

The Relationship between the Mayor and Deputy-Mayor in the Slovenian Local Self-Government System

UDK: 352(497.4)(045)

Simona Kukovič

Faculty of Social Sciences, University of Ljubljana, Slovenia
simona.kukovic@fdv.uni-lj.si

Vladimir Prebilič

Faculty of Social Sciences, University of Ljubljana, Slovenia
vladimir.prebilib@fdv.uni-lj.si

ABSTRACT

The paper analyses the question of relations between the mayor and deputy-mayor, particularly in terms of division of competences. The paper also deals with the standpoints of mayors and deputy-mayors regarding the institution of deputy-mayor. Furthermore, it verifies the assumption that the current regulatory framework regarding the appointment (and determination of competences) of the deputy-mayor is not entirely appropriate. Based on the analysis of objective data and research surveys among mayors and deputy-mayors of Slovenian municipalities, we analyse the problems of the functioning of those players. We learn that the current Slovenian legislation is favourable to consolidating the position and power of the mayor, because he/she can freely appoint and determine competences of the deputy-mayor(s).

Key words: mayor, deputy-mayor, relation, competences, municipality, Slovenia

JEL: Z00

1 Introduction

The Slovenian system of local self-government features two primary municipal bodies: the municipal council and the mayor. Another important body is the supervisory committee (Brezovšek et al., 2008, p. 169; Vlaj, 2007). The municipal council is the legislative body, whereas the mayor represents the apex of the local-level executive. For a long time, various typologies of local self-government systems have been proposed. They have been based on theory and/or empirical evidence and concern the horizontal division of power in local communities, that is, the relationships between the local

council, the mayor, and the executive officials (see Heinelt & Hlepas, 2006, pp. 29–41). Mouritzen & Svava have also devised a typology of the systems of local self-government, dealing with the horizontal division of power. When constructing the models, their considering is based on the hypothesis that the structural characteristics of a municipal administration in a certain state reflect the balance or compromise between three organisational principles, as follows: (1) rule by the people (the non-professional public), (2) political leadership, and (3) expertise. Even though Mouritzen & Svava take all three organisational principles into account, they set political leadership as the basis for their typology's development. Namely, the fundamental question is how political power is acquired, maintained/preserved, wielded, and distributed. Political power depends on the degree of a political actor's control – either of a single person or of a collective body – in two areas: firstly, to what extent one or more political actors control the municipal council, and secondly, to what extent one or more political actors control the execution of tasks. Formal structure can answer these two questions; however, Mouritzen & Svava warn us that the informal rules and norms existing in certain municipal bodies are important, too (Heinelt & Hlepas, 2006, p. 31).

Mouritzen & Svava study the depth of fusion and mixing of administration and politics as they analyse how political and administrative leaders influence and complement one another. Based on this analysis, they formulate four ideal-type models of local-level government, as follows:

- The strong mayor model: The elected mayor controls the majority in the municipal council and is also in full charge of all executive functions. The director of municipal administration (henceforth, the DMA) performs tasks determined by the mayor; in this way, they are subordinated to the mayor, as the latter can fire and hire the director without prior consent of other politicians or political bodies. In addition to the DMA, mayors can also employ political advisors who help them with their functions. This form of government explicitly stresses the principle of political leadership. In this manner, rule by the people and expertise conform to strong political leadership.
- The committee leader model: One person is an obvious political leader of the municipality – they may (or may not) hold the title of mayor. The political leader may (or may not) control the local council. In this model, executive powers are shared. The political leader can be entrusted with certain executive functions, whereas the remaining functions fall within the jurisdiction of the collective body, that is, the permanent committee composed of elected politicians and the DMA. This model features a more even mixing of all three organisational principles than do the other models.
- The collective body model: The collective body, that is, the executive committee, is at the centre of decision-making and is responsible for all executive functions. The executive body is comprised of elected

local politicians and the mayor who chairs it. This model attributes the greatest emphasis to the principle of rule by the people (members of the collective body are elected by the people), with principles of political leadership and expertise conforming to it.

- The local council–manager model: In this case, all executive functions are held by the professional administrator (a city manager) appointed by the local council. The local council is in general control over politics, yet its cooperation in administrative matters is limited. The local council is a relatively small body; it is led by the mayor, who formally presides over it and is in charge of ceremonial/protocol functions. This model stresses the principle of expertise, whereas the principles of rule by the people and political leadership are limited (Mourtizen & Svava, 2002, pp. 55–56).

This article's theoretical point of departure is represented by the strong mayor model, which assumes that the elected representative of the people possesses a great majority of executive power (or even the whole of it) and that they can freely select, appoint, and dismiss not only the highest senior civil servant, who is thus completely subordinated to the mayor;¹ but also the mayor may appoint other political advisors, so as to offer assistance in the execution of mayoral functions. We apply the selected model to Slovenia in order to analyse the relationship between the mayor and the deputy-mayor(s) as political advisor(s). Hence, the primary focus of this article is on the relationships between the aforementioned actors in connection with the division of their competences and functions. Furthermore, by using empirical data, we analyse standpoints of mayors and deputy-mayors regarding the institution of the deputy-mayor and test the hypothesis stating that the current normative framework of the manner of selection of deputy-mayor(s) is inappropriate.

2 Mayor's position in the Slovenian system of local self-government

The mayor is the personal, individual body of the municipality, a holder of political function, elected by secret ballot in direct elections for a four-year term of office (Brezovšek in Kukovič, 2012, p. 125; Šmidovnik, 2005). The right to vote is conferred upon voters who have permanent residence in the municipality (Local Self-Government Act, Article 42). Suffrage for the election of a mayor is identical to suffrage for election of the municipal council (Kavčič & Grad, 2008, p. 392).² The right to vote and to be elected as mayor is thus

1 See also Kukovič, S. et al. (2012). Mayor: The Strongest Player in Slovenian Local Government?. *Czech Journal of Political Science* XIX(3), pp. 218–233.

2 »The responsibility of the executive to the municipal council in pursuance of Article 3(2) of the Charter having to be viewed as a vital element of the domestic democratic organisation of local authorities (Rec. 113/2002), whereas the use of forms of direct democracy other than council elections is explicitly allowed, the election of the executive (and particularly of the mayor) directly by the population probably even becoming the most widespread form (Rec. 151/2004). Each such reform probably represents an example of democratic progress.

conferred upon every citizen who has the right to vote in elections to the municipal council. The Slovenian system of local self-government features a fairly simple candidacy procedure, since candidate-mayors can be proposed by political parties or groups of voters. If the latter is the case, the candidacy must be supported by the number of signatures equal to at least two per cent of all voters who cast their votes in the first round of the most recent mayoral election, yet this number must not be less than fifteen or more than 2,500. Elections of mayor use a double-round absolute majority vote system; in other words, the candidate who receives the absolute majority of the votes cast is elected as the mayor. If none of the candidates receives the majority of the votes cast, a second round of elections is held for the two candidates who received the greatest number of votes in the preceding round. If two or more candidates receive the same highest number of votes or if two or more candidates receive the same second highest number of votes, the choice of candidates that will enter the second round of elections, which has to be held no later than 21 days after the first round, is determined by lot. The names of the two remaining candidates appear on the voting paper in the sequence reflecting the respective number of votes each received in the first round. If the number of votes received by each of them is equal, their sequence is determined by lot (Local Elections Act, Articles 106 & 107). The mayor can be elected either in regular elections or by-elections. Regular elections of mayors, which are held together with the regular elections to municipal councils, are summoned by the chairman of the National Assembly of the Republic of Slovenia; by-elections of the mayor are held in case a mayor's term of office ceases prior to its formal expiry, for whatever reason(s), and are summoned by a municipal electoral commission (Kavčič & Grad, 2008, p. 392).

As mentioned, candidate-mayors can be determined by political parties and groups of voters. Non-partisan candidates can submit their candidacies if they are supported by groups of voters; the size of any such group is ultimately determined by the size of a municipality in which such a candidate is proposed. In this way, non-partisan candidates have a relatively simple way of asserting their passive suffrage, which is also confirmed by empirical data on four recent local elections. These reveal that non-partisan candidates have been successful, as they have achieved a high percentage of elected candidates relative to the number of candidacies submitted. Haček (2010, p. 43) concludes that the absolute numbers of mayors who, at least formally, have not run for the office as members of political parties have been constantly increasing; ever since the 1998 local elections, the greatest number of municipalities

But the existence within the community of two poles which in principle enjoy identical levels of democratic legitimacy might well jeopardise the fundamental principle of the pre-eminence of the representative assembly in pursuance of Article 3(2) of the Charter, and possibly cause blockages within the municipal apparatus. It would therefore be appropriate to envisage introducing a system to minimise this risk, for example by providing for the possibility for the representative council to submit to a referendum a proposal for the dismissal of the executive (the mayor), or a system for submitting the composition of the council itself to the popular vote under certain circumstances.« (See document 20th Anniversary of the European Charter of Local Self-Government - CG (12) 6 Part II, Explanatory memorandum, Article 30.)

have had mayors who have not been proposed by any political party (43 in the 1998 local elections, 59 in 2002, 66 in 2006, and 70 in 2010 local elections).

In accordance with the organisation of the work of the municipality and the distribution of competences within the municipality's tasks across municipal bodies, the function of the mayor is at the same time both executive and coordinative. The initial arrangement of the Local Self-Government Act envisaged a quite strict separation of the function of mayor from the function of municipal council; however, this proved to hamper the operation of local self-government, resulting in a tighter integration of both functions by subsequent amendments to the Act. Now, the mayor even has a direct link to the municipal council, as he or she represents it and summons its sessions and chairs them,³ but the person is not a member of it and has no right to vote. In addition, the mayor has various functions in relation to the municipal council as well as influence on its operation. On the one hand, the mayor's responsibility is to take care of the implementation of decisions adopted by the municipal council;⁴ on the other, he or she has an important function of proposing an array of decisions to the municipal council⁵ and finally to oversee the lawfulness of the latter's operation⁶ (Kaučič & Grad, 2008, pp. 369–370).

The mayor is the »master« of the municipality. Namely, by signing different contracts, inviting public tenders, rational and economical implementation of the budget, and consistent adherence to the principle of good diligence, all of this on a daily basis, the mayor takes care of the municipality's assets and increases its value and quality. Their task is also to summon citizens' assemblies and (when people's lives and/or property are compromised) to adopt urgent measures⁷ (Prašnikar, 2000, p. 46).

³ See Article 33 of the Local Self-Government Act.

⁴ The mayor (1) provides for the publication of the statutes, decrees, and other general legal acts of the municipality; (2) provides for the annulment of conclusions and the execution of other decisions of the municipal council; (3) directs the work of the municipal administration with regard to the execution of decisions adopted by the municipal council; and (4) executes the decisions of the municipal council in accordance with their own powers and tasks (Local Self-Government Act, Article 33).

⁵ The mayor submits proposals of the following: (1) the draft budget of the municipality and the draft consolidated balance sheet, as well as other budgetary acts; (2) the establishment of bodies of the municipal administration and the body(-ies) of joint municipal administration; and (3) the appointment of deputy-mayors and the decision on (non-)professional performance of the function of deputy-mayor.

⁶ Within the scope of their competences, the mayor provides for the lawfulness of regulations and other decisions adopted by the municipal council, as follows: the mayor may (1) withhold the publication of a general legal act of the municipality; (2) submit a request to the Constitutional Court for the assessment of the compliance of a municipality's general legal act with the Constitution and the law; (3) withhold the execution of the decisions adopted by the municipal council and notify the competent ministry of the unlawfulness of the decisions in question; and (4) initiate the procedure for the nullification of administrative decisions before the Administrative Court (Local Self-Government Act, Article 33; Catalogue of the Competences of Slovene Municipalities, 1997).

⁷ As commander of the civil protection, the mayor decides on all matters concerning the protection against environmental and other disasters and adopts the protection and rescue plans (Local Self-Government Act, Article 33; Catalogue of the Competences of Slovene Municipalities, 1997).

However, the mayor's most important function is to be the head of the municipal administration. The mayor is sovereign and practically untouchable throughout their entire term of office. Together with the municipal administration they head, the mayor can pursue a very independent policy in the municipality, regardless of the one pursued by the municipal council. However, this can cause trouble in case the elected mayor does not come from one of the parties that control a majority in the municipal council. To conclude, the mayor of a Slovenian municipality is thus the central figure of the Slovenian local self-government system, and being an individual, one-person body, the mayor is the most noted figure among the citizens.

3 The relationship between the mayor and the deputy-mayor

Article 33.a of the Local Self-Government Act stipulates that the municipality has at least one deputy-mayor who is appointed (and dismissed) by the mayor.⁸ The mayor selects and appoints the deputy-mayor from among members of the municipal council, meaning that every deputy-mayor is previously directly elected to the municipal council. The deputy-mayor's task is to assist the mayor with their work and to perform tasks belonging to the scope of the mayor's competences for which the former is authorised by the latter. Also, the deputy-mayor substitutes for the mayor in case of the latter's absence or non-attendance. During the time of absence, the deputy-mayor performs current tasks within the mayor's jurisdiction plus those tasks the mayor additionally authorises them to execute.⁹

Since the Act contains no specific provision as to the number of deputy-mayors (*»at least one«*), the municipality may have several deputy-mayors. If this is the case, the mayor is supplanted by the eldest deputy-mayor, unless one of them has been predetermined for this role by the mayor. A similar arrangement holds for the preliminary termination of a mayor's term of office

8 This legislative arrangement has been in force since 2005 (the amendment to the Act was published in the Official Gazette of the Republic of Slovenia, No. 72/2005, on July 29, 2005). Prior to this, the Act had stipulated that the deputy-mayor was to be appointed and dismissed by the municipal council, acting on a proposal submitted by the mayor, who selected a member of the municipal council as candidate deputy-mayor (this amendment to the Act was published in the Official Gazette of the Republic of Slovenia, No. 74/1998, on November 3, 1998).

9 At this point, we stress the *problématique* of simultaneous performance of two functions by the deputy-mayor, since the deputy-mayor, as a single person, acts both as a legislator when acting as a member of the municipal council and as the executor of their own legislative decisions and solutions when performing the function of the deputy-mayor. This is obviously contentious from the standpoint of a clear division of competences and political power. Initially, the Local Self-Government Act (until subsequent amendments would be passed in 1998) was built upon a strict division of power as regards the bodies of the municipality and their mutual relationships – especially between the municipal council and the mayor (Grafenauer, 2000, p. 415). This is clearly stipulated as concerns the mayor: since they usually head the municipal administration, their participation in the decision-making of the municipal council would be unacceptable (Vlaj, 1998, p. 273; Vlaj, 2012b). However, this fact is simply overlooked in the case of the deputy-mayor, who can *de facto* substitute for the mayor and who perform tasks belonging to the scope of the latter's competences, whilst retaining their right to vote in the municipal council.

– in this case, the deputy-mayor performs the mayor's function until a new person is elected to the office and assumes their position. If a municipality has several deputy-mayors, the mayor is replaced by the person who they themselves have selected, provided that the mayor is not dismissed. If the mayor does not select any of the deputy-mayors to temporarily hold their office or if the mayor is dismissed, the principle of seniority does not apply. Instead, the municipal council determines who of its members will perform this function (Local Self-Government Act, Article 33.a).

Just as the mayor and the members of the municipal council, the deputy-mayor is a holder of political function in the municipality. Municipal politicians usually serve in their office non-professionally¹⁰ (this is true of all municipal councillors); however, the mayor has the choice of whether to perform their function professionally or non-professionally.¹¹ In unison with the mayor, the deputy-mayor may also opt for (non-)professional performance of their function (Brezovšek & Kukovič, 2012, p. 197). Every holder of a local-level political function is entitled to a salary, provided that they exercise the function professionally or at least to remuneration if they perform it in a non-professional mode. Salaries of professional holders of municipal political functions are determined in accordance with the act that regulates salaries in the public sector. If the deputy-mayor performs their function non-professionally, they are entitled to remuneration no higher than 50 % of the salary they would receive for professional performance of the office. The exact sum of the deputy-mayor's remuneration is determined by the mayor, taking into account the scope of the deputy-mayor's powers, whereby allowance for years of service is not considered (Local Self-Government Act, Article 34.a).

According to the Local Self-Government Act, every municipality should have at least one deputy-mayor. However, the data we acquired reveal that this is not the case.¹² We found that 34 municipalities have no deputy-mayors at all; most such municipalities belong to the group of municipalities with a population between 3,000 and 5,000 inhabitants (14 out of 53). As is evident from Table 1, most municipalities without deputy-mayors are small (up to 5,000 inhabitants), whereas in the groups of large(r) or the largest municipalities (beyond 20,000, more than 30,000 and exceeding 100,000 inhabitants), there is no municipality that would not have at least one deputy-mayor.

¹⁰ The phrase »perform their function professionally« is used in sense that this is mayor's/ deputy-mayor's full-time job and that she/he is not employed somewhere else.

¹¹ According to data from the Ministry of Justice and public administration, Local Self-Government Department, there were 108 professional mayors in Slovenian municipalities in 2009; in 2010, there were 111; in 2011, the number somewhat increased, to 128; in 2012, the data has so far been submitted by 182 municipalities, in which 104 mayors perform their functions professionally (Ministry of Justice and public administration, Local Self-Government Department, 2012).

¹² Data collection took place in the second half of December 2011, by virtue of an inquiry regarding the number of deputy-mayors and the mode of their function (professional or non-professional) sent to official e-mail addresses of Slovenian municipalities.

With respect to the number of deputy-mayors appointed, most municipalities have a single deputy-mayor (109 out of 177, or 62%), followed by municipalities with two deputy-mayors (54), three deputy-mayors (11) and three urban municipalities (Kranj, Maribor and Ljubljana), which have four deputy-mayors each. Clearly, the number of deputy-mayors increases with the size of municipalities, according to the number of inhabitants. At the end of December 2011, a total of 262 municipal councillors held the office of deputy-mayors in Slovenian municipalities.¹³

Table 1: Municipalities according to the number of inhabitants and the number of their deputy-mayors

	No. of Municipalities	Do not have	1 Deputy-Mayor	2 Deputy-Mayors	3 Deputy-Mayors	4 Deputy-Mayors	Number of Deputy-Mayors
Up to 3,000 inhabitants	58	10	41	7	/	/	55
From 3,001 to 5,000 inhabitants	53	14	28	10	1	/	51
From 5,001 to 10,000 inhabitants	47	7	25	13	2	/	57
From 10,001 to 15,000 inhabitants	19	1	6	10	2	/	32
From 15,001 to 20,000 inhabitants	17	2	6	7	2	/	26
From 20,001 to 30,000 inhabitants	8	/	2	4	2	/	16
From 30,001 to 100,000 inhabitants	7	/	1	3	2	1	17
Over 100,000 inhabitants	2	/	/	/	/	2	8
Total	211	34	109	54	11	3	262

Source: Research Project »Mayors and Deputy-Mayors« (2012).

In the earlier section on institutional basics, we mentioned that the deputy-mayor – in consultation with the mayor – decides whether to perform their function professionally or non-professionally. The data show that Slovenian municipalities have 245 non-professional deputy-mayors (this represents 94%) and only 17 deputy-mayors who perform their function professionally. Since we were interested in whether professional execution of the office of deputy-mayor is conditioned by the non-professional status of the mayor, we

¹³ During our data collection, the new composition of the National Assembly was constituted, which included 7 deputy-mayors (all of them came from municipalities with over 10,000 inhabitants), whose function expired as a consequence; in addition, the function of one deputy-mayor expired because that person was appointed to another posting that is also incompatible with the deputy-mayor function (if these persons were considered, the total number of deputy-mayors would be 270). These 8 deputy-mayors were excluded from the analysis and subsequently from the research itself.

checked whether the mayors of these municipalities performed their function professionally or non-professionally. The results show that in 9 municipalities, the functions are performed professionally by both the mayor and (at least one)¹⁴ deputy-mayor; in the remaining 7 municipalities, the mayors are non-professional and their respective deputy-mayors are professional. Hereby, we add the data on deputy-mayors as regards their sex. As is the case with mayors, the ratio is strongly in favour of men with deputy-mayors as well, as there are only 42 female deputy-mayors, which amounts to only 19%. As a curiosity, we may add that 7 female deputy-mayors perform their function professionally, from among 17 professional deputy-mayors in Slovenian municipalities, which represents 41% of such deputy-mayors.

Apart from objective statistics, we wanted to gather certain data on the relationships between mayors and deputy-mayors of Slovenian municipalities by virtue of the analysis of answers in survey questionnaires. For this purpose, we conducted a survey among current mayors and deputy-mayors of Slovenian municipalities and asked them about their standpoints regarding the institution of deputy-mayor.¹⁵ From among 114 mayors who participated in the survey, 100 (87.7%) responded¹⁶ that they had appointed (at least one) deputy-mayor;¹⁷ 14 (12.3%) mayors claimed they had appointed no deputy-mayors.¹⁸

¹⁴ According to our data, only the Urban Municipality of Maribor currently has two professional deputy-mayors.

¹⁵ Our research project »Mayors and Deputy-Mayors« was conducted by the Centre for the Analysis of Administrative-Political Processes and Institutions in February 2012 and covered mayors and deputy-mayors of Slovenian municipalities (it included 200 mayors and 262 deputy-mayors; 11 mayors were subsequently excluded from our analyses as they were elected at parliamentary elections in December 2011, which resulted in the expiry of their terms of office as mayors and by-elections of mayors were performed in March 2012; additionally, we excluded 8 deputy-mayors as well — see footnote 12). 114 completed questionnaires for mayors (57%) and 123 for deputy-mayors were returned (47%).

¹⁶ Question: »Did you appoint the deputy-mayor?« If »yes« the sub-question was: »How many?«; if »no« the sub-question was: »Why not?«.

¹⁷ Of these, 64% of mayors have one deputy-mayor, 29% two and 7% three deputy-mayors. The mayors who appointed more than one deputy-mayor were asked why they did so. Mayors were given several possible answers from which they had to pick the ones they agreed with. Most mayors (47.2%) agreed that this was a manner of overcoming political discord; 33.3% said this was due to the size of their municipalities or excessive scope of their work; 30.6% agreed with the statement that this was the more efficient division of work; 22.2% of mayors stated that the deputy-mayor was a matter of coalition treaty. However, 80.6% of mayors opposed the statement claiming that they had appointed several deputy-mayors because they were performing their function non-professionally.

¹⁸ The mayors who have appointed no deputy-mayors were asked about the reasons for such a decision. 21.4% of mayors responded that they had no available funds; 14.3% claimed there had been no suitable personnel to recruit from in the municipal council; and 64.3% of mayors answered that they had no deputy-mayor because they simply did not need one.

Table 2: Powers of the mayor delegated to the deputy-mayor for execution (percent)

	Mayors		Deputy-mayors	
	yes	no	yes	no
Complete powers in case of mayor's absence	61.7	38.3	56.8	43.2
Representation and legal representation of the municipality	48.1	51.9	76.6	23.4
Representation of the municipal council plus summoning and chairing of its sessions	12.3	87.7	31.5	68.5
Submitting proposals of decrees and other general legal acts of the municipality	7.4	92.6	16.2	83.8
Execution of the decisions adopted by the municipal council	19.8	80.2	42.3	57.7
The heading of municipal administration	2.5	97.5	3.6	96.4
Providing for the publication of adopted general legal acts of the municipality and the protection of constitutionality and lawfulness in the operation of municipal bodies	1.2	98.8	10.8	89.2
Management of the municipality as a <i>sui generis</i> enterprise and acting in legal relationships of the municipality under property law	0	100.0	4.5	95.5
Public relations, summoning of citizens' assemblies, summoning of local referenda and responding to citizens' questions, initiatives, and proposals	8.6	91.4	40.5	59.5
Performance of delegated tasks and decision-making in administrative matters belonging to the scope of municipality's original and delegated (i.e., state) competences	7.4	92.6	6.3	93.7
Management of project groups for the most demanding, crucial projects and the largest investments	35.8	64.2	36.9	63.1
Execution and monitoring of the municipal budget	9.9	90.1	36.0	64.0
Tasks in the field of public tenders and procurement	17.3	82.7	24.3	75.7
Independent formulation of key systemic solutions and other materials of highest difficulty	4.9	95.1	15.3	84.7
Management of procedures and decision-making in matters of employment relationships (i.e., hiring personnel)	1.2	98.8	3.6	96.4
Other*	18.5	81.5	18.0	82.0

* Other: responses related to either: a) civil society activities, societies; b) the work and coordination of local communities and city quarters; c) various duties of protocol and presence at public events; d) management of projects for public water distribution and sewerage systems and management of civil servants' work; e) the area of economy and assistance with small-scale projects intended for the municipalities' development.

Source: Research Project »Mayors and Deputy-Mayors« (2012).

As far as delegation¹⁹ of powers is concerned, 80% of mayors who took part in the survey responded that they had delegated part of their powers to their deputy-mayors; on the other hand, the percentage of deputy-mayors who claimed that they had been delegated part of the mayor's competences

¹⁹ The term »delegation« is used in the sense that the mayor his/her tasks and responsibilities transfer to the deputy-mayor(s) for the execution/implementation.

is even somewhat higher (91.1%).²⁰ Survey participants were further asked to tell us the approximate share of delegated powers;²¹ 79% of mayors and 46.2% of deputy-mayors said this share was below 25%.²² Table 2 shows that most mayors delegate their competences as regards representation and legal representation of the municipality to the deputy-mayors (48.1% of mayors, according to mayors themselves and 76.6%, according to deputy-mayors included in the survey); however, none of the mayors claimed that they had authorised their deputy-mayor(s) to manage the municipality as a *sui generis* enterprise and act in legal relationships of the municipality under property law.

In addition to our interest in the percentage and type of mayors' tasks deputy-mayors tend to execute, we asked both groups of actors where (if at all) their respective municipalities had stipulated the competences or tasks of their deputy-mayor(s).²³ 61.6% of mayors and 69.7% of deputy-mayors responded that these competences were set down by the statutes of their municipalities; a relatively high percentage of both mayors (41.4%) and deputy-mayors (48.4%) said that these competences were set down by decisions on the appointment of individual deputy-mayors; this was followed by the rules of procedure of the municipal council (29.3% of mayors and 32% of deputy-mayors maintained that the competences of deputy-mayors were set down by this act). Less than one tenth of mayors and deputy-mayors who participated in the survey replied that the deputy-mayor's competences were not stipulated anywhere.

Since there have been frequent allusions to the (non-)necessity of the institution of deputy-mayor, we asked both groups of survey participants a question that referred to this issue.²⁴ Nearly 86% of mayors and 98% of deputy-mayors answered that the municipality undoubtedly required a deputy-mayor. Furthermore, 82% of mayors and 53% of deputy-mayors said that one deputy-mayor was necessary. 16% of mayors and 37% of deputy-mayors claimed that two were required. 2.6% of mayors and 10.3% of deputy-mayors thought that the municipality should have three deputy-mayors.²⁵

20 Question: »Does the mayor authorize deputy-mayor(s) to perform the tasks within mayor's competence?«. If »yes« the sub-questions was: »What are these tasks?«.

21 Question: »The proportion of such tasks is?«. The possible answers were: »less than 25 percent«; »between 25 and 50 percent«; »between 50 and 75 percent«; »more than 75 percent« and »don't know«.

22 In total, 97% of mayors said that the percentage of matters belonging to the scope of their competences they had delegated to the deputy-mayor was less than 50%; on the other hand, 84 % of deputy-mayors estimated the share of these matters to be below 50%.

23 Question: »The competences or tasks of deputy-mayor(s) were set down...«. The possible answers were: »competences were set down by the statutes«; »competences were set down by decisions on the appointment of individual deputy-mayor«; »the competences of deputy-mayors were set down by the rules of procedure of the municipal council«; »competences were not stipulated anywhere« and »other«.

24 Question: »Does the municipality need the deputy-mayor?« If »yes« the sub-question was: »How many?«.

25 Mayors and deputy-mayors were given some suggestions as to what determines the number of deputy-mayors in a certain municipality. They expressed their agreement with each of the suggestions as follows: the size of a municipality (52.7% of mayors and 65.5% of deputy-mayors

At the same time, over 64% of mayors and 45% of deputy-mayors agreed that the function of the deputy-mayor should be non-professional; alternatively, only 4% of mayors and 12% of deputy-mayors stated the opposite, that is, were in favour of the professional mode of this function; 29.5% of mayors and 43% of deputy-mayors thought that the mode of execution of the deputy-mayor's function should depend on the (non-)professional status of the mayor.²⁶

It is also interesting that just over 78% of mayors and almost 84% of deputy-mayors said that the deputy-mayor's holding a double function (the legislative and the executive) was acceptable; the statement that the deputy-mayor should give up the function in the municipal council was supported by 13% of mayors and by less than 7% of deputy-mayors.²⁷ At the end of our survey, there was a question for deputy-mayors, asking whether or not they were satisfied with the sum of remuneration they received for their work,²⁸ and 65% of deputy-mayors said they were and agreed with the payment they were receiving,²⁹ which hardly comes as a surprise, as this represents extra income for them.³⁰

4 Conclusion

This article deals with two actors within Slovenian municipalities, namely, the mayor and the deputy-mayor. Its primary interest is in the relationships between the mayor and the deputy-mayor, especially from the aspect of division of powers. We can conclude that the mayor is free to delegate (or not) tasks from the scope of their own competences to the deputy-mayor, without being obliged to take any consultations with other municipal (or state) authorities. In this manner, tasks and competences of deputy-mayors vary significantly across Slovenian municipalities. Moreover, despite the fact that the legislator envisioned that every municipality must have at least one

agreed with this statement); available funds (9.7% of mayors and 12.6% of deputy-mayors); scope of work (57% of mayors and 56.3% of deputy-mayors); the mode of holding the term of office of the mayor (non-professional) and potential other deputy-mayors (53.8% of mayors and 52.9% of deputy-mayors); and balance of power in the municipal council (22.6% of mayors and 10.9% of deputy-mayors).

26 Question: »Do you think that the deputy-mayor(s) should exercise its function:«; possible answers: »professional«; »non-professional«; »depend on the (non-)professional status of the mayor«; »don't know«.

27 Question: »Do you think that deputy-mayor's holding a double function (the legislative and the executive) is acceptable?«

28 Question: »Are you satisfied with the sum of remuneration you receive for your work?«

29 Remuneration for the non-professional mayor includes attendance fees for attending the sessions of the municipal council and membership in its committees and commissions. These rewards are categorised under the budgetary term of »municipal expenditures of system's operation« (including all those expenditures related to the maintenance of the system or the operation of the municipality, i.e., its bodies – the mayor, municipal councillors, municipal administration, etc.) and even though these costs vary widely across municipalities, they typically represent around one fifth of all budgetary expenditures of an average Slovenian municipality (Brezovnik & Oplotnik, 2012, p. 283).

30 As a curiosity, we mention a comment made by one of the deputy-mayors who took part in the survey, claiming his reward to be too high with respect to the duties he performs as a deputy-mayor.

deputy-mayor, there are 34 municipalities whose situation remains against the law, because their mayors have not appointed deputy-mayors.³¹

However, we want to give special emphasis to what we consider a quite inappropriate legislation regarding the very method of appointment of the deputy-mayor and the manner in which their competences are set down. As we have already said, the deputy-mayors are autonomously appointed and dismissed by the mayor; therefore it is urgent to consider a different selection method.

The law stipulates that there has to be at least one deputy-mayor, whilst giving no maximum number of deputy-mayors and also lacking criteria that would justify (if at all) more than one deputy-mayor per municipality. Therefore, the authors propose a reflection on different methods of selection, such as direct election of the deputy-mayor by citizens, that is, by voters (and from among them), or election of the deputy-mayor by the municipal council. The current legislation is all too favourable to the consolidation of the mayor's position and power, as they can (and in a majority of cases, they do) appoint their followers to the functions of the deputy-mayor, who (often uncritically) support the mayor in every aspect.³² Apart from a more appropriate arrangement of selection of the deputy-mayor, clear delineation of competences of each of the two actors is necessary, because the more exactly the responsibilities and relationships are defined, the less room there is for confusion and potentially contentious situations.

In conclusion we also want to draw attention to the general problématique of authorising the deputy-mayors, since in this way, legitimacy, which voters confer upon the directly elected politician (i.e., the mayor) is lost. So what is then the case with accountability? Is authorisation of mayors for the execution of certain competences (according to the legislation currently in force for the appointment of deputy-mayors) acceptable and admissible? In this regard, the deputy-mayors unquestionably represent interesting aspect worth researching.

³¹ Data as of January 2012.

³² We augment this claim with the data acquired by this year's survey among mayors and deputy-mayors, in which 87% of mayors and 90% of deputy-mayors who took part claimed the current method of the deputy-mayor's selection to be inappropriate. Question: »What do you think about current method of the deputy-mayor's selection?« The possible answers were: »it is appropriate«; »deputy-mayor should be chosen among citizens«; »deputy-mayor should be elected by municipal council«; »deputy-mayor should be directly elected«; »don't know«.

Simona Kukovič, Vladimir Prebilič

Simona Kukovič is a young research fellow at the Centre for the Analysis of Administrative-Political Processes and Institutions and a PhD student at the Faculty of Social Sciences, programme Public administration. Her research focus encompasses regional and local self-government, administrative and political processes and institutions.

Vladimir Prebilič, PhD, is Associate Professor at the Chair for Defence Studies of the Faculty of Social Sciences of the University of Ljubljana. He teaches the following subjects: Military History, Geography for Defence Studies, Military Logistics, Theory of Military Tactics and Defence Economics. His research includes topics from military history and patriotism. From 2010 he is also the mayor of the Municipality Kočevje.

References

- (2005). *20th Anniversary of the European Charter of Local Self-Government – CG (12) 6 Part II, Explanatory memorandum*. The Congress of Local and Regional Authorities, 12th Plenary Session, 20 September 2005. Strasbourg. Retrieved in January 2013, from <https://wcd.coe.int/ViewDoc.jsp?id=889917&Site=DC>
- (2012). Research Project »Mayors and Deputy-Mayors«. Ljubljana: Centre for the Analysis of Administrative-Political Processes and Institutions, Faculty of Social Sciences.
- Brezovnik, B., & Oplotnik, Ž. (2012). An Analysis of the Applicable System of Financing the Municipalities in Slovenia. *Lex localis* 10(3), 277–295.
- Brezovšek, M., & Kukovič, S. (2012). *Organizacija lokalne oblasti v Sloveniji*. Ljubljana: Faculty of Social Sciences.
- Brezovšek, M., Haček, M., & Zver, M. (2008). *Organizacija oblasti v Sloveniji*. Ljubljana: Faculty of Social Sciences.
- Grafenauer, B. (2000). *Lokalna samouprava na Slovenskem: teritorialno-organizacijske structure*. Maribor: Law Faculty.
- Haček, M. (2010). Non-Partisan Local Actors as the Element of Absorbed Local Democracy?. *Romanian Journal of Political Science* 10(1), 38–51.
- Heinelt, H., & Hlepas, N. K. (2006). Typologies of Local Government Systems. In: Bäck, H., Heinelt, H., & Magnier, A. (Eds.), *The European Mayor, Political Leaders in the Changing Context of Local Democracy* (21–42). Wiesbaden: VS Verlag für Sozialwissenschaften.
- Kaučič, I., & Grad, F. (2008). *Ustavna ureditev Slovenije*. Ljubljana: GV Založba.
- Kukovič, S., Haček, M., & Grabner, A. (2012). Mayor: The Strongest Player in Slovenian Local Government?. *Czech Journal of Political Science* XIX(3): 218–233.
- *Local Self-Government Act* (Official Consolidated Version) (ZLS-UPB2). Official Gazette of the Republic of Slovenia, No. 94/2007. Retrieved in November 2012, from <http://www.uradni-list.si/1/objava.jsp?urlid=200794&stevilka=4692>.
- Ministry of Justice and public administration, Local Self-Government Department (2012). *Municipalities*. Retrieved in November 2012, from http://www.mpju.gov.si/si/delovna_podrocja/lokalna_samouprava/obcine/.
- Mouritzen, P. E., & Svava, J. H. (2002). *Leadership at the Apex; Politicians and Administrators in Western Local Governments*. Pittsburgh: University of Pittsburgh Press.
- Prašnikar, A. (2000). Župan, direktor občinske uprave, občinska uprava. In: Vlaj, S. (Ed.), *Župan in občina* (45–59). Ljubljana: Inštitut za lokalno samoupravo.
- Šmidovnik, J. (1995). *Lokalna samouprava*. Ljubljana: Cankarjeva založba.
- Vlaj, S. (1998). *Lokalna samouprava – občine in pokrajine*. Ljubljana: Faculty of Social Sciences.
- Vlaj, S. (2007). Local self-government in Slovenia: current situation and perspective. In: Kovač, P. (Ed.), *First International Symposium on the Development of Public Administration in South East Europe*, 14-15 June 2007, Ljubljana, Slovenia. Ljubljana: Faculty of Administration.
- Vlaj, S. (2012a). The system of local self-government in Slovenia with a special emphasis on the status of the capital city Ljubljana. *Hrvatska i komparativna javna uprava* 12(3), 675–694. Retrieved in January, from http://en.iju.hr/ccpa/ccpa/downloads_files/02%20Vlaj.pdf.
- Vlaj, S. (2012b). Etična načela v lokalnem javnem življenju. In: Kečanović, B. (Ed.), *Javna etika in integriteta: odgovornost za skupne vrednote: integriteta, odgovornost, vladavina prava* (211–231). Ljubljana: Komisija za preprečevanje korupcije.

POVZETEK

ODNOS MED ŽUPANOM IN PODŽUPANOM V SLOVENSKEM SISTEMU LOKALNE SAMOUPRAVE

Ključne besede: župan, podžupan, odnos, kompetence, občine, Slovenija

V slovenskem sistemu lokalne samouprave imamo dva poglobitna občinska organa, to sta občinski svet in župan, poleg njiju pa v občinah deluje še nadzorni odbor. Občinski svet je zakonodajno telo, medtem ko župan predstavlja vrh izvršilne veje lokalne oblasti. Na podlagi teorij in/ali empiričnih izkustev se že vrsto let se pojavljajo različne tipologije sistemov lokalnih samouprav, ki se ukvarjajo s horizontalno delitvijo moči v lokalnih skupnostih, torej z razmerji med lokalnim svetom, županom in izvršilnimi uradniki. Tudi Mouritzen in Svava sta oblikovala tipologijo sistemov lokalnih samouprav, usmerjeno na horizontalno delitev moči. Pri oblikovanju modelov je njuno razmišljanje temeljilo na hipotezi, da strukturne značilnosti občinske uprave v neki državi odražajo ravnovesje ali kompromis med tremi organizacijskimi načeli, in sicer med (1) vladanjem ljudstva (nestrokovne javnosti), (2) političnim vodstvom in (3) strokovnostjo. Kljub temu, da Mouritzen in Svava upoštevata vsa tri organizacijska načela, postavljata politično vodstvo kot izhodišče za razvoj tipologije. Temeljno vprašanje je namreč, kako se politična moč pridobiva, vzdržuje/ohranja, izvaja in deli. Politična moč je odvisna od stopnje nadzora političnega akterja – bodisi ene osebe bodisi kolektivnega organa – na dveh prizoriščih. Prvič, v kolikšni meri nadzoruje ena oseba ali več političnih akterjev občinski svet in drugič, v kolikšni meri eden ali več političnih akterjev nadzoruje izvrševanje nalog. Formalna struktura nam lahko odgovori na zastavljeni vprašanji, vendar avtorja opozarjata, da so (vsaj tako ali pa še bolj) pomembna vzpostavljena neformalna pravila in norme v določenih občinskih organih. Mouritzen in Svava sta torej proučevala globino spajanja in mešanja uprave in politike, saj sta analizirala, kako politični in upravni voditelji vplivajo drug na drugega ter kako se dopolnjujejo. Na podlagi analize sta izoblikovala štiri idealne modele vladanja na lokalni ravni, in sicer model močnega župana, model vodje odbora, model kolektivnega telesa, model lokalni svet – menedžer.

Teoretsko izhodišče prispevka predstavlja model močnega župana, ki upošteva, da ima izvoljeni predstavnik ljudstva veliko večino (ali pa celo vso) izvršilne oblasti ter da prosto izbira, razrešuje in zaposluje ne samo najvišjega javnega uslužbenca, ki je tako povsem podrejen županu; ampak lahko tudi imenuje še druge politične svetovalce, ki mu pomagajo pri opravljanju njegovih funkcij. Izbrani model smo aplicirali na Slovenijo in analizirali odnos med županom in podžupanom kot političnim svetovalcem. V prispevku nas zlasti zanima razmerje med omenjenima akterjema v povezavi z delitvijo njunih pristojnosti in funkcij. Poleg tega smo na podlagi empiričnih podatkov analizirali stališča

županov in podžupanov do instituta podžupana ter preverjali domnevo, da aktualni normativni okvir glede načina izbire podžupana ni ustrezen.

S pomočjo analize zakonodaje, objektivnih podatkov in podatkov izvedene empirične raziskave smo ugotovili, da lahko župan samostojno, ne samo imenuje podžupana/e, ampak lahko na njega/njih svobodno in brez potrebnega posvetovanja z drugimi občinskimi (ali državnimi) organi prenaša (ali pa ne) zadolžitve iz sklopa županovih pristojnosti. Tako se naloge in pristojnosti podžupanov med občinami precej razlikujejo. Še več, ugotovimo, da kljub temu, da je zakonodajalec predvidel, da ima vsaka občina najmanj enega podžupana, obstaja kar nekaj občin, ki delujejo v nasprotju z zakonom, saj župan ni imenoval niti enega podžupana.

Še posebej pa želimo izpostaviti – po našem mnenju – dokaj neustrezno zakonodajo glede samega imenovanja podžupana ter določitve pristojnosti tega akterja. Kot smo zapisali, podžupana avtonomno imenuje in razrešuje župan, zato bi bilo nujno potrebno razmisliti o drugačnem načinu izbire. Zakon določa najmanj enega podžupana, ne predvidi pa najvišjega števila podžupanov, kot tudi ne kriterijev, po katerih bi lahko imela občina več kot enega župana (če sploh). Avtorja zato predlagava premislek o drugačnih načinih izbire, kot sta na primer neposredna volitev podžupana s strani občanov (in izmed občanov) ali izvolitev podžupana s strani občinskega sveta. Trenutna zakonodaja je namreč preveč naklonjena utrjevanju pozicije in moči župana, saj lahko (in v večini primerov je tako) na mesto podžupana imenuje svoje pripadnike, ki ga v vseh pogledih (običajno nekritično) podpirajo.¹ Poleg primernejše ureditve izbire podžupana pa je treba jasno določiti tudi njegove pristojnosti, kajti natančneje so zadolžitve in odnosi definirani, manj je prostora za nejasnosti in možne sporne situacije.

Ob koncu prispevka smo želeli tudi opozoriti na splošno problematiko pooblaščenja podžupanov, saj se s tem izgublja legitimnost, ki jo volivci podelijo neposredno voljenemu, torej županu. Kako je potem z odgovornostjo? Ali je pooblaščenje za izvajanje določenih pristojnosti (glede na aktualno zakonodajo imenovanja podžupanov) sploh dopustno in sprejemljivo? Tudi s tega vidika je po našem mnenju analiziranje odnosa župan in podžupan ter premislek o morebitni spremembi zakonodaje še kako pomemben in ne nazadnje tudi nujen.

¹ Slednje naj podkrepimo s podatki iz letošnje raziskave med župani in podžupani, kjer kar 87 % županov in 90 % podžupanov meni, da trenutni način izbire podžupana ni primeren (Raziskava »Župani in podžupani«, 2012).