted to the commune council at least 7 days before the day of the beginning of the session of the council.

6. At request of the club of the councillors the chairperson of the commune council is obliged to introduce to the agenda of the nearest session of the commune council the project of the resolution filed by the club of the councillors if it was submitted to the commune council at least 7 days before the day of the beginning of the session of the council. In the mode referred

to in the first sentence each club of councillors may submit no more than one project of a resolution for each subsequent session of the commune council.

**article 21.** 1. The commune council from among its members may appoint permanent and ad hoc committees for specific tasks determining the activities and the list of persons.

2. (repealed).

3. The committees are subordinate to the commune council, submit a work schedule to this committee as well as the report on their activities.

4. In meetings of the committee the councillors not being its members may participate. They may take the floor in the discussion and submit applications without the right to vote.

**article 21a.** The chairperson of the commune council in connection with the performance of his duties may give official orders to the employees of a commune office performing organisational, legal and other tasks connected with functioning of the commune council, committees and councillors. In this case the chairperson of the commune council exercises the powers of the superior towards the employees referred to in the first sentence.

**article 22.** 1. The internal organization and mode of work of the municipal bodies are specified in the statute of the commune

2. The statute of the commune is subject to publication in the voivodship official journal.

**article 23.** 1. The councillor is obliged to take into consideration the good of a self-governing community of the commune. The councillor maintains a permanent relationship with the inhabitants as well as their organisations and particularly receives postulates from the inhabitants of the commune and presents them to the bodies of the commune to consider, however he is not bound by the voter's instructions.

2. Councillors may create clubs of councillors.

3. A club of councillors is created by at least 3 councillors.

4. The rules of activity of the clubs of councillors are determined in the statute of the commune.

**article 23a.** 1. Before exercising the mandate councillors take the oath:

“Faithful to the Constitution and the law of the Republic of Poland I do solemnly swear to perform the duties of the councillor with dignity, diligently and honestly taking into account the well-being of my commune and its inhabitants”.

2. The oath takes place in this way that after reading the credo the called out councillors stand up and say “I swear”. The oath may be taken with the sentence: “So help me God”.

3. The councillors not present at the first session of the commune council and the councillors who obtained their mandate during the term take the oath at the first session at which they are present.

4. (repealed).

**article 24.** 1. The councillor is obliged to take part in the works of the commune council and its committees as well as in other local government institutions into which he has been elected or designated.

2. While exercising the mandate of the councillor the councillor has the right if it does not infringe personal rights of other people, to obtain information and materials, to access to the rooms where there are the information and materials and to inspect into the activities of the commune and the copartnerships with the shares of the commune, trade companies with the shares of commune’s legal persons, municipal legal persons as well as plants, enterprises and other organisational units of the commune with the observance of provisions on legally protected secrets.

3. In matters related to the commune the councillors may direct interpellations and queries to the commune head.

4. The interpellation concerns the matters of significant importance for the commune. The interpellation should contain a short presentation of the state of fact being its subject and the questions resulting from it.

5. The queries are submitted in matters concerning current problems of the commune as well as in order to obtain information about the particular state of fact. The provision – paragraph 4 the second sentence shall apply as appropriate.

6. Interpellations and queries are submitted in writing to the chairperson of the commune council who passes them on immediately to the commune head. The commune head or the

person designated by him is obliged to answer in writing not later than within 14 days from the day of receiving the interpellation or the query.

7. The contents of the interpellations and queries as well as the given answers are made publicly known through an immediate publication in the Bulletin of Public Information on the website of the commune as well as in other manner customarily adopted.

**article 24a.** 1. The councillor cannot enter into the employment relationship in the commune office where the councillor has obtained a mandate.

2. The councillor cannot perform the function of the head of an organizational unit of a commune as well as his deputy.

3. (repealed).

4. (repealed).

**article 24b.** 1. The person elected the councillor cannot work as part of an employment relationship at the commune office where he has obtained a mandate as well as perform the function of the head or his deputy of an organizational unit of this commune. Before the exercise of the mandate this person is obliged to submit an application for free leave within 7 days from the day when the election results are announced by the competent electoral authority.

2. The councillor referred to in paragraph 1 receives the free leave for the period of the exercise of the mandate as well as for 3 months after its expiration.

3. The councillor receives the free leave regardless of the kind and the period of an employment relationship. The employment relationship concluded for a definite period which would be stopped before the end of the free leave is extended up to 3 months after the end of this leave.

4. In case of the councillor performing the function of the head or its deputy in an organizational unit adopted or created by the commune during the term, the time referred to in paragraph 1 is 6 months from the day of the adoption or creation of this unit.

5. Failure to submit an application referred to in paragraph 1 is tantamount to renouncing the mandate.

6. The provisions of paragraphs 1-5 shall apply as appropriate in case of filling the mandate of the council by way of resolution of the commune council adopted on the basis of the provisions of the act of 5 January 2011 - *The Election Code*.

**article 24c.** After the expiration of the mandate the employer restores the councillor to work at the same or equivalent position with a salary corresponding to the salary which the councillor would get if it not for the free holiday entitlement. The councillor declares his readiness to start working within 7 days from the day of the expiration of the mandate.

**article 24d.** The head commune cannot entrust performing work on the basis of a civil law agreement to the councillor of the commune in which the councillor has obtained a mandate.

**article 24e.** 1. Councillors cannot undertake additional activities or receive donations that could undermine the confidence of voters in exercise of the mandate in accordance with article 23 paragraph 1.

2. Councillors may not rely on their mandate in connection with additional activities undertaken or business activities conducted on their own account or jointly with other persons.

**article 24f.** 1. Councillors may not conduct business on their own or jointly with other persons using the property of the commune in which the councillor has obtained a mandate, and manage such activity or be a representative or an authorized representative in conducting such activities.

1a. If the councillor before the exercise of the mandate conducted business referred to in paragraph 1 is obliged to stop conducting this business activity within 3 months from the day of taking the oath. Failure in the duty referred to in the first sentence constitutes the basis for the declaration of the expiration of the mandate of the councillor pursuant to the provisions of article 383 of the act referred to in art. 24 b paragraph 6.

2. Commune heads, spouses of commune heads, of commune heads' deputes, councillors, commune secretaries, commune treasurers, heads of organizational units of a commune, of managing persons and the members of the bodies managing the legal persons of a commune as well as the persons remaining in cohabitation with commune heads, commune heads' deputes, councillors, commune secretaries, commune treasurers, heads of organizational units of a commune, managing persons and the members of the bodies managing the legal persons of a commune cannot be the members of managing or controlling and auditorial authorities or

representatives of trade companies with the shares of commune's legal persons or entrepreneurs in which such persons participate. The election or the appointment of these persons for these functions are invalid by virtue of the law.

3. (repealed).

4. If the election or the appointment referred to in paragraph 2 were before the exercise of the mandate of the councillor or on the day of the election of the commune head or before being employed as a secretary of the commune, an appointment to a post of a deputy of a commune head, a commune treasurer, a head of an organizational unit of a commune as well as a managing person and a member of the bodies managing the legal person of a commune, the persons referred to in paragraph 2 are obliged to renounce a position or a function within 3 months from the day of taking the oath by a councillor, or a commune head or from the day of employment on the basis of an employment contract or an appointment to the position. In case of failure to resign from the position or function the person referred to in paragraph 2 loses them by law after the lapse of the time limit referred to in the first sentence.

5. Councillors cannot possess a bigger shareholding than 10% of shares and stocks in commercial partnerships with the shares of municipal legal persons or entrepreneurs in which these persons participate. The shares and the stocks exceeding this parcel should be sold by the councillor before the first session of the commune council, and in case of failure to sell them these persons do not participate for the period of the exercise of the mandate and for two years after its expiration in execution of their rights (the voting right, the right to a dividend, the right to a division of property, subscription right).

6. (repealed).

**article 24g.** (repealed).

**article 24h.** 1. A councillor, a commune head, a commune head's deputy, a commune secretary, a commune treasurer, a head of an organizational unit of a commune, a managing person and a member of the body managing the legal person of a commune as well as a person issuing administrative decisions on behalf of the commune head are obliged to submit a statement on the financial position hereinafter referred to as: "a declaration of assets". The declaration of assets concerns their separate property as well as the joint property of spouses. A declaration of assets includes information about:

- 1) financial resources, real assets, shares and stocks in trade companies and about the acquisition from the State Treasury, other state legal person, local government units and their associations, the legal person of a commune or from a metropolitan union, the property which has been sold by way of tender procedure, and also the data on conducting business activities and regarding holding positions in trade companies;
  - 2) incomes from employment or other gainful activity or activities, giving amounts obtained from each activity;
  - 3) movable property of the value over 10 000 zloty;
  - 4) financial liabilities of the value over 10 000 zloty, including contracted credits and loans and the conditions on which they have been granted.
2. The person submitting a declaration of assets determines in it the belonging of particular assets, incomes and the liabilities for the separagraphte property and joint property of spouses.
3. A declaration of assets together with a copy of the earned income tax return (income-tax return – PIT form ) for the previous year and its correction are submitted in two separagraphte counterparts by:
- 1) the councillor to the chairperson of the commune;
  - 2) the commune head , the chairperson of the commune to the voivod;
  - 3) the commune head’s deputy, the commune secretary, the commune treasurer, the head of an organizational unit of the commune, the managing person of the commune and a member of the body managing the legal person of the commune as well as a person issuing administrative decisions on behalf of the commune head to the commune head.
4. The councillor and the commune head submit the first declaration of assets within 30 days from the day of taking the oath. In the first declaration of assets the councillor is obliged to include information about the way and the date of cessation of conducting business activity with the use of the commune property where he has obtained the mandate, and the commune head about the cessation of conducting business activity if he conducted such an activity before the day of the election. The next declarations of assets are submitted by the councillor and the commune head every year until 30 April as at the date of 31 December of the previous year and 2 months before the end of the term.

5. The commune head's deputy, the commune secretary, the commune treasurer, the head of an organizational unit of the commune, the managing person of the commune and a member of the body managing the legal person of the commune as well as a person issuing administrative decisions on behalf of the commune head submit the first declaration of assets within 30 days from the day of the appointment to the position or from the day of being employed. In the first declaration of assets commune head's deputy, the commune secretary, the commune treasurer, the head of an organizational unit of the commune, the managing person of the commune and a member of the body managing the legal person of the commune as well as a person issuing administrative decisions on behalf of the commune head are obliged to include information about the way and the day of the cessation of conducting business activity if they were conducting it before the day of the appointment and employment. The next declarations of assets are submitted by them every year until 30 April as at the date of 31 December of the previous year and on the day of being removed from the post or termination of the contract of employment.

5a. If the deadlines determined in paragraph. 4 or 5 are not met properly, the chairman of the commune council, the voivode, the commune head within 14 days from the day of establishment of the failure to meet the deadline calls the person who did not submit the declaration to its immediate submission setting the additional fourteen-day deadline. This deadline is counted from the day of the effective delivering of the summons.

6. The data analysis in the declaration of assets is carried out by the persons to whom the declarations of assets have been submitted. The persons who received the declaration of assets pass one copy to the revenue competent with respect to the place of residence of the person submitting the declaration of assets. The declaration of assets is kept for 6 years.

7. The data analysis in the declaration of assets is also carried out by the head of the revenue office competent with respect to the place of residence of the person submitting the declaration of assets. Analysing the declaration of assets, the head of the revenue office also takes into account the earned income and sustained losses tax return (income-tax return – PIT form) in a tax year of the person's submitting a declaration spouse.

8. The entity carrying out the analysis referred to in paragraph. 6 and 7 is authorised to compare the content of the declaration of assets being analysed as well as the enclosed copy of the earned income tax return (income-tax return – PIT form) in a tax year with the content

of the previously submitted declarations of assets and with enclosed copies of earned income and tax return (income-tax return – PIT form) in a tax year.

9. In case of a suspicion that the person submitting the declaration of assets provided false information or concealed the truth, the entity performing an analysis of the declaration applies to the Central Anti-Corruption Bureau to control the declaration of assets.

10. (shall be repealed).

11. To the proceedings in cases relating to the control of the declaration of assets the provisions of an act of 9 June 2006 on the Central Anti-Corruption Bureau (Journal of Laws of 2018 item 2104 and 2399 and of 2019 item 53 and 125) shall apply accordingly.

12. The entity carrying out the analysis of the declarations of assets by 30 of October each year presents the commune council information about:

1) the persons who did not submit the declaration of assets or who submitted it after the deadline.

2) the irregularities found in the analysed declarations of assets together with their description and indicating the persons who submitted incorrect declarations.

3) the measures taken in connection with the irregularities found in the analysed declarations

13. The President of the Council of Ministers shall determine by way of regulation a specimen form of the declaration of assets of the councillor and a specimen form of the declaration of assets of the commune head, the commune head's deputy, the commune secretary, the commune treasurer, the head of an organizational unit of the commune, the managing person of the commune and a member of the body managing the legal person of the commune as well as a person issuing administrative decisions on behalf of the commune head taking into account the bans specified in respect of to these persons in the provisions of an act of 21 August 1997 on limitations on the economic activities carried on by persons performing public functions (Journal of Laws of 2017 item 1393).

**article 24i.** 1. The information in the declaration of assets is public excluding the information concerning an address of residence of the person submitting declaration as well as about the place where the property is located.

2. The voivode and the chairman of the commune council pass copies of the declarations of assets to the commune head which were submitted to them.

3. Public information included in the declarations of assets is made available in the Bulletin of Public Information referred to in an act of 6 September 2001 on access to public information (Journal of Laws of 2018 items 1330 and 1669).

**article 24j.** (repealed).

**article 24k.** 1. Non - submitting the declaration of assets in spite of lapse of the additional time limit referred to in article 24h paragraph. 5a by:

1) the councillor or the commune head causes the expiration of the mandate in the mode of article 383 or article 492 respectively of the act referred to in article 24 b paragraph 6.

2) the commune head's deputy, the commune secretary, the commune treasurer, the head of an organizational unit of the commune, the managing person of the commune and a member of the body managing the legal person of the commune as well as a person issuing administrative decisions on behalf of the commune head - causes the loss of their salaries for the period from the day on which the declaration should have been submitted until the day of submitting the declaration.

2. If the commune treasurer does not submit the declaration of assets within the time limit, the commune council dismisses him by a resolution at the latest after 30 days from the day on which the time limit to submit the declaration passed.

3. If the commune secretary, the commune head's deputy, the head of an organizational unit of the commune, the managing person of the commune and a member of the body managing the legal person of the commune as well as a person issuing administrative decisions on behalf of the commune head do not submit the declaration of assets within the time limit, he competent body dismisses them or dissolves employment contracts with them at the latest after 30 days from the day on which the time limit to submit the declaration passed.

4. A dismissal and a dissolution of an employment contract in the manner specified in paragraph 2 and 3 is tantamount to the dissolution of the employment contract without notice on the basis of article 52 §1 item 1 of the *Labour Code*.

**article 24l.** Providing untruth or concealment of the truth in the declaration of assets causes liability on the basis of article 233 § 1 of the *Penal Code*.

**article 24m.** 1. The commune head, the commune head's deputy, the commune secretary, the head of an organizational unit of the commune, the managing person of the commune and a member of the body managing the legal person of the commune as well as a person issuing administrative decisions on behalf of the commune head in the course of performing their functions or employment as well as within 3 years after termination of performing functions or termination of employment cannot accept any material performance free of charge or for a payment lower than its real value from the entity or the subsidiary entity if taking part in passing a decision in individual matters concerning it, they had a direct impact on its content.

2. The subsidiary entity within the meaning of paragraph 1 is the entity in which:

1) an entrepreneur possesses directly and indirectly the majority of votes in his bodies, also on the basis of agreements with other associates and shareholders.

2) an entrepreneur is entitled to appoint or dismiss the majority of members of a governing body of the subsidiary entity.

3) more than half of the management board of an entrepreneur are simultaneously the members of the management board having managerial positions in a subsidiary entity of an entrepreneur.

3. The prohibition as referred to in paragraph. 1 does not apply to acquisition of an object or a service accessible within a public offer as well as it does not apply to the objects customarily used for advertising and promotional purposes and prizes awarded in competitions for an artistic activity.

**article 25.** 1. In connection with exercising of the mandate the councillor makes use of legal protection for public servants.

2. A dissolution of an employment relationship with the councillor requires a prior consent of the commune council of which s/he is a member. The commune council will refuse to give a consent for a termination of an employment relationship with the councillor if the basis of the termination of this relationship are the events connected with exercising by him/her the mandate of the councillor.

3. The employer is obliged to release the councillor from professional work in order to enable him to take part in the works of the bodies of the commune.

4. On the principles established by the commune council the councillor is entitled to the allowance and reimbursement of travel expenses.

5. (repealed)

6. The amount of the allowance the councillor is entitled to cannot exceed a total of one-and-a-half times the notional amount determined in the Budgetary Act for the persons holding state managerial positions according to the provisions of an act of 23 December 1999 on setting salaries in the state public sector and amending certain other acts (Journal of Laws 2018 item 2288).

7. The Council of Ministers determines by way of a regulation the maximum amount of the allowances to which the councillor is entitled during a month, including the number of the inhabitants of the commune while the sum mentioned in paragraph 6. specifies the maximum amount of the allowances in the communes with the biggest number of inhabitants.

8. The commune council determining the amount of the allowances of the councillors takes into account the functions performed by the councillor.

8a. In a commune being a public interest entity within the meaning of article 2 item 9 of an act of 11 May 2017 on The act on Statutory Auditors, Audit Firms and Public Oversight (Journal of Laws 2019 items 1421 and 1571) the membership in the audit committee is considered as a function performed by the councillor.

9 (repealed).

10. The minister competent for public administration will describe by way of a regulation the way of establishing the receivables on reimbursement of business trip expenses of the councillors taking into account purposefulness of a refund of actually incurred expenses connected with exercising the mandate and facilitation of settlements.

**article 25a.** The councillor can take part in voting neither in the council or in the commission if it concerns its legal interest.

**article 25b.** The mandate of the commune councillor cannot be combined with:

- 1) the mandate of a deputy (an MP) or a senator;
- 2) performing the function of a voivode or a vice - voivode
- 3) the membership in the body of another local government unit.

**article 26. 1.**

The executive body of the commune is the head of the commune.

2. The term of the commune head starts on the commencement date of the council's term of office or his election by the commune council and expires on the expiry of the term of office of the commune council.

2a. The head of commune (the mayor the president of the city) cannot be the person who is not the Polish citizen.

3. The mayor is the executive body in the commune where the seat of the authorities is in a city located on the territory of this commune.

4. In the cities with more than 100,000 inhabitants the president of the city is the executive body. It also applies to the cities where until the day of entry into force of this act the president was an executive and management body.

5. (repealed)

**article 26a. 1.** The commune head by way of regulation appoints and dismisses their deputy or deputies and specifies their number.

2. The number of the deputies cannot be higher than:

- 1) one in the communes with up to 20,000 inhabitants;
- 2) two in the communes with up to 100, 000 inhabitants;
- 3) three in the communes with up to 200 000 inhabitants
- 4) four in the communes with over 200 000 inhabitants.

3. In case when the number of the deputies specified by the commune head is bigger than one, in the regulation referred to in paragraph 1 the commune head indicates by name the first and the consecutive deputies.

**article 27.** The function of the commune head and his deputy cannot be combined with:

- 1) the function of a commune head or his deputy in a different commune.
- 2) the membership in the bodies of local government units including the commune where he is the commune head or the deputy of the commune head.

3) membership in the body of another local government unit.

3) the employment in government administration.

4) the mandate of a deputy (an MP) or a senator.

**article 28.** For the commune head and his deputies the regulations of article 24 e paragraph 1 shall apply accordingly.

**article 28a.** 1. A resolution of the commune council on granting or not granting discharge to the commune head taken after 9 months from the day of the commune head's election and not later than 9 months before the end of a term of office is tantamount to taking the initiative of holding a referendum on the appeal of the commune head. Before the adoption of the resolution on granting discharge to the commune head the commune council makes familiar with the motion and opinion referred to in article 18a paragraph 3.

2. A resolution on the discharge is adopted by the commune council with an absolute majority of votes of the statutory composition of the commune council.

3. The commune council may pass a resolution to hold a referendum regarding the revocation of a commune head for the reason set out in paragraph 1 at the session convened not earlier than 14 days from the day of the adoption of the resolution on or not granting discharge to the commune head.

4. Before the adoption of the regulation referred to in paragraph 3 the commune council makes familiar the opinion of the regional accounting office in the matter of the commune council's resolution of not granting discharge to the commune head and gives a commune head a hearing of his/her explanations.

5. The resolution referred to in paragraph 3 the commune council adopts a resolution on the discharge with an absolute majority of votes of the statutory composition of the commune council, in a roll-call voting.

**article 28aa. 1.** Every year until 31 of May the commune head presents the commune council a report on the state of a commune.

2. The report includes a summary of the activities of the commune head in the previous year, in particular implementation of policies, programmes and strategies, resolutions of the commune council and a participatory budget.

3. The commune council may determine by way of resolution detailed requirements concerning the report.

4. The commune council processes the report referred to in paragraph 1 at the session at which the resolution of the commune council in the matter of granting or not granting discharge to the commune head. The report is considered in the first place. In the debate over the state of the commune the debate is held.

5. In the debate over the report on the state of the commune the councillors take the floor without time limitations.

6. In the debate over the report on the state of the commune the inhabitants of the commune may take the floor.

7. An inhabitant who would like to take the floor in the mode of paragraph. 6 submits to the chairman of the council a written application supported by signatures:

1) in the communes with up to 20,000 inhabitants - at least 20 persons,

2) in the commune with over 20 000 inhabitants - at least 50 persons.

8. The application is submitted not later than as at the day preceding the day on which the session has been convened when the report on the statement of the commune is going to be presented. The inhabitants are admitted the floor in order of receiving the application by the chairman of the council. The number of inhabitants allowed to take the floor in the debate is 15, unless the council the council decides to increase this number.

9. After the end of the debate over the report of the state of the commune the council of the commune takes a vote to grant the commune head a vote of confidence. A resolution on granting a vote of confidence to the commune head is adopted by the commune council with an absolute majority of votes of the statutory composition of the commune council. A failure to adopt a resolution on granting the vote of confidence to the commune head is tantamount to an adoption of the resolution on non - granting the vote of confidence to the commune head.

10. In case of the failure to adopt a resolution on granting the vote of confidence in two in subsequent years the commune council may adopt a resolution on holding a referendum in the matter of the commune head's dismissal. The provisions of article 28 a paragraphs. 3 and 5 shall apply accordingly.

**article 28b.** 1. The commune council after 9 months from the day of the election of the commune head but not later than 9 months before the end of the term may adopt a resolution on holding a referendum in the matter of the commune head's dismissal for a different reason than a failure to grant a vote of confidence or a failure to grant a vote of confidence to the commune head only at the request of at least  $\frac{1}{4}$  of the statutory composition of the council.

2. The application referred to in paragraph 1 requires a written form and a justification for the reason of the recall and it shall be endorsed by the revision commission.

3. The commune council may adopt a resolution on holding a referendum regarding the revocation of the commune head on the session convened not earlier than 14 days from the day of submitting the application referred to in paragraph 1.

4. The resolution referred to in paragraph 3 the commune council adopts a resolution by a majority of at least  $\frac{3}{5}$  of the statutory composition of the council roll-call voting.

**article 28c.** If the motion submitted in the mode of article 28b to adopt a resolution of holding a referendum on the revocation of the commune head did not achieve the required majority of votes the next motion can be submitted in this mode not earlier than after 12 months from the previous voting.

**article 28d.** 1. In case of the expiration of the mandate before the end of the term of office pre-term elections are carried out on terms defined in the act referred to in article 24 b paragraph. 6.

2. The elections are not held if the date of the pre-term elections would be within 6 months before the end of the term of the commune head. The pre-term elections are not carried out also if the date of the elections would be within the period longer than 6 and shorter than 12 months before the end of the term of the commune head and the council within 30 days from the day of the adoption of a resolution on the expiration of the mandate of the commune head will adopt the resolution on a failure to hold the elections.

**article 28e.** The expiration of the mandate of the commune head is tantamount to the revocation of his deputy or deputies.

**article 28f.** 1. In case of the expiration of the mandate of the commune head before the expiration of the term his function until the time of taking up his duties by a newly-elected commune head, performs a person appointed by the President of the Council of Ministers.

2. In case of the expiration of the mandate of the commune head during performing a function by the person referred to in article 28 h this person performs the function of the commune council until taking up the duties by a newly – elected commune head.

article 28g. In case of a transient obstacle in performing tasks and competences of the commune head caused by one of the following circumstances:

- 1) temporary arrest,
- 2) serving a sentence of imprisonment for an unintentional crime,
- 3) being arrested,
- 4) inability for work due to an illness lasting more than 30 days,
- 5) suspension from professional duties,

– his/her tasks and competencies are taken over by his deputy in the communes where more than one deputy has been appointed – the first deputy.

2. If a deputy or the first deputy has not been appointed in the manner specified in article 26a, in case of a transient obstacle in performing tasks and competences of the commune head caused by one of the circumstances referred to in paragraph 1, the tasks and competences are taken over by the person referred to in article 28h.

3. In case of a transient obstacle in performing tasks and competences by a deputy or the first deputy caused by one of the circumstances referred to in paragraph 1, the tasks and competences of the commune head are taken over by the person referred to in article 28h.

3a. In case of a transient obstacle in performing tasks and competences of the commune head caused by one of the circumstances referred to in paragraph. 1 occurs before taking the oath by the commune head, the tasks and competences of the commune head are taken over by the person referred to in article 28h.

4. The confirmation of occurrence of the circumstances referred to in paragraph 1 are respectively:

- 1) the information for the employer referred to in article 261 § 3 of the Code of penal proceedings - in case of the circumstance referred to in paragraph 1 point. 1

2) the summons of a court to serve a sentence of imprisonment or an arrest – in case of the circumstances referred to in paragraph. 1 points 2 and 3.

3) the medical certificate referred to in an act of 25 June 1999 on financial benefits of social insurance in case of illness and motherhood (Journal of Laws of 2017, item 1368, as amended<sup>3</sup>) – in case of the circumstance referred to in paragraph 1 point 4.

4) the decision of a prosecutor or a court about an application of preventive measures in the form of suspension in the performance of the professional duties as referred to in article 276 of an act of 6 June 1997 on the Code of penal proceedings (Journal of Laws of 2018, items 1987 and 2399 and of 2019 item 150) – in case of the circumstances referred to in paragraph. 1 point 5.

5. The summons referred to in paragraph 4 point 2 the court sends to the chairman of the council.

5a. The decisions referred to in paragraph 4 point 4 the court or the prosecutor sends to the chairman of the council.

6. The deputy or the first deputy or the person referred to in w article 28h, performs the tasks and competences of the commune council:

1) from the day of dismissal - in case of the circumstance as referred to in paragraph 1, point 1,

2) from the day indicated in the summons to appear in a prison/penitentiary until the day of releasing – in case of the circumstances referred to in paragraph 1, points 2 and 3,

3) in the period indicated in the medical certificate - as referred to in paragraph 1, point 4,

4) in the period of suspension of professional duties – in case of the circumstance as referred to in paragraph 1 point 5,

– but not longer than until the day of the expiration of the mandate of the head commune.

7. Within 48 hours from learning about the occurrence of one of the circumstances referred to in paragraph 1 the chairman of the council informs in writing the voivod about this circumstance and about:

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<sup>3</sup> Amendments to the consolidated version of the said Act have been announced in Journal of Laws of 2018 item. 1076, 1544, 1629, 1669, 1925 and 2244 and of 2019 items 60 and 303.

- 1) taking over the tasks and competences of the commune head by his deputy or his first deputy or about,
- 2) the necessity to appoint the person referred to in article 28 h – in connection with the provision of paragraph 2 or about,
- 3) the necessity to appoint the person referred to in article 28 h – in connection with the provision of paragraph 3.

**article 28h.** In the cases referred to in article 28g paragraphs 2,3, and 3a, the President of the Council of Ministers at request of the voivode passed immediately through the minister competent for public administration appoints the person who will assume the performance of the tasks and competences of the commune head.

**article 29. 1.** After the elapse of the tenure of the commune head he performs his functions until the newly elected commune head or the person appointed by the President of the Council of Ministers to perform the function of the commune head assumes the duties.

2. After the elapse of the tenure of the commune head the deputy of the commune head performs his duties until the newly appointed deputy of the commune head assumes the duties

**article 29a. 1.** Assumption of the duties by the commune head shall take place upon taking the oath in the presence of the commune council of the following contents:

“"Assuming this office of the commune head (the mayor, the president) of the commune (the city) I do solemnly swear to be faithful to the law and to hold the entrusted office only for the public good and the prosperity of the inhabitants of the commune (the city)”. The oath may also be taken with the additional sentence "So help me, God."

2. In order to take the oath by the commune head an election commissioner convenes a commune council session on the day within 7 days from the day of publication of the collective results of the elections of the commune heads on in the area of the country.

3. If there was not the session convened in the manner specified in paragraph 2, the commune head takes the oath with content as specified in paragraph 1 in the presence of the territorially competent election commissioner. The commune head confirms taking the oath with his/her signature. The election commissioner immediately sends the oath certificate to the chairperson of the council. Information about the date of taking the oath is made public by

the election commissioner for the inhabitants of the commune in the form of an announcement in the Bulletin of Public Information within 14 days from the date of taking the oath.

4. Avoidance of taking the oath within 3 months from the day of the publication of the results of the commune head elections is tantamount to the refusal of taking the oath.

**article 30.** 1. The commune head implements resolutions and tasks of the commune determined by the rules of the law.

2. The tasks of the commune head include in particular:

1) preparapgraphion of the projects of the commune council's resolutions,

1a) elaborating development programmes in the manner specified in the provisions and principles of conducting development policy,

2) determining the way of the implementation of the resolutions,

3) municipal property management,

4) implementation of the budget;

5) employment and dismissal of the heads of the organizational units of a commune,

6) (repealed).

3. Performing own tasks of the commune the commune head is subject to control only by the commune council.

**article 31.** The commune head manages the current affairs of the commune and represents it outside.

**article 31a.** The commune head draws up an operational plan for flood protection and announces and cancels an ambulance and flood alarm.

**article 31b.** 1. If in a different way it is impossible to eliminate a direct danger for the lives of people or for property the commune council may order evacuation from directly endangered areas.

2. In case of introduction of a natural disaster the commune head operates under the rules set out in separapgraphthe regulations.

**article 32.** (repealed)

**article 33.** 1. The commune council performs the tasks with the aid of a commune office.

2. The organization and rules of operation of the commune office are set out in the organizational regulations given by the commune head by way of a regulation.

3. The commune head is the head of the office .

4. The commune head may entrust conducting certain affairs on his behalf to the deputy or the commune secretary.

5. The head of the office exercises the powers of a professional management authority in relation to the employees of an office as well as the heads of the organizational units of a commune.

6. The legal status of self-government employees defines a separagraphte act.

**article 34.** (repealed).

**article 35.** 1. The commune council determines the organisation and scope of activity of an auxiliary unit by a separagraphte statute after consultations with inhabitants.

2. The statute may provide for the establishment of a lower-level unit within an auxiliary unit.

3. The statute of an auxiliary unit defines in particular:

1) name and area of the auxiliary unit.

2) rules and mode of election of the bodies of the auxiliary unit.

3) organization and tasks of the bodies of the auxiliary unit.

4) scope of tasks transferred to the unit by the municipality and the manner of their implementation.

5) scope and forms of control and supervision of the municipal bodies over the activities of the bodies of the auxiliary unit.

**article 35a.** 1. Elections to the bodies of the auxiliary unit of the commune as well as elections to lower-level units are not called on the day on which the elections to the Sejm of the Republic of Poland and the Senate of the Republic of Poland, the elections, the elections of the President of the Republic of Poland, the elections to the European Parliament in the

Republic of Poland, elections to the bodies constituting the territorial local-government units or the elections of commune heads are called.

2. The provision of paragraph. 1 does not refer to elections to the urban district councils of the Capital City of Warsaw.

3. The provision of paragraph. 1 does not refer to the call of the elections to the bodies of the auxiliary units of the commune or the elections to lower-level units on the day on which by-elections to the Senate, pre-term by-elections or renewed elections to the bodies constituting the territorial self-government units or elections to a new body constituting the territorial self-government unit as well as pre-term or renewed elections of the commune were called.

**article 36.** 1. The legislative body in a village council is a village assembly and the village administrator is the executive. The activity of the village administrator is supported by the village council.

2. The village administrator and members of the village council are elected in a direct secret ballot, from among an unlimited number of candidates, by permanent residents of the village entitled to vote.

3. The village administrator benefits from legal protection for public officials.

**article 37.** 1. The resolution body in the district (the housing estate) is the council with the number of members determined according to article 17, but not more than 21.

2. The executive board in the district (the housing estate) is the executive body. The chairman is at the head of the executive board.

3. The chairman of the board benefits from legal protection for public officials.

4. The statute of an estate may specify that the legislative body is a general assembly of the residents. The board of the estate is elected by the general assembly; article 36 paragraph. 2 shall apply accordingly.

**article 37a.** The chairman of the executive body of the auxiliary unit may participate in the works of the commune council under the rules set out in the statute of the commune without the right to vote. The chairman of the commune council every time is obliged to inform the chairman of the executive body of the auxiliary unit on the same terms as the councillors about a session of the commune council.

**article 37b.** 1. The commune council may establish the rules on which the chairman of the executive body of the auxiliary unit will be entitled to the allowance and reimbursement of travel expenses.

2. The commune council may establish the rules on which the members of the executive body of the auxiliary unit as well as the members of the council of the district (housing estate) village council will be entitled to the allowance and reimbursement of travel expenses.

**article 38.** Separagraphteness of the system of the communes performing tasks of specific character are defined in the appropriate acts. In particular it applies to health resorts.

**article 39.** 1. Decisions in individual cases in the scope of public administration are issued by the commune head unless specific provisions provide otherwise.

2. The commune head may entitle his deputies or other employers of a commune office to administrative decisions referred to in paragraph 1 on behalf of the commune head.

3. (repealed).

4. To settle individual matters in the scope of public administration the commune council may also entitle an executive body of the auxiliary unit as well as the bodies referred to in article9 paragraph 1.

5. The decision issued by the commune head or the body referred to in paragraph. 4 may be appealed to the local self-government appeal board unless specific provision provides otherwise

**article 39a.** ( repealed).

## **Chapter 4**

### **Acts of local law established by the commune**

**article 40.** 1. On the basis of statutory authorizations, the commune has the right to enact local law acts in force in the area of the commune.

2. On the basis of this act the bodies of the commune may issue local law acts within the scope of:

1) the internal system of the commune and auxiliary units,

2) organization of commune offices and institutions,

3) management principles of the property of the commune,

4) the principles and the mode of using the public utility buildings and public utilities

3. In matters not regulated in separate laws or other generally applicable provisions, the commune council may issue order regulations if it is necessary to protect the lives or health of citizens and to ensure order, peace and public security.

4. Order regulations referred to in paragraph 3, may provide for their violation a fine, imposed in accordance with the procedure and under the rules provided for in the law on offenses.

**article 41.** 1. Local law acts are adopted in the form of resolution by the commune council.

2. In the event of an urgent need, the order regulations may be issued by the commune head in the form of an ordinance.

3. The ordinance referred to in paragraph 2 is subject to approval at the next commune council session. It becomes invalid in case of the refusal to approve on the nearest council session.

4. In the event of non - submission to approve or a refusal to approve of the ordinance the commune council specifies the date of ceasing to have effect.

5. The commune council sends order regulations for the attention of the commune heads of neighbouring communes and the staroste of the powiat, where the commune is located, on the next day after their adoption.

**article 41a.** 1. A group of inhabitants of the commune having active electoral rights to constituting/ constitutive body, may take a civil legislative initiative.

2. . The group of inhabitants referred to in paragraph 1 has to cover:

1) in the commune up to 5000 inhabitants - at least 100 persons;

2) in the commune up to 20 000 - at least 200 persons;

3) ) in the commune over 20 000 inhabitants - at least 300 persons.

3. A project of a resolution submitted within the framework of a civil legislative initiative becomes the subject of the debates of the commune council on the nearest session after submitting the project however not later than after the elapse of 3 months from the day of the project submission.

4. The committee of the legislative initiatives has the right to indicate the persons to represent the committee during the work of the commune council.

5. The commune council by way of a resolution shall define: detailed rules of bringing civil initiatives, rules of creating the committees of the legislative initiatives, rules of promotion of civil legislative initiative, formal requirements of submitted projects, subject to the provisions of this act.

**article 42.** The principles and the mode of promulgating local law acts are specified in the act of 20 July 2000 on the publication of normative acts and some other legal acts (Journal of Laws of 2017, item 1523 and of 2018 item. 2243).

## **Chapter 5**

### **Municipal property**

**article 43.** Municipal property is the property and other property rights, belonging to individual communes and their associations as well as the property of other municipal legal persons including enterprises.

**article 44.** Acquisition of municipal property is conducted:

- 1) on the basis of the act - the Provisions introducing an act on local government;
- 2) by transferring property to the municipality in connection with the creation or change of the municipal boundaries in the mode of article 4; transferring property is by means of agreement of the communes concerned, and if no agreement is reached - by a decision of President of the Council of Ministers taken at request of the minister competent for public administration;
- 3) as a result of transfer by the government administration under the rules set out by the Council of Ministers by way of a regulation;
- 4) as a result of someone's own business;
- 5) by other legal acts;
- 6) in other cases determined by separagraphe regulations.

**article 45.** 1. Municipal property entities individually decide on the purpose and the way of using assets maintaining the requirements included in separagraphe provisions.

2. (repealed).

**article 46. 1.** A declaration of will on behalf of the commune within the scope of management of property is submitted individually by the commune head or the commune head's deputy acting on the basis of his authorisation individually or with other authorised person by the commune head.

2. (repealed).

3. If the legal act may result in a monetary liability its effectiveness requires countersignature of the treasurer of the commune (chief accountant of the budget) or a person authorized by him/her.

4. The treasurer of the municipality (chief accountant of the budget) who refused to countersign, however, he will make it at the written command of the superior, notifying the commune council and the regional accounting office.

**article 47. 1.** Heads of organisational units without legal personality act individually on the basis of the authorisation granted by the commune head.

2. (repealed).

**article 48. 1.** An auxiliary unit manages and uses municipal property as well as has incomes at its disposal from this source within the scope determined in the statute. The statute determines also the scope of functions performed individually by the auxiliary unit within the scope of the property it is entitled to.

1a. The provision of paragraph 1 shall apply accordingly to the lower-level unit referred to in article 35 paragraph 2.

2. The commune council cannot decrease previous rights of the solectwo to use the property without a consent of a village assembly.

3. All the property rights to which the villagers have been entitled so far, property rights, rights of use or other rights in property and property rights hereinafter referred to as the municipal property remain unaffected.

4. For municipal property the provisions concerning municipal property shall apply subject to paragraph 3.

**article 49. 1.** The council does not bear responsibility for the commitments of other municipal legal persons and these do not bear responsibility for the commitments of the commune.

2. In case of liquidation or division of the commune the responsibility for its commitments shall be borne jointly by the communes which have taken the property over.

**article 50.** 1. The duty of persons participating in the management of municipal property is to exercise special care while performing management in accordance with the purpose and protection of property.

2. Protection of property in particular covers the video surveillance in the area of a property and in construction objects being the municipal property in the territory around these premises and construction objects. The provisions of article 9a paragraphs 2-6 shall apply accordingly.

**article 50a.** 1. The commune may conclude an agreement with an investor under which in return for implementation of an investment satisfying collective needs of a community connected with occupation of a lane by an investor to place in the lane technical infrastructure equipment not connected with the needs of road management or traffic needs, it will determine the rate for the occupation of a lane lower than determined in the resolution referred to in article 40 paragraph. 8 of an act of 21 March 1985 on public roads. The conclusion of the agreement takes place with taking the provisions of public aid into account.

2. The municipality publishes information in the Bulletin of Public Information and on the website of the commune as well as in a manner customarily adopted in the area of the commune. The statement includes at least indication of the type of the investment satisfying collective needs of a community, the implementation of which by the investor the commune expects as well as information about the time when the investors may show interest in conclusion of the agreement.

3. The conclusion of the agreement is preceded by negotiations with the investors who declared their interest to conclude it.

4. The conclusion of the agreement cannot be before the elapse of 30 days from the day of declaring an interest to conclude it, indicated in the announcement.

5. The agreement determines at least:

1) a type of investments together with indication of the purpose which the conclusion of the agreement from the perspective of satisfying collective needs of a community intends to serve.

2) a way, a place and detailed conditions of investment implementation.

3) the charge rate for occupation of a lane with reference to located in the lane technical infrastructure equipment connected with implementation of investments.

6. The amount of the charge rate as referred to in paragraph.5 point 3 is determined:

1) based on the data about estimated number of square metres of the lane occupied by technical infrastructure equipment not connected with the needs of road management or traffic needs placed in the lane in connection with implementation of investments.

2) based on the data about estimated incomes of the investor concerning performed investment within 5 years from its completion.

3) at the level enabling to regain by an investor the difference between estimated net present value within the time referred to in point 2, taking into account an obligation to increase charge rates for the occupation of the lane calculated according to charge rates determined in the resolution referred to in art 40 paragraph. 8 of 21 March 1985 on public roads and estimated net present value in this time taking a reasonable profit from the investment into account.

7. The agreement is concluded under pain of invalidity in form of a notarial deed.

8. Information about a conclusion of the agreement together with its content is subject to publication in the Bulletin of Public Information and on the website of the commune as well as in a manner customarily adopted in the commune.

9. To amend the agreement the provisions of paragraphs. 2-8 shall apply.

## **Chapter 6**

### **Municipal financial economy**

**article 51.** 1. The commune conducts financial economy individually on the basis of a budget resolution of the commune.

2. (repealed)

3. The statute of the commune determines the rights of an auxiliary unit to conduct financial economy within the budget of the commune.

**article 52.** (repealed).

**article 53.** (repealed).

**article 54.** 1. The incomes of the commune are determined in separate laws.

2. Incomes from self - taxation of the inhabitants are the incomes of the commune. Self - taxation may only occur by way of the municipal referendum referred to in article 2, paragraph 2 point 2 of an act of 15 September 2000 on local referendum.

**article 55.** (repealed).

**article 56.** (repealed).

**article 57.** (repealed).

**article 58.** 1. Resolutions and orders of the commune concerning financial liabilities indicate the sources from each these liabilities will be covered.

2. The resolutions of the commune council referred to in paragraph 1 shall be passed by the absolute majority of votes in the presence of at least half of the statutory composition of the council.

**article 59.** A disposition of the funds (monetary measures) is separated from cash use of it .

2. (repealed).

**article 60.** 1. The commune head is responsible for the proper municipal financial economy.

2. The commune head is entitled to:

1) incur liabilities covering expenses determined in a budget resolution within an authorisation issued by the commune council.

2) issue securities within authorisations issued by the commune council

3) make budgetary expenditures;

4) submit proposals of changes into the budget of a commune;

5) have the reserves of the budget of the commune;

6) block budget funds in the cases defined by the act.

**article 61.** 1. Financial economy of the commune is transparent.

2. The commune head immediately publishes the budget resolution and a report on its implementation in the manner provided for the local law acts.

3. The commune head informs the residents of the commune about draft budget, social and economic policies guidelines and budget appropriations.

**article 62.** Financial economy control of communes and associations is performed by Regional Chambers of Accounts

2. (repealed).

**article 63.** (repealed).

## **Chapter 7**

### **Inter - municipal unions and agreements**

**article 64.** 1. In order to jointly perform public tasks, municipalities may create inter-municipal associations/unions. The union may be also created for a common service as referred to in article 10a.

2. Resolutions on establishing a union are adopted by the councils of the communes concerned.

3. The rights and obligations of the communes participating in an inter - municipal union connected with performing the tasks transferred to the union pass to the union on the day of publication of a union statute.

4. The obligation of the union creation may be imposed only by way of an act which determines the tasks and the mode of the approval of its statute.

5. article 8 paragraphs. 2–5 and article 39 paragraph. 4. shall apply accordingly to inter - municipal unions.

**article 65.** 1. The union performs public tasks on its own behalf and on its own responsibility.

2. The union has legal personality.

**article 66.** The commune informs the voivode about its intention to join a union.

**article 67.** 1. Establishing a union as well as joining the union by the commune require adoption of its statute with an absolute majority of votes of the statutory composition of the

council by the councils of the communes concerned or by the council of the commune concerned respectively.

1a. The draft statute of the union is agreed with the voivode.

1b. The voivod adopts his/her position within 30 days from the date of receiving the statute draft. The provisions of article 89 paragraph 2 and article 89 shall apply accordingly.

1c. In proceedings in the case of agreeing on the statute draft of an union, the communes which are going to establish a union are represented by a commune head of one of the communes authorised by the commune heads of other communes.

2. The statute of the union should specify:

1) the name and seat of the union;

2) participants and duration of the union;

3) tasks of the union;

4) organs of the union, their structure, scope and mode of operation;

5) rules of using the objects and devices of the union;

6) rules of participation in the costs of joint operations, profits and covering union's losses;

7) rules of joining and leaving the union by the members and principles of property settlements;

8) principles and mode of liquidation of the union;

9) other rules defining cooperation.

2a. The statute of the union is subject to immediate publication in the voivodship official journal.

2b. The union acquires the legal personality as of the date of publication of the statute.

3. (repealed)

**article 67a.** 1. The changes of the union are made by the assembly of the union in the form of a resolution. The provisions of article 67 paragraph 1a and 1b shall apply accordingly.

2. The chairman of the assembly of the union passes the resolution changing the statute of the union within 7 days from the date of its adoption to the commune councils of the union and in case when the amending resolution applies to joining the union by a new commune – also to the commune council of this council.

3. The commune council may in in the form of a resolution may raise an objection to the resolution changing the statute of the union within 30 days from the date of delivery of this resolution. Lodging an objection to the resolution stops the implementation of the resolution changing the statute of the union.

4. Amendments to the statute shall be subject to publication in the voivodship official journal.

**article 67b.** 1. The union is dissolved / liquidated on terms and in the mode defined in the statute.

2. After end of liquidation the union submits to the voivode information about the end of liquidation and an application for deletion of the union from the register referred as to article 68 paragraph. 1.

3. The information about deletion of the union from the register referred as to article 68 paragraph 1. shall be subject to publication in the voivodship official journal.

**article 68.** 1. A register of the unions is kept by the minister competent for public administration.

1a. An entry to the register of the inter - municipal unions the is made on the basis of the voivode's notification.

1b. The notification as referred to in paragraph. 1a may apply to:

1) registration of an inter - municipal union

2) modification of a statute of an inter - municipal union.

3) deletion of an inter - municipal union from an inter - municipal register.

1c. The notification as referred to in paragraph. 1a includes a declaration of legality of the resolutions constituting the basis for notifying.

1d. The notification referred to in paragraph 1 shall be signed with a qualified electronic signature.

2. (shall be repealed).

3. The minister competent for public administration shall determine by way of a regulation:

1) the mode of proceedings in cases:

a) a registration of an inter - municipal union

b) a registration of modification of a statute of an inter - municipal union

c) deletion of an inter - municipal union from an inter - municipal register

2) a template of the notification on registration of an inter - municipal union,

3) a template of the notification on modification of a statute of an inter - municipal union,

4) a template of the notification on deletion of an inter - municipal union from an inter - municipal register

5) necessary documentation to prepare notifications referred to in points 2-4

6) the manner of keeping the register of inter-municipal unions including the manner of making entries to this register .

7) the scope of data to be subject to entry to the register of inter - municipal unions

8) the mode of announcing the statute of an inter-municipal union, modification of this statute and information about deletion of an inter-municipal union from an inter-municipal register

– Bearing in mind the necessity of ensuring efficiency of proceedings in cases of making entries to the register of inter-municipal unions and announcing acts and information referred to point 8, uniformity of notifications and taking into consideration that the register of inter-municipal unions should contain in particular the name and seat of an inter-municipal union, designation of the communes in the union and indication of the tasks of the union.

**article 69. 1.**

A constitutive and control body of the union is an assembly of the union hereinafter referred to as the assembly

2. In the scope of tasks assigned to the assembly performs competences of the commune council

3. Provisions concerning the commune council shall apply accordingly to the assembly of the union

**article 70.** 1. The assembly consists of the commune heads of the communes of the union.

2. At request of the commune head the commune council may mandate representation of the commune to a deputy or a councillor

3. The statute may grant certain communes more than one vote in an assembly. Additional representatives are appointed by the commune council.

**article 71.** Resolutions of the assembly are adopted by absolute majority of votes of the statutory composition of the assembly

**article 72.** 1. A member of the assembly may raise a written objection to a resolution of the assembly within 7 days from the date of its adoption.

2. Raising an objection withhold execution of the resolution and requires reconsideration of a case

3. An objection cannot be raised to the resolution adopted as a result of reconsideration of a case.

4. The provisions of paragraphs 1-3 shall not apply to inter-municipal unions established on the basis of article 64 point 4.

**article 73.**

1. The management board is the executive body of the union.

2. The union's board is appointed and dismissed by the assembly from among its members.

3. If the statute so provides the election of members of the board from outside of the assembly of no more than 1/3 of the composition of the management board.

4. (repealed).

5. (repealed).

**article 73a.** 1. For the financial economy of an inter-municipal union the provisions on municipal financial economy shall all apply accordingly.

2. A financial plan of a unit is adopted by the assembly of the unit.

**article 73b.** 1 Poviats may join an inter-municipal union. In such case there is a transformation of an inter-municipal union into a poviat and commune union as referred in to article 72a paragraph. 1 of an act of 5 June 1998 on poviat self-government (Journal of Laws of 2018 item 995, 1000, 1349, 1432 and 2500).

2. For transformation referred to in paragraph 1 the provisions of article 72c of an act of 5 June 1998 on poviat self-government shall apply accordingly.

**article 74.** 1. Communes may conclude inter-municipal agreements on entrusting one of them the particular public tasks by them.

2. The commune performing public tasks covered by the agreement accepts the rights and obligations of the other communes related to the tasks entrusted to it and other communes are obliged to participate in the costs of the entrusted task.

**article 75.** (shall be repealed).

## **Chapter 8**

(repealed).

## **Chapter 9**

### **Municipal associations**

**article 84.** 1. In order to support an idea of self - government and to defend common interests communes may create associations also with poviats and voivodships.

2. The statute determines organization, tasks and mode of work of an association.

3. The provisions of the law on associations shall apply accordingly to municipal associations, on condition that to at least 3 founders are required to set up an association.

**article 84a.** The rules of the municipality joining to international associations of local and regional communities are determined in separate regulations.

## **Chapter 10**

### **Supervision over communal activity**

**article 85.** Supervision over communal activity is exercised on the basis of the lawfulness criterion.

**article 86.** The supervisory authorities are the Prime Minister and voivode, and in the area of financial matters - the regional accounting office.

**article 87.** Supervisory authorities may enter the commune's activity only in cases specified by law.

**article 88.** The supervisory authorities have the right to demand information and data concerning the organization and functioning of the commune, necessary to exercise their supervisory powers.

**article 89. 1.** If the law makes the validity of a decision of a commune body dependent on its approval, agreement or expressing an opinion by other body a comment of this body should be no later than within 14 days from the day of delivery of this decision or its project subject to paragraph 1a.

1a. The time limit referred to in paragraph 1 is 30 days if approval, agreement or expressing an opinion are required from a constitutive body of the local government unit.

2. If the body referred to in paragraph 1 or 1a does not comment on in this matter the decision shall be deemed accepted in the wording submitted by a commune with the lapse of the time limit determined in paragraph 1 or 1a.

3. To approve, agree or express an opinion on decisions of other bodies by the commune bodies the provisions of paragraphs 1, 1a and 2 shall apply accordingly.

**article 90. 1** A commune head is obliged to submit to the voivod resolutions of the commune council within 7 days from the day of their adoption. The commune head passes the acts constituting order rules within 2 days from their adoption.

2. A commune head submits to the Regional Chambers of Accounts on the basis of paragraph. 1 a budget resolution, a resolution on the discharge as well as other resolutions of the commune council and the commune head's orders covered with the scope of the Regional Chambers of Accounts.

**article 91. 1.** An unlawful resolution or an order of the commune council are invalid. A supervisory body adjudicates the resolution's invalidity or the order in whole or in part within

the period no longer than 30 days from the day of delivery of the resolution or order in the mode of article 90.

2. A supervisory body instituting proceedings in case of declaring a resolution or an order invalid or under these legal proceedings may withhold their execution.

2a. The provision of paragraph 2 shall not apply to the resolution or the order on prosecution of a supervisory resolution to an administrative court

4. In case of insignificant violation of the law the supervisory body does not declare invalidity of a resolution or an order limiting itself to an indication that the resolution or ordinance has been published in breach of the law.

5. The provisions of the Administrative Procedure Code shall apply accordingly

**article 92.** 1. Declaration by the supervisory body invalidity of a resolution or an order of the municipal body withholds their execution by virtue of the law in the scope of invalidity declaration on the day of delivering a supervisory resolution.

2. The provisions of paragraph 1 shall not apply to the resolution or order on prosecution of a supervisory resolution to the administrative court

**article 92a.** 1. In case of making a complaint against a supervisory resolution by the body of the commune the administrative court to set the hearing not later than within 30 days from the day of coming to the court.

2. In case making a complaint against a supervisory resolution referred to in article 96 paragraph 2 and article 97 paragraph 1, the administrative court examines this complaint within 30 days. A cassation appeal is examined within 30 days by the Supreme Administrative Court.

**article 93.** 1. After the laps of the time limit indicated in art 91 paragraph 1 the supervisory body cannot on its own demonstrate the invalidity of the resolution or order of municipality. In this case the supervisory body may appeal against a resolution to the administrative court.

2. In case referred to in paragraph 1 issuing a legal decision on withholding of execution of a resolution or an order falls within the competence of a court.

**article 94. 1.** After one year from the day of adoption the resolutions and orders are not declared invalid and void if the obligation of submitting the resolution or order in the time limit determined in art 90 paragraph 1 has been breached or if they are local law acts.

2. If invalidity of the resolution or order has not been declared due to the lapse of the time limit determined in paragraph.1 and there are prerequisites of declaring invalidity the administrative court adjudicates upon their inconsistency with law. The resolution or order become invalid on the day of the decision on their illegality. The provisions of the Code of Administrative Procedure with regard to the consequences of this decision shall apply accordingly.

**article 95.** (repealed)

**article 96. 1.** In the event of a repeated violation by the council of the municipality of the Constitution or statutes, the Sejm may, at the request of the Prime Minister, resolve itself by resolution the municipal council. In the case of dissolution of the commune council, the Prime Minister, at the request of the minister competent for public administration, appoints a person who, until the commune council gets elected, fulfils his function.

2. If a repeated committal violation of the Constitution or statutes is permitted by a head of a municipality, the voivod calls him/her to stop violations, and if the summons do not have effect, s/he applies to the Prime Minister for a recall. In the event of the commune head's dismissal, the Prime Minister, at the request of the minister competent for public administration, shall designate a person who, until the commune head's election, performs his function.

**article 97. 1.** In the event of no prompt improvement and prolonged lack of effectiveness in performing public tasks by the commune bodies the Prime Minister, at the request of the minister competent for public administration may suspend commune bodies and establish a receivership however than to the election of the council and the commune head for the next term.

2. The establishment of a receivership may take place after prior submission of charges to the commune bodies and calling on them to immediately submit a program to improve the situation of the commune.

3. The government commissioner is appointed by the Prime Minister at the request of the voivode, submitted through the minister competent for public administration.

4. The government commissioner takes over the tasks and competences of the commune bodies on the day of their appointment.

**article 98.** Decisions of the supervisory body concerning the commune including decisions referred to in article 96 paragraph 2 and art 97 paragraph 1 as well as the comment in the mode of article 89 are the subject to an appeal to the administrative court due to their inconsistency with the law within 30 days from the day of their delivery.

2. The provision of paragraph 1 shall apply accordingly to the decisions concerning inter-municipal unions and agreements.

3. The commune or inter - municipal union the legal interest of which has been violated are entitled to make a complaint. The resolution or the order of the body which adopted the resolution or order as well as which supervisory decision applies to are the grounds for making a complaint.

3a. The commune council of the next term is entitled to make a complaint concerning the decision of the supervisory body concerning the resolution of the commune council delivered after the end of the council's term of office within 30 days from the day of the election of the chairperson.

4. In the proceedings in cases referred to in paragraphs 1 and 2 the provisions on appeal against a decision to the administrative court in individual cases in the scope of public administration shall apply.

5. Supervisory resolutions become legally valid with the lapse of the time limit to make a complaint or on the date of rejection by the court.

**article 98a.** 1. If a competent body of the commune contrary to the obligation stemming from the provisions of art 383 § 2 and 6 as well as article 492 § 2 and 5 of the act referred to in article 24b paragraph 6 and article 5 paragraph 2 and 3 of 21 August 1997 on limitations on the economic activities carried on by persons performing public functions in the scope concerning respectively expiration of the mandate of the councillor, expiration of the mandate of the commune head, dismissal from a post or termination of the employment contract with a deputy of the commune head, a secretary of the commune, a commune treasurer, a head of an organizational unit of a commune and with a managing person and a member of the bodies

managing the legal person of a commune does not dismiss from a post or does not terminate the employment contract the voivode summons the body of the commune to adopt the appropriate act within 30 days.

1a. The provision of paragraph. 1 shall apply accordingly to the obligations referred to in article 6a of an act of 21 November 2008 on local government officials (Journal of Laws of 2018 items 1260 and 1669)

2. In the event of an ineffective lapse of the time limit referred to in paragraph.1 the voivode after notification of the minister competent for public administration issues a substitute order.

3. The provision of article 98 shall apply accordingly provided that also the entitled person to make a complaint is a person whose legal interest or entitlement concerns the substitute order

**article 99.** 1. (repealed)

1a. The provisions on supervision over communes shall apply accordingly to Inter - municipal unions and agreements.

2. In matters of inter - municipal unions and agreements extending beyond the borders of a voivodeship the supervisory bodies act in the scope of their territorial competence and through the supervisory bodies competent with respect to the seat of the authorities of the union or agreement unless the statute of the union or agreement delegate supervisory competences to the Prime Minister.

**article 100.** Judicial proceedings referred to in prior articles is free from court fees.

**article 101. 1.** Everybody whose legal interest or entitlement have been violated by a resolution or an order adopted by the bodies of the commune in a case within the scope of public administration may appeal against a resolution or an order to the administrative court.

2. The provision of paragraph 1 shall not apply if the administrative court has already adjudicated in a case and the complaint has been dismissed.

2a. A complaint against a resolution or an order referred to in paragraph 1 may be lodged to the administrative court on one's own behalf or representing a group of inhabitants of a commune who give a written consent to it.

3 (repealed)

4. In cases referred to in paragraph 1 article 94 shall apply accordingly

**article 101a.** 1. The provisions of article 101 shall apply accordingly when the body of the commune does not perform actions prescribed by law or by legal actions or factual acts taken violates third-party rights.

2. In cases referred to in paragraph 1 the administrative court may order supervisory body to perform necessary activities for the benefit of a complainant and at cost and risk of a commune.

**article 102.** The provisions of this chapter do not apply to individual decisions in the cases within the scope of public administration issued by bodies of the communes, their unions or the Local Government Boards of Appeal. Instance control within this scope as well as extra – instance supervision and judicial control are determined by separate regulations

**article 102a.** (repealed)

## Chapter 11

### Final provision

**article 103.** The act shall come into force within the time limit and on the conditions set out in the act - Provisions implementing the Local Government Act<sup>4</sup> except for article 5 paragraph 4 and article 17 that come into force as of the date of its announcement.<sup>5</sup>

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<sup>4</sup> The act came into force on 27 May 1990 pursuant to art 1 of the act of 10 May 1990 - Provisions implementing the Local Government Act and the Act on the self-governmental officials (Journal of Laws item. 191, 253 and 541 of 1991 item. 151, of 1992 item. 20 of 1993 item. 180 of 1994 items 3 and 285 of 1996 items. 102 and 496 of 1997 item. 43 of 2002 item. 1271 of 2004 item. 1492 and of 2017 item. 653), that came into force on 27 May 1990.

<sup>5</sup> The act was announced on 19 March 1990.

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