

# LOCAL SELF-GOVERNMENT IN SLOVENIA: ORGANISATIONAL ASPECTS

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## CHAPTER ONE

# ROLE AND POSITION OF THE MAYOR IN SLOVENIAN 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 & Kukovič, 2012: 125). 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: 392).<sup>1</sup> The right to vote and to be elected

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1 “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. 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

as mayor is thus 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

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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)

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: 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: 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 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,<sup>2</sup> 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;<sup>3</sup> on the other, he or she has an important function of proposing an array of decisions to the municipal council<sup>4</sup> and finally to oversee the lawfulness of the latter's operation<sup>5</sup> (Kaučič & Grad, 2008: 369–370).

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

3 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).

4 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.

5 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).



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 measures<sup>6</sup> (Prašnikar, 2000: 46).

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.

### **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

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6 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).

(and dismissed) by the mayor.<sup>7</sup> 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.<sup>8</sup>

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7 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).

8 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: 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: 273; Vlaj, 2012). 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.

Since the Local Self-Government 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 — 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-professionally<sup>9</sup> (this is true of all municipal councillors); however, the mayor has the choice of whether to perform their function professionally or non-professionally.<sup>10</sup> In unison with the mayor,

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9 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.

10 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).

the deputy-mayor may also opt for (non-)professional performance of their function (Brezovšek & Kukovič, 2012: 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.<sup>11</sup> 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.

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11 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.<sup>12</sup>

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 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)<sup>13</sup> deputy-mayor; in the remaining 7 municipalities,

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12 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.

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

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.

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).

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.<sup>14</sup> From among 114 mayors who participated in the survey, 100 (87.7 %) responded<sup>15</sup> that they had appointed (at least one) deputy-mayor;<sup>16</sup> 14 (12.3 %) mayors claimed they had appointed no deputy-mayors.<sup>17</sup>

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14 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 %).

15 Question: “Did you appoint the deputy-mayor?”. If “yes” the sub-question was: “How many?”; if “no” the sub-question was: “Why not?”.

16 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.

17 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.

As far as delegation<sup>18</sup> 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 is even somewhat higher (91.1 %).<sup>19</sup> Survey participants were further asked to tell us the approximate share of delegated powers;<sup>20</sup> 79 % of mayors and 46.2 % of deputy-mayors said this share was below 25 %.<sup>21</sup> 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.

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18 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.

19 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?*".

20 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*".

21 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 %.



Table 2: Competencies of the mayor delegated to the deputy-mayor (in %)

	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).

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).<sup>22</sup> 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

22 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".

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.<sup>23</sup> 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.<sup>24</sup> 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,

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23 Question: *"Does the municipality need the deputy-mayor?"*. If *"yes"* the sub-question was: *"How many?"*.

24 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 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).

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.<sup>25</sup>

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.<sup>26</sup> 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,<sup>27</sup> and 65 % of deputy-mayors said they were and agreed with the payment they were receiving,<sup>28</sup> which hardly comes as a surprise, as this represents extra income for them.<sup>29</sup>

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25 Question: *"Do you think that the deputy-mayor(s) should exercise its function: "professional"; "non-professional"; "depend on the (non-)professional status of the mayor"; "don't know".*

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

27 Question: *"Are you satisfied with the sum of remuneration you receive for your work?"*

28 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: 283).

29 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.

## **CHAPTER TWO**

### **ROLE AND POSITION OF THE MUNICIPAL COUNCIL IN SLOVENIAN LOCAL SELF-GOVERNMENT**

The central body of local self-government is the municipal council, which is the highest authority for decision-making on all matters within the scope of the rights and obligations of the municipality. It is elected at direct, general and free elections, by secret ballot cast by the inhabitants of the municipality, for a term of office lasting four years. Municipal council is elected at the general elections by the citizens of each municipality every four years; both one-round relative majority and proportional electoral systems in use, first in smaller municipalities (up to 3,000 inhabitants) and latter in all other municipalities, where both D'Hondt and Hare methods of seats allocation are used. A municipal council can have from seven to 45 members, depending on the total number of residents in the municipality. The competences of the municipal council include the following:

- adoption of the statute of the municipality, of municipal decrees and other municipal legal acts;
- adoption of spatial and other developmental plans of the municipality;
- the adoption of municipal budget and its balance sheet;

- appointment and dismissal of the members of the supervisory committee and members of commissions and committees of the municipal council;
- appointment and dismissal of representatives of the municipality in the advisory committee of the head of the administrative unit;
- decision-making on the acquisition and alienation of real estate and control over the performance of duties by the mayor, deputy-mayor(s) and the municipal administration – with regard to the implementation of decisions adopted by the municipal council (Local Self-Government Act, Article 29).

The most important act of general application adopted by the municipal council, is the statute that sets out the basic principles for the organization and functioning of the municipality, the creation and authorities of municipal bodies, the organization of the municipal administration and public services, the method of citizen participation in decision-making in the municipality and other issues of common concern in the municipality. The Statute is adopted by the municipal council by a two-thirds majority of all members. In addition to the Statute, the municipality governs matters within its competence, especially with the decrees and ordinances, rules and instructions. Otherwise, all general legal acts must be published in the Official Gazette and shall enter into force on the fifteenth day after its publication, unless otherwise specified therein. Some municipalities publish their rules in the Official Gazette of the Republic of Slovenia, some (or more municipalities together) regulations are published in their official journals (Local Self-Government Act, Article 64–66).

The municipal council may call a referendum on its own initiative about its own act or other decision, however it must call it if requested by at least five percent of voters in the municipality.

The decision on the referendum is adopted if it is voted by a majority of voters. The municipal council may hold a consultative referendum on the specific issues of particular interest from municipal authorities to establish the will of the public (Local Self-Government Act, Article 46). Otherwise, the law specifically addresses the scope of direct forms of citizen participation in decision-making - i.e. the citizens' assembly, referendum and people's initiative (Local Self-Government Act, Article 44).

The municipal council consists of 7 to 45 members (Local Self-Government Act, Article 38). The number of members of the municipal council provides the municipal statute, and because of the introduction of a new system of local self-government, the criteria or the number of members of the first municipal councils were established by law regarding the number of inhabitants in the municipality. Thus, a municipal council has the following number of members:

- 7–11 members in the municipality up to 3,000 inhabitants,
- 12–15 members in the municipality up to 5,000 inhabitants,
- 16–19 members in the municipality up to 10,000 inhabitants,
- 20–23 members in the municipality up to 15,000 inhabitants,
- 24–27 members in the municipality up to 20,000 inhabitants,
- 28–31 members in the municipality up to 30,000 inhabitants,
- 32–35 members in the municipality with more than 30,000 inhabitants,
- 36–45 members in the municipality with more than 100,000 inhabitants.

In the ethnically mixed municipalities where Italian and Hungarian national communities live, the national communities in the municipal councils have at least one representative. With the statute in these municipalities is determined a direct representation of ethnic communities in other bodies of the

municipality. These municipalities also set up a Commission for Ethnic Studies, in which half of the members of ethnic community have their members. The Local Self-Government Act in amendments adopted in 2002, stipulated that in 20 municipalities (listed in the law) are entitled to one representative of the Roma community in the municipality (Local Self-Government Act, Article 39).

The members of the representative body of the local community perform its function as an office, i.e. non-professional. This is followed by the Local Self-Government Act with its provision that municipal councilors perform their function unprofessionally. The previous regime did allow exemptions and the decision on the (un)professionalization of municipal councilors was left to the municipal statutes, but in practice it led to a variety of abuses. The Act provides some other questions regarding the position of member of the municipal council, particularly the incompatibility of functions with other functions and thus provides the function of a municipal councilor is incompatible with the office of the mayor, member of the Supervisory Board and the municipal employee in the municipal government. It is also not compatible with the position of the chief of administrative unit and head of internal organizational unit, also not with work in the public service workplaces where workers perform the authority related to the supervision of the legality or suitability and professionalism of the work of bodies of the municipality (Kaučič & Grad, 2008: 368).

The municipal council is elected by universal and equal suffrage by direct and secret ballot. The active right to vote, i.e. the right to vote, have voters (citizens of the Republic of Slovenia and foreigners) who have permanent residence in the municipality and are at least 18 years of age. The right to be elected



have only adult citizens of the Republic of Slovenia. Members of the municipal council are elected for four years. The term for members of the municipal council shall start with the expiration of the term of the previous Board members and lasts until the meeting of the new Council (Local Self-Government Act, Article 41).

In accordance with the Local Self-Government Act, the municipal council may be prematurely dissolved if:  
it does not implement the decisions of the Constitutional Court, which is imposed with constitutional and statutory compliance management;

- in the year for which the budget has not been adopted, but also for the coming year is not accepted in accordance with the present law and prepared the budget, which could come into force at the beginning of the year, or
- if in a particular calendar year after at least three times convening does not meet quorum at the meeting.

In the event of dissolution of the municipal council, the National Assembly may call early elections for the municipal council. If the municipal council is dissolved, the mayor performs essential functions of the municipal council at that time until the elections. The mayor must subject its decisions for approval to the newly elected municipal council as soon as they first meet.

The Act also regulates the termination of office of each member of the municipal council (in principle, the same reasoning applies to the termination of office of the mayor): if he loses the right to vote; if he becomes permanently incapable of performing his functions; if he is sentenced to a term of imprisonment of more than six months; if he does not cease his activities, which are not compatible with this feature or function occurs, which

is incompatible with that of member of the municipal council; if he resigns; if he dies. Member of the municipal council ends his term of office on the date when the municipal council finds that reasons for the termination of the mandate arose. In a proportional system of elections a member of the municipal council is replaced, when he ceases to hold office, by the next candidate from the same list of candidates (except when resigned in less than six months of the approval of the mandate - in this case, an alternative elections are called), the majority system is carried out by-elections for a member of the municipal council (Local Self-Government Act, Article 37a).

The Municipal Council governs its work with the Statute and Rules of Procedure (the latter is adopted by a two-thirds majority of members present at municipal council). The municipal council may adopt valid resolutions if present the majority of the members of the municipal council is present at the meeting, decisions are passed by a majority of votes of the members present. The mayor is not a member of the municipal council and therefore does not have the right to vote.

As a board body municipal council must have its chairperson, who leads his job. Under the previous regime, the council had a president, but also one or more vice-presidents. President and vice-presidents were voted by the municipal council, from among its members; in the current regime a function of the president and vice-presidents is abandoned and is performed by the mayor. The main reason for such an arrangement are troubles that in the past often emerged in the relationship between the municipal council and the mayor, so these functions are now related to each other. The municipal council therefore is represented by the mayor, who also convenes and chairs meetings of the municipal council. The mayor may authorize

the deputy mayor for keeping or another member of the municipal council. The mayor has to convene a meeting of the municipal council at least four times a year, he has to convene it (within 15 days) if requested by at least a quarter of the members of the council - if the meeting is not convened within 7 days after receipt of a written request, the members of the municipal council, which made the request, can convene it (Local Self-Government Act, Article 35).

In addition to all written, the law prescribes some other authorities, which must be appointed by a municipal council (such as the electoral commission, the commission for mandates, elections and appointments; headquarters of civil protection...), the municipal council may also appoint other commissions and committees as its working bodies (members are appointed from among the members of the municipal council, more than half of the citizens of the other, while the president must be a member of the municipal council), dealing with matters within the jurisdiction of the municipal council and impart opinion and suggestions. These are facultative bodies whose establishment and the number depends on the decisions of the municipal council in each specific municipality. Most common establishments in municipalities are: the committee for communal; board of finance; committee for environmental protection; committee on agriculture and forestry; committee for social activities; statute law commission, the commission for granting recognition, and more.

### **The relationship between mayor and municipal council**

Coalition are in the creation of various forms of local authorities - especially in Europe - relatively well known and common

phenomenon, it is all the more surprising that the formation of coalitions at the local level of authorities so far in scientific and technical sphere actually did not receive any more attention (Laver in Mellors & Pijnenburg, 1989: 15). Theoretical approaches to the study of coalitions and coalition formation are of course extremely common and wide-ranging at the national level, i.e. the forming of coalitions in the composition of the executive and legislative bodies at the state level. However, it is very interesting and certainly also important to study the formation of coalitions at the local level. Before analyzing the empirical data collected, let us look at some theoretical foundations that are linked to formation of coalitions.

Let's start with the basic concept, i.e. *a coalition*. Under this term we understand and handle each group of at least two political parties that connects with the aim to gain a majority of seats in the city or municipal council, thus acquiring control over the authority within a local community. *Coalition partner* is each agent (political party, independent party, individual), that continually supports a coalition in the representative body with all the voices that are available to it. Every agent in the representative body is either a member of the coalition or not, there is no medium way (at least according to the findings of coalition theories) (De Swaan, 1973: 143), in the real world, of course, these "intermediate" agents exist and are well known in the Slovenian political arena. These are the so-called "undecided" agents. The results of foreign studies on coalition integration at the local level show that it is still quite possible to clearly define the (non) members of the coalition and that the political parties within the coalition integration process aim at the creation of a majority coalition, particularly with those political parties that are close to the ideological connectivity, as well as similar commitment to resolve unresolved problems in

the municipality, as the coalition of minimum distance (Bäck, 2003: 443–450). Most of unidentified agents can be observed in the local communities where there is no established coalition, but operate on the principle of project participation. Coalitions can of course be formed at any time, but in most cases they will develop before or after the elections.

From the perspective of coalition-building in practice is the most popular so-called *winning coalition*. As the winning coalition is to treat as any coalition that controls enough votes to be a representative body within the reach of the majority. According to De Swaan (1973: 49–79): There are several types of winning coalitions:

- *Minority winning coalition* - each coalition, which controls less than half of the seats in the representative body, yet controls authority within a local community. This kind of coalition can only work if the opposition is divided and fragmented;
- *Majority winning coalition* - supervises the representative body for at least one vote more than half of all possible votes. Within this the most common type of coalition, there are several subtypes:
  - Minimum winning coalition (Von Neumann & Morgenstern, 1967) - includes all the political parties or other organized groups, such as is necessary to ensure a majority in the representative body; “value” of such a coalition is not increased by adding new coalition partners, as each new partner reduces the former partners the proportion of “their” already gained benefit, so partners will try to create such a coalition, which would include a minimum number of partners in order to achieve a majority in the representative body;
  - Minimum volume coalition (Riker, 1962) - includes the minimum number of political parties, who together have

minimized, but still a majority of number of votes in the representative body.<sup>30</sup>

- Minimum distance coalition (Leiserson, 1966; Axelrod, 1970) - previously considered types of coalitions are focused primarily on the number and range of coalition partners, while neglecting their mutual “compatibility”; the idea of a minimum distance coalition first presented Leiserson in his doctoral thesis (1966), when he assumed that political agents are seeking such coalition connections, in which expect to achieve at least a minimum range of goals set, but it is such a coalition, bringing together political agents with minimized ideological diversity. Minimum distance coalition is as a rule a winning coalition, but can also be formed before the elections with a clear objective (win the elections) and the consequent desire to takeover.

All three presented types of coalitions belong in a group of so-called minimum coalitions, in the real world, in addition to such coalitions there are a whole range of coalitions that are not a minimum range or distance. So this coalition, who have a so-called *redundant* coalition partner. Such coalitions do not occur

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30 In the literature, problems often arise in distinguishing minimal winning coalitions and coalition minimum size. Let us offer an example where the municipal council, which has 30 members, three political parties elected, the first *wi* has 8 municipal councilors, second *wj* has 9 municipal councilors, the third *wk* has 13 municipal councilors. All coalitions, which would have drawn two of the following political parties would be the minimum winning coalition. Just a coalition, made up of all three political parties would not be a minimal winning coalition, it would have a majority even without one of the coalition partners (that would be a too big of a coalition). Among the three minimal winning coalitions, the coalitions *wi* and *wj* are the ones that have the minimum number of councilors, but still a majority - it is a coalition of minimal size.

only in times of crisis (when it is often when large or national coalitions are formed), but very often even during periods of apparent normality. One of such coalitions is *excessive coalition* (De Swaan, 1973: 92). Excessive coalition is each coalition, which in the representative body controls more than two-thirds of the votes and could monitor the authority without one or more of the so-called *redundant* partners.

Otherwise, the agents operating in the process of coalition-building, in accordance with the classical theories have a double motive (Riker, 1962):

- to obtain a key political situation at the local level of authorities and / or
- have an impact on local policy.

In Slovenia, a key political function at the local level of authorities (mayor) is also elected feature, so the central motivation of the coalition networking is the desire for power, to govern, that is, to control and influence over the adoption and implementation of local policies.<sup>31</sup>

Theoretical research of coalition networking and coalition-building has evolved over recent decades in the context of two mutually independent and relatively different analytical traditions. The first is a tradition that most authors describe the «tradition of European policy», and this approach to the study of coalitions in the study of major topics in politics of (mostly) European countries resorting to the use of empirical data. In this research tradition,

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31 It is important to emphasize that the decision-making at the local level of authorities - at least for the local community - is just as important as at the national level.

the style of theoretical approach is primarily inductive in nature, the purpose of this approach is to identify useful and interesting generalizations of coalition integration and design based on a systematic analysis of data derived from the actual board or the actual coalition formation in different countries. Examples of applications of this approach can be traced in the works of Axelrod (1970), Dodd (1976), Budge and Herman (1978), Paranjoy (2004) and many other authors. All of the above works are explicitly theoretical because they are dealing with general explanations for the formulation of certain coalitions and distribution of power between the components of these coalitions. At the same time the work of these authors are set relatively empirical in the sense that they are pre-theoretical premise «tested» with empirical data from different (European) countries.

Other tradition of studying coalitions and coalition integration is the so-called «tradition of game theory», which sees the process of coalition-building as a specific type of social interaction which compels the agents (political parties or their representatives) to negotiate. Without excellent mastery of the process, the «game» cannot be «won». The tradition of game theory is based on the deduction, as it seeks to form a coalition formation models based on a priori defined sets of assumptions about the negotiating positions of individual agents. Examples of application of such research traditions can be found in the works of Riker (1962), Grofman (1982), Schofield and Laver (1990) and many others. These works are theoretically conceived and largely abstract and so useful in different situations.<sup>32</sup> The key dynamics of these theories are not

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32 For example, a coalition in various companies, in the cartels, coalitions of states in international organizations and, of course, a coalition of political parties in the designing and conducting governments.



derived from their testing based on actual empirical data from different European countries, but from their own internal logic.

Both research traditions, of course, face similar problems; one of the most common is the lack of useful empirical data, in particular on the process of creating a certain type of coalition in specific, well-defined national environment. In addition, the differences between countries are so great that any theory is often tested within a single specific national environment. This in turn means that even very similar or even the same kinds of coalitions cannot be compared with each other crosswise and without a solid, methodologically reasoned argument. This kind of limited research area of researching coalitions at the national level raises some pretty exciting possibilities for the study of coalitions and coalition formation at the level of local self-government. Coalition at a local level of authorities are unlike those at the national level with a research perspective, *terra incognita*. The existence of a large number of coalition communications in many different local environments, within a single country and between the same political forces, all of this actually gives the researcher the possibility to produce sophisticated empirical analysis, as the key factors to study the system (regulatory environment, agents) are constant (Haček et al., 2008: 151–152).

In all of this, of course, it is necessary to first define some key concepts that enable a more precise empirical analysis of the coalition networking and coalition-building at the local level of authority in Slovenia. While it is probably perfectly clear definition of authorities at the national level,<sup>33</sup> the definition of power

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33 In European countries, we have parliamentary democracies and the emergence of the so-called cabinet governments.

at the local level - especially in some countries - is more difficult. Executive branch of government at the local level of authorities often represents the career bureaucracy (local administration), which in some countries (including Slovenia) is indirectly impending (directly or indirectly) by elected executive body of local self-government (mayor). Between various units of local self-government (at the same level, for example, municipal) can be noted major differences in the scope and competence of such local administration. In Slovenia in terms of size and financial strength of individual municipalities in theory between these municipalities - which, of course, legally speaking, can be fully equivalent - can be expected major differences in the personnel composition, organization, and training and education structure of municipal administrations. The legislative branch of local self-governing communities is most often represented by the elected local politicians, who hold their office professionally.

In most countries, at the local level of authorities cannot be found a functional or a constitutional equivalent to government and ministers at the national level. Nevertheless, some working bodies and their chairmen at the local level have a relatively large impact on a specific area of local policies. This kind of lack of a clear local equivalent of the national government raises interesting theoretical problems in at least two stages: in the most general rate we need to predict as clearly as possible the motivational factors of the different agents in the process of coalition-building; then we must anticipate in which political space, and with what aim or purpose will the «local» coalitions be established.

Riker (1962) takes the view that agents operating in the process of coalition-building, in accordance with the classical theory have a double motive, to obtain a key political situation at the local level of authorities and/or to have an impact on local policies.

In Slovenia is a key political function at the local level of authorities (mayor) also the elected feature, so the central motivation of the coalition networking is the desire for power, to govern, that is, to control and influence over the adoption and implementation of local policies.<sup>34</sup>

A question is increasingly arising among experts as to how the integration runs between on the one hand, non-partisan candidates, who are recently gaining a majority of mayors and candidates for the municipal council, and parties on the other. At the same time we must not forget the key factors that affect the design and operation of coalitions in a local environment. These factors are at least seven (Mellors in Mellors & Pijnenburg, 1989: 7):

- *institutional rules* (the responsibility of the executive body, the design process of the executive body, electoral periods, the relationship between the executive authorities and legislative bodies); regulatory barriers and competences, political status (authorities in relation to policy-making, financial autonomy);
- *local historical political tradition* (past experiences, conflicts and cooperation (between both political parties and their leaders at the national as well as at the local level of authorities); evolution of political parties at the local level, changes in support of a political party, past patterns of party management);
- *motivational factors* (acquisition of functions / influence over policies, the nature of authorities at the local level, ideological and personal compatibility, short, medium and long-term strategies);

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34 It is important to emphasize that the decision-making at the local level of authorities - at least for the local community - is just as important as at the national level.

- *vertical and horizontal factors* (compatibility and/or conflict in roles and negotiation styles of party agents, ideological space between the political parties, the degree to which the local party politics is “nationalized”);
- *internal party environment* (degree of control over the local committees, the level of local party activism, the question of whether political parties at the national level have a strategy to operate at the local level and/or to see local level primarily as a “laboratory” for the future national coalition operation; interests of elected political functionaries in the local and national arena);
- *socio-political factors* (degree of party politicization, the nature of the local economy, urban or rural environment, presence of national elections, the emergence of new parties, or strong non-partisan movements, voter turnout, personalities of local leaders);
- *external factors* (the influence of the local administrative apparatus, the perception of the local media, various important local events).

Significant advantage of studying coalition integration and coalitions at the national level of authorities is relative simplicity. This kind of coalition is usually easy to identify because their design and the division of areas of responsibility and functions is relatively well known in public. The coalition agreements are mostly available to the public, making it easy to monitor the achievement of the objectives of the coalition and certainly also facilitate the evaluation of its operation. In the case of transfer of the research efforts at the local level, however, things are not so simple. Problems already arise when we try to define the coalition agreement. At the national level, the coalition agreement is passed with the objective of creating executive body (government) and to provide political support to this body in the legislative body. At the local level of

authorities, the executive body is directly elected by direct popular vote rather than indirectly through the legislative body, which means that the act of election therefore does not necessarily require the coalition agreement to be concluded. However, in some local communities even before the elections conclude various types of coalition agreements covering the whole spectrum - from statements of support for a particular candidate to serious coalition alliances, which are binding in the event of the victory of a particular candidate, and it will obviously bring a certain degree of support to the legislative body of the local community.

Even more common is of course the conclusion of the coalition alliances after the elections, when the results and the balance of power between individual (political) agents are already known. At this point, the dominant motive becomes the desire to have an elected candidate (irrespective of their party affiliation) to ensure majority support in the legislative body of the local community; so the key motive is to gain influence in local politics. Based on what was written can therefore be seen that the space of coalition formation at the local level of authority (as opposed to national) moves from the executive branch to the legislative branch, which is (1) partly due to the obvious fact that at the local level, there is no equivalent for the cabinet government at the national level; (2) partly due to the relative weakness of the (party) regimes at the local level of authorities; (3) partly due to specific national institutional arrangements, such as the Slovenian legislation with a directly elected mayor who much more than the coalition support for the *election seeks* and needs the coalition support for *governing* and implementation of (set) policies.

In order to understand the behavior and actions of the coalition at the local level of authorities, it is also necessary to define the institutional and political rules that determine the frameworks that

have a crucial impact on the process of building, designing and operation of coalitions and an indirect impact on the objectives of the key agents in this «game». By that the system of local elections is key which in most European countries on the one hand relies heavily on the system of parliamentary elections, and on the other hand on the system of local self-government. Slovenia is no exception. Many features of the parliamentary elections are simply transferred to the system of local elections; in particular for those relating to organizational, procedural and technical aspect of elections. The system of local elections is arranging the governing elections for various bodies of local self-government - in addition to the elections to the municipal councils where the Local Elections Act governs the elections of mayors (mayor in all Slovenian municipalities is elected after two-round of absolute majority election system) and the elections in district, village and urban communities. The very concept of local elections is therefore quite broad and indicates all kinds of elections to bodies of local communities. The fundamental principles for the elections of representative bodies, such as immediacy, universality and equality of suffrage and secrecy of vote, apply at the local level. Within the system of elections to municipal councils shall apply two each completely different electoral systems. *Majority voting system* shall be used only in municipalities with fewer members of the municipal council, i.e. municipalities, in which the municipal council has 12 members or less. It is a single-ballot relative majority election system, which allows a greater chance of entry into force of individuals and gives less political space to parties, which also makes easier non-partisan election of candidates. Such a system is more convenient for local self-government, which is particularly true for smaller municipalities in which the consciousness of the population belonging to the municipality is stronger and where the impact of each voter is more meaningful. In the majority election is voted for individual candidates. Voters may vote a maximum of as many

candidates as far as the members of the municipal council is elected in his constituency. The condition for the election is the relative majority, which means that the candidate is elected who received the most votes (in one-mandate constituency) or those candidates who received the most votes (in multi-mandate constituencies). In municipalities with a greater number of members of the municipal council and in the city municipalities *proportional electoral system is the use*, which involves the ballot voting. In a proportional system of elections, the municipality can only be one constituency (in most cases can be divided into several constituencies), in which mandates are distributed according to d'Hondt system, which is - if the municipality is divided into several constituencies - combined with simple ratio formula, according to which the mandates are distributed in the constituencies. From the list of candidates is elected as many candidates as the list got mandates. It is in accordance with the principles of local self-government guaranteed a certain degree of influence of voters on selection of persons. The degree of influence of voters to choose persons is ensured by preferential voting. Based on the experience with so far undertaken local elections, we can see that the influence of an individual voter on personnel composition of the representative body could be bigger, this is particularly true for the municipalities in which they use proportional electoral system.

Besides all this, we asked ourselves whether the slight and fragile «agreements», which seem to be among the various agents at local level of authorities are even more common than formal, transparent and written coalition agreements, may be regarded as coalition agreements. And whether it is in this case the coalition networking or perhaps yet another form of integration. Differences between coalitions at national and at local level of authority concern both the nature of the agents as well as the nature of their objectives (Mellors in Mellors & Pijnenburg, 1989: 12).

At the national level, the agents in the process of coalition-building are in most cases political parties; they are definitely fewer at the local level, where in addition to political parties occurs in a multitude of other agents from different civil society organizations, pressure groups to more or less independent candidates and candidates of groups of voters. At the local level, territorial areas are still present where political parties play a less important role or which they may not even exist; local politics is then often «going on» in a more intimate, less formal atmosphere in which local political leaders and their personalities in the process of coalition-building are often more important than partisan identification rules (Haček et al., 2008: 155).

On the formation of coalitions at the local level, therefore, has very much influenced by both the institutional framework established by state institutions (electoral system, the degree of financial autonomy, legal responsibilities, limitations and other jurisdictions), as well as centers of political parties that prefer or exclude the possibility of cooperation with specific political parties and / or other agents at national level, and these preferences reflect well on the local level.

What is the actual state of coalitions and coalition integration in Slovenian municipalities? Analysis of coalition integration at the local level shows that actually the most often is non-integration and project cooperation, which means that councilors are voting for each and every case, that are not mutually agreed on individual decisions with regard to party affiliation and they are driven primarily by local and not party interests. In addition to the latter's, the analysis shows an increase of the majority coalitions, from 34 % in the term 1998–2002 to 38 % in the term 2002–2006, and to 47 % in the term 2006–2010. At least represented form of coalition integration is (still) a minority coalition, because it declined



from the original 8 % in the term 1998–2002 to only 5 % in the term 2006–2010. In an analysis of data on party affiliation of mayors and coalition integration at the local level first we recall that in recent years the trend appears of growing non-partisan candidates (see Kukovič & Haček, 2011). Thus, we find that the term 2006–2010, in 56 % of municipalities where they had a non-partisan mayor, councilors were not associated or their participation was projectile (37 % of majority coalition and 7 % of minority coalition); slightly different trend has occurred in the municipalities where the mayor was politically defined. In municipalities with a center-left mayors were in the term 2006–2010, 64 % formed a majority coalition (29 % of project cooperation, minority coalition 7 %); in municipalities with a center-right mayor was in 51 % (45 % of project cooperation; minority coalition 1 %).

Just to mention further details on the size of municipalities and coalition integration in the term 2006–2010, we see that the project cooperation is more frequent in smaller municipalities (55 % in municipalities with up to 2,000 inhabitants, 57 % in municipalities with 2,001 to 5,000 inhabitants); while in the larger municipalities, most present form is integration in the majority coalition (59 % in municipalities from 5,001 to 10,000 inhabitants, 52 % in municipalities with 10,001 to 20,000 inhabitants and 64 % in municipalities with over 20,000 inhabitants) (Research Project “Coalition connections and relationships between the executive and the legislature authority in the municipality”, 2010).

Moreover, the mayors of the municipalities in which the municipal council formed a kind of coalition, think<sup>35</sup> that work well to-

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35 The survey was conducted at the Centre for the study of administrative-political processes and institutions, Faculty of Social Sciences, in February 2012 between

gether with this coalition,<sup>36</sup> that the majority of municipal councils they run usually does not inhibit the development orientation of the community (82.2 % of the participating mayors) and that the vast majority of the municipal council does not reject the mayor's proposals (94.7 % of mayors said less than a quarter of the proposed is rejected). That the division of powers between the mayor and the municipal council in the current legislation is appropriate, is the opinion of 57 % of mayors; 47.6 % of mayors also agrees that authority with the greatest impact in the municipality should be just the mayor.<sup>37</sup> Perhaps somewhat surprising is only indication of the rarity of communication between mayors and municipal councilors; only 12.4 % of mayors has contact with municipal councilors at least once a week (of which 7.1 % several times a week), but it is still quite often compared with 42.5 % of mayors who have contacts with the councilor only once a month (Research Project "Mayors and deputy mayors", 2012).

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mayors and the deputy mayors of Slovenian municipalities (the study included 200 mayors and 262 deputy mayors; 11 mayors were excluded from the study as they were elected in December 2011 in the parliamentary elections, and the feature of mayor stopped by that, substitute elections for mayor were carried out in March 2012). We received 114 completed questionnaires from mayors (57 %) and 123 completed questionnaires from deputy mayors (47 %).

36 Question Q16: *"Please rate on the scale at the bottom (score where 0 means that the cooperation is indeed very poor and score 10 indicates excellent cooperation) your cooperation with the ruling coalition in the municipal council."* The average score from 55 responses was 8.56 with a standard deviation of 1.63.

37 In the second place with 44.8 % is the municipal council, in the third, with only 3.8 % are the citizens.

## CHAPTER THREE

### SUPERVISORY COUNCIL IN SLOVENIAN MUNICIPALITY

The legality of municipal bodies is controlled by state authorities in matters which are transferred to the municipality by the government, but state authorities also carry out the supervision of the suitability and professionalism of their work. State control over the work of local authorities is enforced by the government and Ministry (Local Self-Government Act, Article 88). By law, the supervisory council is the highest authority of control over public spending in the municipality. The Supervisory Council:

- supervises the disposition of the assets of the municipality,
- controls the targeting and efficiency of budget spending,
- supervises the financial operations of users of the budget.

Monitoring includes the determination of the legality and regularity of operations of municipal authorities and organizations who are consumers of the municipal budget, and evaluating the effectiveness and efficiency of municipal spending of budget funds. The Supervisory Council has to make a report on its findings, evaluations and opinions with recommendations and suggestions. The municipal council, the mayor and users are obliged

to address the report and take into account the recommendations and suggestions.

The Supervisory Council is independent and autonomous body of the municipality, which may not be under the influence of the mayor or the municipal council. Independence and autonomy give it an important role, which is also characteristic of the internal auditors of the municipality. The legal basis determining the operation of the Supervisory Council, are the provisions of the Local Self-Government Act, municipal statute and rules of procedure of the Supervisory Council. Activities of the Supervisory Council is specified in the statute of the municipality, which provides, inter alia:

- Supervisory Council,
- tasks,
- procedures and working methods,
- obligations and rights of municipal authorities in connection with the work of the Supervisory Council,
- obligations and rights of municipal authorities in connection with recommendations and proposals of the Supervisory Council,
- release of the Supervisory Council.

The Local Self-Government Act also defines that the Supervisory Council in accordance with the statute shall adopt its rules of procedure which shall, inter alia, define what a serious breach of the rules and irregularities in the operations of the municipality is. The Local Self-Government Act determines that the Supervisory Council, when it finds a serious violation or irregularity in the operations of the municipality, must inform about these objections the competent ministry and the Court of Auditors within 15 days (Local Self-Government Act, Article 32). It is therefore particularly important that a serious breach of the rules and

irregularities in the operations of the municipality are clearly defined in the Rules of Procedure of the Supervisory Council.

With a responsible and successful implementation of the legally envisaged role, the Supervisory Council can be an important contribution to ensuring the correctness and expedience of public consumption in the municipality. By implementing controls, reporting on its findings and recommendations it directly contributes to the regularity and expedience of budget spending. Due to its warnings to ministry in charge and the Court of Auditors in respect of any serious violation of law or irregularities in the operations of the municipality is its role as guardian of ensuring regularities and expedience in the municipality of additional importance. The Court of Auditors of the Republic of Slovenia, according to Article 25 of the Law on the Court of Auditors during the annual audit planning, is obliged to consider the proposals of local authorities, but due to its limitations they cannot be taken into account when planning the annual audits. The findings of the Supervisory Council can guide the planning of the work of internal auditors in the municipalities.

Members of the Supervisory Council are appointed by the municipal council. Members of the Supervisory Council therefore cannot be members of the municipal council, the mayor, deputy mayor, members of boards in selected parts of the municipality, the secretary of the municipality, local government workers, members of the management organizations that are users of the budget (Local Self-Government Act, Article 32a). The Court of Auditors of the Republic of Slovenia, which audited the performance of supervisory boards in twenty municipalities between 2003 and 2004, inter alia, found out that municipal statutes of some revised municipalities do not impose the required level and direction of education for members of the Supervisory Council

or the level was set too low (level 5), which may jeopardize the appointment of a professional and effective supervisory board. According to the Court of Auditors, municipalities should strive to the fact that the members of the SC have to have a higher level of education, but the direction of education and experience should be directed towards ensuring the legal, economic and technical direction. Regarding the procedure for nomination of candidates for members of the Supervisory Council, the Court of Auditors finds that the statutes of most revised municipalities require that the list of candidates for members of the Supervisory Council is determined and submitted to the municipal council by Commission on Mandates, elections and appointments, which proposes only as many candidates as there are members of the Supervisory Council. The Court of Auditors therefore suggests that the municipalities provide public candidacy procedure for appointing the members of the Supervisory Council as well as the ability for candidates to be nominated by natural and legal persons in the municipality. This will make possible a wider range of candidates and thus a greater choice for the appointment of members of the Supervisory Council (Court of Auditors of the Republic of Slovenia, 2005).

Members of the Supervisory Council do their job as amateur, to provide technical and administrative assistance to the Supervisory Council are the mayor and the municipal administration responsible by the law. Individual specific technical tasks of control can be performed by an expert, appointed on a proposal by the municipal council for the Supervisory Council.

In defining the tasks of the Supervisory Council, the municipal councils should consider the fact that the Supervisory Council is an amateur authority of the municipality, so the tasks set out in the statute should not be set too large and too demanding

technically. In addition, the Supervisory Council as the highest authority of control of public consumption in the municipality has a legally guaranteed independence and autonomy in its work, so its task should not be subjected to the requirements laid down by the statute, adopted by the municipal council.

According to the Court of Auditors, advisory role of the Supervisory Council is not provided between the authorities of the Supervisory Council under the Local Self-Government Act and is not compatible with the supervisory role of the Supervisory Council, as the one involved in the adoption and implementation of the decision cannot participate in the monitoring of these decisions. The advisory function is assigned to the internal auditors by the Finance Act (Public Finance Act, Article 100).

In accordance with the statute of the municipality and the rules of procedure of the Supervisory Council, the Supervisory Council passes an annual work program, setting out its tasks. The annual work program of the Supervisory Council should include at least the controlled entity (municipality, the selected part of the municipality, indirect users of the municipal budget), the subject and scope of the review (content and time period of control), control objectives (express an opinion on the correctness or expedience of performance of controlled entities) and the persons who will carry out the supervision and expected time consumption.

Definition of the implementation of the control of the Supervisory Council is legally relevant to the work of the Supervisory Council, as it determines which steps can and should the Supervisory Council do. A well-defined process of control ensures the smooth functioning of the Supervisory Council and the protection of the rights of all who are involved in the process

of control. Nevertheless, procedures and working methods of the Supervisory Council may not be set in too much detail, because the implementation of control of a specified procedure represses creativity and is time demanding.

According to the Court of Auditors of the Republic of Slovenia (2005) should decrees of liability in connection with the work of the Supervisory Board in the statutes include the following:

- determine the manner in which the mayor and municipal council discuss the report of the Supervisory Committee (for example, required reading at the meeting of the municipal council),
- determine the manner in which the authorities of other regulated entities consider the reports of the Supervisory Board,
- set a deadline for consideration of the report,
- foresee the possibilities or obligations to examine the irregularities found by the Monitoring Committee examined by the internal auditor of the county,
- prescribe a written response of authorities of the regulated entities to report to the Supervisory Board in terms of acceptance or non-acceptance of the findings and recommendations of the Supervisory Board,
- prescribe monitoring and documenting of corrective actions.

Given the fact that the Supervisory Council is the highest authority of control over public consumption in the municipality, it is necessary to provide unconditional compliance with the recommendations and proposals of the Supervisory Council in all controlled entities. The Supervisory Council is an amateur body whose members do not always have suitable and adequate expertise and experience in public finance (especially for small municipalities), so in the supervision of the supervisory authority must ensure the involvement of professional bodies, such as



municipal administration, the ministry in charge or other professionals that will help members of the Supervisory Council in formulating their opinions with recommendations and suggestions for improvement.

The Supervisory Council's work is public by the Local Self-Government Act. In its work, the Supervisory Council is obliged to protect personal data and state, official and trade secrets that are so defined by law, other regulations or acts of the municipal council and organizations of users of budgetary resources, while respecting the dignity, reputation and integrity of individuals (Local Self-Government Act, Article 32, fifth paragraph).



## **CHAPTER FOUR**

### **MUNICIPAL ADMINISTRATION IN SLOVENIAN MUNICIPALITY**

In addition to authorities, in the municipality also operates a municipal administration which performs the duties of administrative, technical, accelerating and developmental type, based on the provision of public services of municipal jurisdiction. In its jurisdiction is the implementation of the decisions of the mayor and municipal council and the preparation of expert bases for their decisions. Municipal administration is set up by the municipal council on the mayor's proposal by a general act whose task is also to determine the tasks and internal management of organization. Its representative, according to our law, is the mayor who determines the systematization of jobs and decides on the conclusion of employment in municipal administration. The mayor of the municipal administration directs and supervises and the director of municipal administration is responsible for organizing and coordinating the tasks of the municipality or for the management of municipal administration. Municipal administration of each municipality is an administration itself, it is organized differently and has its own task of activity, which is written in the statute of the municipality. Municipal administrations are

organized differently depending on the size of the municipalities, because in the smaller municipalities municipal administration cannot be organized through the departmental principle (for smaller municipalities is expedient to organize just a few governing bodies: the office of the mayor, the authority for public utility services, the authority for public social services, tax office and the necessary auxiliary services), which is possible to do in the larger municipalities. Thus, the municipal administration of smaller municipalities are organized as a unified body, but the bigger have developed several administrative bodies or departments - divided into municipal administration based on the departmental principle.

*Unified municipal administration*, which performs all the functions of the municipality, is facing problems because one person cannot be or is very difficult to be an expert in several areas, in a municipality, despite its small size there occur many diverse problems which are also dealt with in bigger municipalities. For solving these problems, we need professionals in various fields (e.g. finance, economy, road setting, education...). In addition, a problem of such administrations also presents the quantity of work and tasks, which a small handful of people can hardly accomplish. Besides all this, it is necessary to distinguish between administrative bodies and internal organizational units. Unified municipal administration can consist of several offices, departments, sections..., which are internal organizational units and not administrative authorities. This means that (despite several offices) the municipal administration is still uniform, since these offices within the administration are not hierarchically divided - it is only for the internal organization of work. Uniformity is also reflected in the management of administrative proceedings, where the administration (or its department if it has been approved by the director of municipal administration) is body of first instance,

which issues a decision; mayor is of second instance, to whom you can complain on this decision, if he does not suit us. It is a horizontal organization which - especially with numerous administrations - means easier and more efficient work.

As noted, on the other hand larger municipalities have a municipal administration actually organized by the departmental principle and have developed one or more governing bodies - *divided municipal administration*. Their number and diversification depend on the size of the municipality. In these smaller municipalities there are only three or four administrative bodies - the mayor's office, the authority for public utility service (public utilities), the tax office and the necessary auxiliary services. For example, office, department or unit of social activities have to perform duties in the field of education, health, culture and cultural heritage, sport and physical culture, information activities and social protection; the Finance Office carries out tasks in the field of municipal finance, therefore manages the money and the like (Vlaj, 1998: 282; Pirnat, 1995: 32).

The municipal administration shall supervise the implementation of municipal regulations and other acts regulating municipal jurisdiction. For this can a municipal administration set up a municipal inspection, which has the same powers as the inspection at the state level. The municipal administration shall decide on administrative matters in the first instance, against its decisions is allowed an appeal to the mayor. Against final administrative decisions of the mayor is scheduled an administrative dispute on which is decided by the Administrative Tribunal (Local Self-Government Act, Article 49 & 50a).

Each municipal administration should be at least as an independent to be able to assert its professional independence.

Each municipality is required to have a section for performing professional duties - for the municipal council, the mayor, the Supervisory Council and of course for the citizens. Employees of the municipal administration must be experts in administrative, legal, economic, technical and constructional and other fields (Prašnikar, 2000: 47).

The municipal legislation may provide that for the pursuit of administrative functions from the original jurisdiction of the municipality can be granted a public authority to a public enterprise, public institution, public agency, public fund, another legal person or individual, if thereby enabling more efficient and expedient performance of tasks especially if it is wholly or substantially financed by the users. If the noted provision allows for the acquisition of a public authority can run several legal entities or individuals, the choice is made after an open competition. In the execution of public authorities, the holders of this authority have rights and duties of the municipal administration. Upon the removal of an official holder of public authority is decided by the mayor (Local Self-Government Act, Article 50b).

Two or more municipalities may decide to set up one or several bodies of authority of joint municipal administration or common services of municipalities to perform certain tasks. Decision upon that is passed by the municipal councils and the amount of funds for the work of the authority is provided by individual municipalities depending on the number of inhabitants. Body of authority of joint municipal administration is managed by the superior, who is appointed and dismissed by mayors of municipalities who have set up such a body (Local Self-Government Act, Article 49a). Assets and other material conditions for performing the duties of the municipal administration are provided by municipalities in the ratio of population

of each municipality and the total number of inhabitants of the municipality, for which they are carried out, unless a decree specified otherwise. However, this should be noted that the joint municipal administration bring with them some practical problems, from financing and organization to the relationship of these bodies to the authorities of each municipality. Despite these difficulties for small municipalities, common joint administrative authorities are an expedient decision. Such a solution is familiar to Austrian and German legislation (administrative communes, consortia of municipalities), as well as French (the union of municipalities) (Vlaj, 1998: 282–283; Pirnat, 1995: 32).

Municipal administration is therefore responsible for performing technical tasks and preparation of technical bases for the decisions of the mayor and the municipal council. We have found that in the functioning of the municipality comes to the inevitable interactions between public servants and political officials; we are curious what (administrative and political) relations have developed between them. Since the Local Self-Government Act specifies that the municipal administration is under the direct supervision and guidance of the director of municipal administration (therefore is also frequently in contact with political representatives, especially with the mayor), we are analyzing in detail also his statutory position.

### **The relationship between mayor and chief executive officer (CEO)**

Provisions of the Local Self-Government Act, which regulate the decision-making and management of municipal administration, are too general to enable a mutual normal, fair, and professional division of competences and responsibilities between the mayor and the CEO. The notion of the “head” has no clear definition

in the legislation, making unclear what it encompasses, thus resulting in numerous difficulties encountered by the actual management of municipal administrations. As a consequence, the distribution of competences pertaining to the management of administration between the mayor and the CEO is subject to gross variations. This distribution most frequently depends on the professional capacities of the holders of respective functions, on whether the mayor performs his/her function professionally or not, and not uncommonly, on the two actors' personal relations. One has to bear in mind that the success of municipal administration mostly depends on its senior professionals, since holders of political functions come and go, most often leaving the administration when they have acquired the necessary expert knowledge and skills of administrative management. The majority of drawbacks and confusions in managing the administration can be overcome simply by clear definition of the mayor and CEO's tasks, as well as through intensive education of the senior personnel (Prašnikar, 2000: 48–49).

Thus, the unclear relationship between the mayor and the CEO poses the greatest problem. Since legislative provisions are too vague, the definition of concrete substance of the terms *head of administration* and *direct management of administration* is urgently required within the limits of these provisions, as well as what the actual competences and responsibilities are, what the relationships between heads of different departments (sectors, units) and the CEO within the administration are, and what the proceedings and verifications of individual documents in various procedures (public tenders, preparations and the procedure of signing contracts, etc.) are. The more detailed the definition of these relationships, the fewer ambiguities and potentially conflicting situations (Prašnikar, 2000: 48). The mayor should hence de facto perform only the functions of decision-making,



directing, delegating, and controlling. The CEO should be entrusted with the managerial function, although this division is (often) very mild. The problem is that the role of civil servants is neither completely administrative nor entirely political. Case by case, differing policies provide for the mixing of politics and expertise, since the CEOs (must) often act politically, whereas the mayors are frequently faced with circumstances in which they are expected to show expertise.

Because of unclear relationships between mayors and CEOs and because of too vague legislative provisions on the concrete tasks of the latter, situations of confusion occur, which municipalities attempt to resolve in unique ways, most often with mayors authorising their CEOs.<sup>38</sup> Therefore, the role and power of CEOs in Slovenian municipalities vary, since certain CEOs tend to enjoy a far greater scope of powers conferred upon them by their respective mayors than do their counterparts in other municipalities. Of course, this (can) manifest(s) itself in the participation of the CEOs in the policy-making process, because some of them can participate in and influence the adoption of (political) decisions, whereas others only execute the already adopted decisions.

These theoretical bases have served as a foundation of our empirical research.<sup>39</sup> The interest of this research was in the mayor

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38 We emphasise the problem of democratic legitimacy, since the CEO is not elected by the voters/citizens but is appointed by the mayor. Authorisation of the CEO for the execution of tasks originally belonging to the scope of mayor's competences may also mean politicisation of the CEO's function.

39 Our Research Project "*Models of Structuring of Executive Branch of Power on Local Level*" was conducted by the Centre for the Analysis of Administrative-Political Processes and Institutions in spring 2011 and covered mayors and

as the apex of political power in the municipality on one hand, and in the CEO as the apex of the municipal administration on the other. Due to the fact that the survey respondents comprise two larger groups – by virtue of who they are – we divided them accordingly, so as to facilitate comparisons of formal roles and relationship(s) between holders of political function and senior civil servants within the local-level political process.

Our empirical survey covered relationships between mayors and CEOs that included the delegation<sup>40</sup> of execution of mayoral tasks to the CEO and mutual relationships. We primarily intended to establish the percentage of mayors that actually authorised their CEOs to execute tasks originally belonging to the scope of mayoral competence, and to see which tasks were delegated to the CEOs for execution. 82.5 % of mayors included in the survey said they had authorised their respective CEOs to execute at least one task that was otherwise within their own competence.<sup>41</sup> Even slightly higher (85 %) was the percentage of CEOs who said they had been authorised by their mayors in this manner. The comparison of the mayors and CEOs' responses regarding the type of task reveals that the majority of CEOs are authorised to carry out tasks concerning cooperation in project groups, the most demanding projects in municipalities, and the most difficult tasks of municipal administrations, especially covering public

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CEOs of Slovenian municipalities (the survey was conducted only in those municipalities that had the position of the CEO – 191 out of 210 municipalities). Survey response rates were good, as 100 CEOs (52.4 %) and 80 mayors (41.8 %) took part in the survey.

40 The term “delegation” is used in the sense that the mayor transfers his/her tasks and responsibilities to the CEO (only) for the execution/implementation.

41 Question: “Does the mayor authorize the CEO to perform the tasks within mayor’s competence?” If “yes” the secondary question was “What are these tasks?”.

procurements and tenders. The fewest CEOs are authorised to perform the tasks of civil defence, relief and fire safety, as well as other tasks related to municipalities' defence plans and other tasks in the field of defence.<sup>42</sup>

Considering the significant percentage of mayors who had delegated at least part of their powers to the CEOs, we were somewhat surprised by the data referring to their mutual relationships. Namely, 72.2 % of the CEOs chose the answer "*I am subordinated*", which corresponds to the opinion of mayors, of whom 84.4 % said they were the superiors.<sup>43</sup> We can conclude that the mayors – even when they authorise their CEOs for the execution of tasks that are otherwise within their own jurisdiction – remain aware of their superior position in relation to the CEOs; the same is true vice-versa: despite having powers of executing certain tasks on mayors' behalf, the CEOs are still aware of their inferior position.

When ascertaining the (non-)cooperation between mayors and CEOs, we used the laws of teamwork.<sup>44</sup> On the basis of principles

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42 According to the data provided by mayors who participated in the survey (N=79), 85.2 % of the mayors who perform their function professionally and 80 % of those who perform their function non-professionally have authorised their CEOs for the execution of at least one of their own competences. This leads us to conclude that the (non-)professional mode of mayors' service in the office has no influence on the rates of authorisation of CEOs.

43 Question: "*In what position are you with the CEO (or with the mayor in the case of CEO) in sense of division of tasks and responsibilities?*". There were three available answers: "*I am subordinated*"; "*I am equal*" and "*I am superior*".

44 According to Armstrong (1994), the characteristics of a good team are the following: (1) cohesion: members of a group always act in unison towards the external environment; (2) members of a group are interdependent; they can rely upon the assistance of their counterparts in the performance of tasks and attaining goals; (3) members organise their own rules and behaviour patterns

that govern teamwork,<sup>45</sup> survey respondents were given an array of statements.<sup>46</sup> Both the mayors and the CEOs most often chose the answer “*always or often*”; the highest percentage (87.8 % on the part of CEOs and 92.5 % on the part of mayors) of such answers applied to the statement, “*The mayor and the CEO abide by and fulfil mutual agreements*”. On the basis of these data, we claim that the mayors and CEOs in Slovenian municipalities to a large extent behave in accordance with the principles of a good team. Miglič and Vukovič (2006: 71) further establish that the atmosphere inside a successful team is relaxed, informal, and pleasant. Since we were interested in the relationship between the mayor and the CEO at work, we included the question on this topic as well.<sup>47</sup> Most CEOs (48 %) opted for the answer

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inside the group; (4) a certain ideology is created within the group and (5) the whole is stronger than the sum of its constituent parts.

45 According to Možina (1996: 117), the principles of teamwork are the following: (1) timely mutual informing; (2) openness and sincerity of talks; (3) a desire to attain the common goals; (4) establishment and nurturing of trust among the team members; (5) respect for the contributions made by others on the basis of arguments and knowledge; (6) assistance and supplementation in the resolution of individuals' problems; (7) cooperation instead of mere opposition; and (8) the possibility that every individual may freely express their thoughts and ideas.

46 The statements were as follows: “*The mayor and the CEO: ... communicate and inform each other in time; ... are open to discussions and sincere towards one another; ... have common interests and desire to achieve common goals; ... trust each other; ... freely express their thoughts and exchange ideas; ... respect the contributions and opinions of each other and take them into account; ... help and complement each other, especially in problem solving; ... cooperate successfully as a team; ... discuss and coordinate work obligations; ... abide by and implement mutual arrangements.*” For every statement, the survey respondents had to choose among three available answers: “*always or often*”, “*occasionally*”, and “*seldom or never*”.

47 Question: “*Your relationship with the CEO (or with the mayor in case of CEO) in the workplace is?*”. There were three available answers to choose from “*strictly formal*”, “*semi-formal*” and “*informal*”.

*“strictly formal”*, followed by the answer *“semi-formal”* (45.9 %), and only a few individuals chose the answer *“informal”* (6.1 %). As for mayors, the highest percentage (48.6 %) gave the answer *“semi-formal”*, followed by the answer *“strictly formal”* (41.9 %). Just as the CEOs, the mayors also chose the answer *“informal”* least frequently (9.5 %). The answers provided by both groups of actors allow us to see that the workplace relationship between the mayor and the CEO is not of the informal type in most Slovenian municipalities. Nevertheless, it is interesting that mayors more frequently perceive their relationships with CEOs as semi-formal, whereas CEOs in most cases claim that their relationship with mayors is of strictly formal nature. Maybe this too can be connected to the fact that the CEO is subordinated to the mayor and hence more frequently takes a strictly formal stance, whereas mayors are aware of their dominant position and thus tend to have a more relaxed and less formal attitude towards CEOs.

In addition to the already described relationships, we wanted to find out about the general views of each of the two groups of actors regarding the local level dichotomy between administration and politics. For the first question, survey respondents were given a numerical scale with which they had to express the perceived degree of influence on the area that was supposed to be the domain of the opposite group of actors. Thus, the CEOs had to assess the intensity of their influence on (local) politics, and the mayors, in turn, had to assess their impact on expertise. The data reveal that the average value of answers provided by the CEOs was 4.69; while the average on the part of mayors was 6.22 (on a scale ranging from 0 – *“no influence at all”* to 10 – *“very high influence”*). These results allow us to conclude that the mayors have more influence on expertise than the CEOs have on (local) politics. This question was followed by a set of statements

regarding the relationship between politics and administration, whereby mayors and CEOs were asked whether they agreed or disagreed with them (see Table 3).

Table 3: Attitudes of mayors and CEOs towards the local level politico-administrative dichotomy (per cent of agreement with individual statements)

	CEOs	MAYORS
	YES	YES
Civil servants should primarily deal with technical and expertise-related problems.	85.6	84.6
The policy-making process should be the exclusive domain of politicians, since citizens have given them the mandate to deal with it.	71.6	54.4
The mayor leaves the management of the municipal administration entirely up to the CEO and does not interfere with it in any way.	36.5	33.3
The mayor does not interfere with the decision-making in administrative procedures at the first stage.	83.5	91.1
The CEO participates in the formulation of (local level) policies.	41.5	51.9
The mayor of an average Slovenian municipality should leave the management of the municipal administration entirely up to the CEO, as the latter is the highest and the most qualified senior civil servant in the municipality.	63.8	36.7

Source: Research Project “Models of Structuring of Executive Branch of Power on Local Level” (2011).

We must emphasise the agreement of 63.8 % of CEOs with the statement that *“The mayor of an average Slovenian municipality should leave the management of the municipal administration entirely up to the CEO as the latter is the highest and the most*

*qualified senior civil servant in the municipality*". If we compare this to the actual situation in Slovenian municipalities, we are faced with a surprisingly low percentage of agreement with the statement "*The mayor leaves the management of the municipal administration entirely up to the CEO and does not interfere with it in any way*", both by the CEOs (36.5 %) and the mayors (33.3 %). Based on this, we conclude that the CEOs are in principle in favour of a wider autonomy of municipal administration and the increase of their own independence at work vis-a-vis the mayor. However, in practice, this is not the case, as our research results show, since most mayors do not leave the management of municipal administration in any significant part up to their CEOs.

Furthermore, we emphasise the fact that the relationships between the mayors and CEOs are cooperative in the majority of Slovenian municipalities. How is it possible that the relationship between the mayor and the CEO is cooperative even though we have established that the CEO is subordinated to the mayor? The answer to this question may be looked up in the legislation, namely in the provision claiming that the CEO is appointed and dismissed by the mayor (Local Self-Government Act, Article 49). Obviously, the mayor also selects the CEO. According to the data we collected, 72.2 % of mayors who took part in the survey claimed they had appointed "*their own*" CEO and 65.6 % of CEOs participating in the survey were appointed by the current mayor.<sup>48</sup> As the main motivations behind the selection, both groups

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48 Question: "*Did you appoint the current CEO?*" or in the case of CEO "*Were you appointed by the current mayor?*". If "yes" the sub-question was: "*What was the main motive?*". The possible answers were "*positive experience from preceding cooperation*"; "*personal acquaintance*"; "*application to public tenders/ we have not cooperated before*"; "*political motive*" and "*other*".

listed positive experience from preceding cooperation (mayors 53.6 %, CEOs 47.5 %), followed by application to public tenders/ the mayor and the CEO had not cooperated on before (mayors 26.8 %, CEOs 31.1 %), personal acquaintance (mayors 5.4 %, CEOs 4.9 %), other (recommendations; the CEO had already been employed in the municipality; expertise – mayors 14.3 %, CEOs 14.8 %), and lastly, political motifs<sup>49</sup> (none of the mayors chose this answer and a very low percentage of CEOs gave it – only 1.6 %). These data allow us to draw two conclusions, (1) the mayor appoints the CEO for whom he/she believes to be cooperative and (2) if the function of the CEO is performed by a person with whom the newly elected mayor cooperates according to the principles of teamwork, this person is not dismissed or replaced.

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49 Despite the fact that the answer “political” motive was chosen by less than 2 % of CEOs and by 0 % of mayors, we nevertheless question whether the very appointment of the CEO is (frequently) about the division of “political booty” and the associated search for compromises or even a local-level coalition.



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