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**ACT**  
from April 12, 2000

**on Municipalities (Establishment of Municipalities)**

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The Parliament has hereby agreed upon this Act of the Czech Republic:

**PART ONE**

**ESTABLISHMENT OF MUNICIPALITIES**

**CHAPTER I**

**GENERAL PROVISIONS**

**PART 1**  
**Position of Municipality**

**Section 1**

Municipality is a key territorial self-governing community of citizens; it constitutes a territorial unit delineated by the municipality's boundaries.

**Section 2**

(1) Municipality is a public corporation, having its own property. Municipality operates within the existing legal system on its own behalf and bears responsibility stemming therefrom.

(2) Municipality looks after all-round development of its territory and the needs of its citizens; while meeting its tasks, it protects public interests.

### Section 3

(1) Municipality, which has a population of at least 3,000, is a town, if thus stipulated by the Speaker of the House of Deputies pursuant to the ruling by the Government.

(2) Municipality is a township if thus stipulated by the Speaker of the House of Deputies pursuant to a statement by the Government.

(3) Municipality, which was a town prior to May 17, 1954, shall be classified as a town, if it asks the Speaker of the House of Deputies for that classification. Thus, at the request of a municipality the Speaker of the House of Deputies shall stipulate and also fix a day when the given municipality becomes a town.

(4) Municipality, which was authorized to use the title of township prior to May 17, 1954, shall be a township if it asks for that the Speaker of the House of Deputies. Thus, at the request of a municipality the Speaker of the House of Deputies shall stipulate and also fix a day when the given municipality becomes a township.

(5) If two or more municipalities merge, out of which at least one is a town, the newly established municipality shall be a town. If two or more municipalities merge, none of which is a town but at least one of them is a township, the newly established municipality shall be a township. If part of a town is separated, giving rise to two or more municipalities, then the municipality that retains the name of the previous town or part of its name shall continue to be a town. If part of a township is separated, giving rise to two or more municipalities, then the municipality that retains the name of the previous township or part of its name shall continue to be a township.

### Section 4

(1) The following are statutory cities - Kladno, České Budějovice, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, Pardubice, Jihlava, Brno, Zlín, Olomouc, Písek, Chomutov, Děčín, Frýdek-Místek, Ostrava, Opava, Havířov, Most, Teplice, Karviná, and Mladá Boleslav.

(2) The territory of statutory cities may be divided into municipal districts or metropolitan districts with their own self-governing bodies.

### Section 5

(1) Municipality is autonomously administered by the municipality council; the other

bodies of the municipality are the municipality board, the Mayor, the municipality authority, and special bodies of the municipality. A town is autonomously administered by the municipal council; the other municipal authorities are the municipal board, the Mayor, the municipal authority, and special bodies of the town. A township is autonomously administered by the township council; the other bodies of the township are the township board, the Mayor, the township authority, and special bodies of the township.

(2) Statutory city is autonomously administered by the city council; the other bodies of a statutory city is the city board, the Lord Mayor, the metropolitan authority, and special bodies of the city. Municipal district of a territorially divided statutory city is administered by the municipal district council; the other bodies of the municipal district are the municipal district board, the Mayor, the municipal district authority, and special authorities of the municipal district. Metropolitan district of a territorially divided statutory city is administered by the metropolitan district council; the other bodies of the metropolitan district are the metropolitan district board, the Mayor, the metropolitan district authority, and special bodies of the metropolitan district.

(3) Commission is also a body of the municipality, township, town, statutory city, municipal district or metropolitan district, providing it has been authorized to exercise delegated powers (Section 122, subsection 2).

#### Section 6 **cancelled**

#### Section 7

(1) Municipality administers its matters autonomously (hereinafter only "in its own competence"). State authorities and regional authorities may interfere into its own competence only when this is called for by the protection of law and solely in a manner laid down by law. The scope of the own competence may be limited only by law.

(2) State administration whose execution has been entrusted by law to a body of the municipality shall be performed by that particular body as its delegated competence (Section 61 and foll.).

#### Section 8

If a special Act governs the powers of the municipality, and does not stipulate that this is a delegated competence of the municipality, it shall hold that this is invariably the own competence.

#### Section 9 **cancelled**

#### Section 9a

Municipalities ensure the performance of financial control pursuant to a special legal regulation. 2a)

## Section 10

Municipality in its own competence may impose duties in a generally binding ordinance a) for the purpose of safeguarding local affairs in public order; especially it may stipulate which particular activities that could disturb the public peace in the municipality or could run counter to the good morals, protection of safety, health and property can be performed solely on sites and at times specifically determined by an ordinance, or stipulate that such activities are prohibited in some public premises,

b) for the purpose of organizing, holding and terminating publicly accessible sporting and cultural events, including dances and discotheques, by stipulating binding conditions to an extent necessary to secure public order,

c) for the purpose of maintaining the cleanliness of streets and other public spaces, for the protection of the environment, greenery in built-up areas and other public green spaces 3) (hereinafter only "public greenery"), and for using the municipality's amenities serving public needs,

d) when laid down by a special Act.

## Section 11

(1) If thus empowered by law, the municipality may in a delegated competence issue its regulations pursuant to and within the limits of law.

(2) Municipality exercising extended powers 3a) (Section 66) may, under the conditions laid down in subsection 1, issue regulations of the municipality for an administrative district as stipulated by a special legal regulation.

## Section 12

(1) Generally binding ordinances and regulations of the municipality (hereinafter only "legal regulations of the municipality") must be published, which is a prerequisite for the validity of a legal regulation of the municipality. Publication shall be made by posting up the pertinent legal regulation on the official notice board 3b) of the municipal authority for a period of 15 (fifteen) days. The day of the publication of the municipality's legal regulation shall be the first day of its display on the notice board. In addition to that, municipality may publish its legal regulations as customary locally.

(2) Unless later effectiveness has been stipulated, municipality's legal regulations shall come into force on the fifteenth day after the day of publication. If required by an urgent general interest, it is exceptionally possible to stipulate an earlier start of effectiveness but at the earliest on the day of its publication.

(3) Rulings of the municipality exercising extended powers shall also be published on the notice board of the municipality authorities operating in an administrative district of the municipality with extended powers.

(4) Municipality shall keep records of the legal regulations it has issued. Each record of legal regulations shall contain the number and title of the legal regulation concerned, the date of its approval, the date when it came into effect, eventually the date when it lost its validity. Legal regulations of the municipality shall be designated by serial numbers. Each numerical series shall always be terminated at the end of each calendar year.

(5) Legal regulations of the municipality and their record-keeping must be accessible to all at the municipality authority in the given municipality that has issued them. Rulings issued by a municipality discharging extended powers must be accessible to all also at the municipality authority operating in its administrative district.

(6) Municipality shall dispatch its generally binding regulation to the Ministry of the Interior without any delay after the day of its publication. Municipality shall send its rulings to the regional authority forthwith after the day of their publication.

### Section 13

(1) State authorities and regional authorities shall be obliged, whenever possible, to discuss with the municipality beforehand proposals for measures concerning the municipality's powers.

(2) State authorities and regional authorities shall provide to the municipality on request free-of-charge data and information for the exercise of its powers. This duty shall also lay with the municipality vis-a-vis state authorities and regional authorities. The protection of data and classified information pursuant to special legal regulations 4) shall remain intact.

(3) When exercising their powers, municipalities shall be authorized to use free of charge data of the Land Register.

### Section 14

(1) Municipality shall be obliged to issue certificates and make out reports for the needs of legal entities and natural persons, if thus stipulated by a legal regulation.

(2) Municipality shall issue certificates necessary for the exercise of rights abroad even if legal regulation does not establish such a duty but the required data are known to it.

### Section 15 cancelled

## **PART 2 Citizens of the Municipality**

## Section 16

(1) A citizen of the municipality is a natural person who is  
a) a state citizen of the Czech Republic, and

b) is registered for permanent residence in the municipality. 6)

(2) Citizen of the municipality who has reached the age of 18 (eighteen) years shall have the right to

a) vote and be elected into the municipality council under the terms laid down by a special legal regulation, 7)

b) vote in a local referendum under the terms laid down by a special legal regulation, 8)

c) express his/her views on the matters being discussed at the sessions of the municipality council in keeping with the rules of procedure,

d) express himself/herself on the municipality's draft budget and the municipality's final account for the past calendar year, either in writing within a stipulated deadline, or orally at the session of the municipality council,

e) look into the municipality's budget and the municipality's final account for the past calendar year, the resolution and minutes of the deliberations of the municipality council, the resolutions of the municipality council, committees of the municipality councils and the commissions of the municipality council, and make statements therefrom,

f) demand that a specific matter in the field of its own competence be discussed by the municipality council or the municipality board; providing application has been signed by at least 0.5 % of the citizens of the given municipality, it must be discussed at its session no later than within 60 (sixty) days, if the powers of the municipality council are involved, no later than within 90 (ninety) days,

g) submit to the bodies of the municipality proposals, comments and moves; the bodies of the municipality shall deal with them forthwith, but no later than within 60 (sixty) days, if the powers of the municipality council are involved, no later than within 90 (ninety) days.

(3) Also a natural person who has reached the age of 18 (eighteen) years and who owns real estate property in the municipality shall have authorizations as given in subsection 2 c) through g).

## Section 17

Also a natural person who has reached the age of 18 (eighteen) years, who is an alien and who is registered for permanent residence in the municipality shall have authorizations laid down in Section 16, if thus stipulated by an international treaty by which the Czech Republic is bound and which has been promulgated.

### **PART 3**

#### **Territory of the Municipality and its Changes**

##### **Section 18**

(1) Each part of the territory of the Czech Republic shall be part of a territory of a municipality, unless stipulated otherwise by a special Act. 9)

(2) Municipality shall have one or more cadastral territory/ies.

##### **Section 19**

(1) Two or more municipalities neighbouring on one another can merge on the basis of agreement. After the merger the territory of the municipality shall be formed by the territories of the merged municipalities.

(2) After the merger, the municipality shall bear the name to be agreed upon by the merging municipalities. If the municipalities fail to agree on a name, it shall be decided by the Ministry of the Interior. The Ministry of the Interior shall give its consent with a different name of the merged municipality.

(3) On the basis of agreement, municipality may join another municipality with which it neighbours.

(4) Agreement on the merging of municipalities or on the joining of a municipality may be concluded on the basis of a decision of the councils of the municipalities concerned, unless a move is submitted for the holding of a local referendum on this matter within 30 (thirty) days of the publication of this decision. 8) If such a move has been filed, a concurrent decision on a local referendum held in the municipality where the move for its holding has been made shall be necessary for the conclusion of an agreement on the merger of the municipalities or on the joining of a municipality. The municipalities concerned shall notify the pertinent regional authority of the decision of their councils on the strength of which agreement on the merger of municipalities or the joining of a municipality is to be based. If a local referendum on the merger of municipalities or the joining of a municipality is held, the municipalities concerned shall also publish the decision adopted in the local referendum.

(5) Agreement on the merger of municipalities or the joining of a municipality must contain the following:

a) day, month and year in which the municipalities are merged or when the municipality is joined,

b) name of the municipality and the seat of its body, if merger of municipalities is involved,

c) determination of the legal regulations of the municipality which have been issued by the merging of municipalities or the municipality being joined, and which shall remain in force in the entire municipality after merger or joining,

d) list of cadastral territories of the municipality after merger or joining,

e) determination of property, including financial resources, other rights and obligations, legal entities and organizational components of the merged municipalities or the municipality being joined.

(6) Legal successor of the merged or joined municipalities shall be the municipality originating from their merger or joining or the municipality that does not expire on the joining. That municipality shall become the recipient of the proceeds of taxes pursuant to a special Act, which would have otherwise - pursuant to special legal regulations - belonged to the expired municipality. This particular municipality shall also receive all the property, including financial means of the expired municipalities, other rights and obligations of those municipalities, complete with their rights of the founder and incorporator of legal entities, and also organizational components of those municipalities, on the day on which the municipalities are merged or on which the municipalities are joined. The newly established municipality or the municipality which has not expired on joining shall send a copy of the agreement to the Ministry of the Interior, the Ministry of Finance, the competent Land Register and the appropriate financial authority.

## Section 20

(1) Municipal district or metropolitan district in a statutory city may be established or abolished on the basis of a decision of the municipal council, unless a move on the holding of a local referendum on this matter has been filed within 30 (thirty) days of the publication of the move. If such a move has been filed, a municipal district or a metropolitan district may be established or abolished solely on the basis of a concurrent decision of a local referendum held in the territory on which the establishment or abolition of a municipal district or metropolitan district is proposed.

(2) Municipal district or metropolitan district are organizational units of a town.

(3) Under the terms laid down in subsection 1, a municipal district or a metropolitan district may be joined with another municipal district or metropolitan district.

(4) Decision on the establishment, joining or abolition of a municipal district or a metropolitan district must contain particulars given in Section 19 subsection 5; however, instead of the name of the municipality, the name of the established municipal district or metropolitan district or the name of the municipal district or metropolitan district to which another municipal district or metropolitan district is joined shall be attached.

(5) A copy of the decision shall be sent by the statutory city to the Ministry of the Interior, competent Land Register and the appropriate financial authority.

## Section 20a

A new municipality may originate by means of separation of part of the municipality,

eventually by a change or abolition of a military training area. 9)

## Section 21

(1) Part of municipality that intends to separate must have its autonomous cadastral territory adjoining at least two municipalities or one municipality and a foreign state, and forming a continuous territorial unit; for separation it must have a population of at least 1,000 citizens. The same conditions must be met by a municipality for the separation of its part. The citizens living in the territory of that part of the municipality that intends to separate must express their consent with the separation of that particular part of the municipality in a local referendum.

(2) Citizens of the municipality that intends to separate shall set up a preparatory committee in that part of the municipality. The preparatory committee shall be made up of an eligible citizen 10) and its representatives. Only one preparatory committee can be established. The number of members of the preparatory committee is odd, formed by at least three members. Only a citizen of the municipality who has permanent residence in that part of the municipality that intends to separate can be a member of the preparatory committee.

### (3) Preparatory committee

a) proposes the holding of a local referendum on the separation of part of the municipality, and participates in its preparation and implementation,

b) takes part in drafting the move to separate the part of the municipality,

c) acts on behalf of the newly emerging municipality in concluding agreements on the division of property,

d) is a party to the procedure on the separation of part of the municipality; however it cannot submit a move to separate the part of the municipality to the regional authority. 11)

## Section 22

(1) Separation of part of the municipality is decided by the regional authority in delegated powers at the proposal of the municipality, which is submitted by the municipality following the positive result of a local referendum held in that part of municipality which intends to separate. If the municipality fails to submit a move within 30 (thirty) days of the day of the publication of the result of the local referendum or if it makes changes in the move to separate that part of the municipality which run counter to the decision adopted in the local referendum 8), this may be done by any citizen of that municipality.

### (2) Move to separate part of the municipality must contain the following

a) day, month and year in which the given part of the municipality is to separate,

b) delineation of the territory of the newly emerging municipality after the separation of that part of the municipality by listing its cadastral territories, including appropriate maps,

c) number of citizens of the municipality on the day of submission of the move to separate the

part as well as the numbers of citizens of the municipality in its individual parts which are to separate,

d) division of the tax proceeds in proportion to the number of inhabitants of the original and newly created municipality until such time when the actual percentage of the tax proceeds to be allocated to the newly emerging municipality is stipulated.

(3) Part of the move for the separation of part of the municipality shall be a written agreement of the municipality and its preparatory committee on the division of property of the municipality between the original municipality and the newly created municipality, provided such an agreement has been reached.

(4) Unless the municipality and the preparatory committee agree on the division of the property of the municipality otherwise, the property of the municipality shall be divided between the original municipality and the newly created municipality as follows

a) the ownership right to real estate, including its appurtenances, as well as interest in the property of another, and obligations attached to real estate property, shall be transferred to the municipality in the territory of which the pertinent real estate property is located; the relevant factor for the transfer of ownership rights to real estate property is the status as of the day of the holding of the local referendum on the separation of the part of the municipality,

b) movable things, with the exception of appurtenances to real estate, financial means, obligations, shares in legal entities established by the municipality, and other rights shall be transferred in proportion to the number of inhabitants of the original municipality and the newly created municipality.

(5) Regional authority shall approve, with its decision, the move of the municipality for the separation of its part, if all the conditions laid down by law have been met.

(6) Decision on the separation of part of the municipality must contain particulars laid down in subsection 2. The decision shall also contain approval of the agreement pursuant to subsection 3, if such a decision has indeed been reached. A copy of the final decision shall be sent by the regional authority to the Ministry of the Interior, the Ministry of Finance, the competent Land Register and the appropriate financial authority.

(7) Property given in subsection 4 shall be transferred to the newly created municipality on the day of the establishment of that municipality. If no agreement has been reached pursuant to subsection 3, the newly created municipality may file court action to determine which particular property given in subsection 4 b) has been transferred to that municipality.

(8) Procedure on the separation of part of the municipality terminated by a final decision cannot be resumed and the final decision on the separation of part of the municipality cannot be examined in an administrative procedure.

(9) After the publication of the result of the local referendum the municipality shall ask the Ministry of the Interior to approve the name of the newly created municipality.

## Section 23

(1) Within 3 (three) months of the constituent meeting of the council of the newly created municipality, the original municipality shall hand over to the newly created municipality the property that belongs to it pursuant to the decision of the regional authority, or, if the decision of the regional authority does not contain approval of the agreement pursuant to Section 22 subsection 3, real estate property pursuant to Section 22 subsection 4 a). Written minutes shall be made out on the transfer of the property of the original and newly created municipality. Until the time of its transfer, this property, including financial means, obligations and commitments, shall be administered by the original municipality, which, however, cannot handle it in any other way than to use it for covering the costs connected with the necessary maintenance of the property and with the operation of the organizational constituents of the newly created municipality and the rent for using objects by that municipality.

(2) Legal regulations of the municipality applied in its territory before its establishment shall be used in the newly created municipality, until such time when abolished or replaced by new ones.

## Section 24

Merging of municipalities, joining of a municipality, municipal districts or metropolitan districts or separation of parts of municipalities may be carried out only at the beginning of a calendar year. Move to separate part of the municipality must be submitted to the pertinent regional authority at the latest by June 30 of the previous calendar year.

## Section 25

(1) Agreement on the merger of municipalities, agreement on joining a municipality to another municipality, as well as the decision of the regional authority on the separation of part of the municipality shall constitute background documents for entering changes of the rights to the municipalities concerned to the real estate property in the Land Register through a record 12), and for making the changes of data on the cadastral territories and the boundaries of the municipality in the Land Register.

(2) Decision of a municipal council on the establishment or abolition of a municipal district or a metropolitan district as well as on the joining of a municipal district or a metropolitan district to another municipal district or metropolitan district shall constitute a background document for entering changes of the rights of the municipal districts or metropolitan districts concerned to the real estate property into the Land Register through a record. 12)

## Section 26

Changes of the boundaries of a municipality during which there is no merger of municipalities, joining of a municipality or separation of part of the municipality shall be made on the basis of an agreement of the participating municipalities, following discussions with the appropriate Land Register. The municipality concerned shall notify the Ministry of Finance and

the pertinent financial authority of the conclusion of agreement.

**PART 4**  
**Names of the Municipality, its Parts, Streets and Public Spaces, Numbering of**  
**Buildings, Emblem and Flag of the Municipality**

Section 27

(1) Each municipality shall have its own name; the Ministry of the Interior shall give its consent with a change of the name following a move by the municipality concerned.

(2) Parts of the municipality also have their names. Part of the municipality is a registration unit made up of buildings with indication numbers and registration numbers (Section 31), assigned in a single numerical series, which are situated in a single continuous locality. Names of parts of the municipality are usually derived from the names of the extinct municipalities, settlements or the names of historical territories in which those parts of the municipality are situated.

Section 28

(1) Municipality shall be competent to decide about the names of its parts, streets and other public spaces.

(2) Municipality shall notify the Ministry of the Interior and the competent Land Register of the names of the newly created parts of the municipality, changes of their names as well as extinction of parts of the municipality.

Section 29

(1) Names of the municipality, its parts, streets and other public spaces shall always be given in the Czech language. Streets and other public spaces shall not be given the names of living persons in public life.

(2) In a municipality inhabited by members of ethnic minorities the name of the municipality, its parts, streets and other public spaces and the designation of buildings housing state authorities and territorial self-governing units shall also be given in the language of that ethnic minority, if according to the latest census at least 10 % of the citizens of that municipality have espoused that ethnic minority, if demanded by the representatives of the pertinent ethnic minority through a committee for ethnic minorities (Section 117 subsection 3), and if that committee recommends the motion with its resolution.

Section 30

Municipality shall carry out the designation of streets and other public spaces at its own costs. Real estate owner shall be obliged to suffer free of charge attachment of a name-plate bearing the name of a street or other public space on his/her own real estate; in the vicinity of the name-plate he/she must not place other inscriptions. Designation must not be damaged, removed

or covered up.

### Section 31

(1) Unless further stipulated otherwise, each building 13) must be designated with an indication number.

(2) Independent indication numbers are not given to auxiliary buildings forming part of one unit (e.g. production halls inside a single industrial plant, garages near houses, minor structures).

(3) Buildings destined for individual recreation shall be designated with indication numbers.

(4) To facilitate orientation, buildings in individual streets and other public spaces may also be designated - in addition to an indication number - with a street number as well.

(5) The relevant municipality authority shall decide which indication, street or registration number shall be used to designate the given building. Each indication or registration number of a building must be unique within the framework of the given part of the municipality. Rules of administrative procedures shall not be used for the designation of buildings with numbers.

### Section 32

(1) Real estate owner shall be obliged to designate, at his/her own costs, his/her building with numbers, as stipulated by the municipality authority, and to keep them in good repair. The colour and finish of the numbers shall be determined by the relevant municipality authority.

(2) Renumbering of buildings is done only exceptionally, providing there are serious reasons for such a change. New numbers are paid for by the municipality from its own budget. Municipality shall notify the competent Land Register of any renumbering of buildings.

### Section 33

Executive legislative instrument shall stipulate the following

a) mode of designating streets and other public spaces with names,

b) mode of using and placing numbers to designate buildings,

c) particulars of the announcement of the renumbering of buildings.

### Section 34

Public spaces are all squares, streets, marketplaces, pavements, public greenery, parks and other premises open to all and sundry without limitation, hence serving general use, regardless of the ownership of this space.

## Section 34a

(1) Municipalities can have their emblem and flag.

(2) On request the Speaker of the House of Deputies may grant to a municipality, which has no emblem and flag, an emblem or flag of the municipality. At the request of a municipality the Speaker of the House of Deputies can change its emblem and flag.

(3) Municipality and the organizational constituents and legal entities established or founded by it are entitled to use the emblem and flag of the municipality. Other subjects may use the emblem and flag of the municipality only with the latter's consent. The municipality's consent for the use of its flag is not necessary.

(4) If a municipal district or a metropolitan district has its own emblem and flag, their use shall be governed by subsection 3.

## CHAPTER II

### MUNICIPALITY IN ITS OWN COMPETENCE

#### **PART 1**

## Section 35

(1) Falling into the municipality's own competence are matters which are in the interest of the municipality and its citizenry, unless such matters are entrusted by law to the powers of the regions or unless these are delegated powers exercised by bodies of the municipality or powers entrusted by special legislation to an administrative authority as the performance of state administration, and also matters entrusted by law to the municipality in its own competence.

(2) Falling into the municipality's own competence are primarily matters given in Section 84, 85 and 102, with the exception of the issuance of rulings of the municipality. Municipality in its own competence within its territorial district is also engaged - in compliance with local prerequisites and with local customs - in paving the way for the promotion of social welfare and satisfaction of the needs of its citizens. This involves primarily the task of satisfying housing needs, health protection and promotion, development of transport and communications, information needs, education and upbringing, overall cultural advancement, and protection of public order.

(3) In discharging their own competence, municipalities shall be governed by the following:

a) by law when issuing generally binding ordinances,

b) by other legal regulations issued on the basis of law in other matters.

## Section 35a

(1) While exercising its own competence, municipality can found and establish its legal entities and organizational components, unless stipulated otherwise by law.

(2) Municipality can establish municipality police. Establishment and activities of the municipality police shall be regulated by a special Act. 13a)

#### Section 36

(1) Municipality may grant its honorary citizenship to natural persons who have made a significant contribution to the development of the municipality. An honorary citizen of the municipality is entitled to express his/her opinions in keeping with the rules of procedure of the municipality council at its sessions.

(2) Municipality can present awards of the municipality.

#### Section 37

Municipality in which state authorities or regional authorities are located shall assist them in securing dignified premises worthy of the significance of those authorities.

### **PART 2**

### **Economic Management of the Municipality**

#### Section 38

(1) The property of the municipality must be used expediently and economically in compliance with its interests and tasks ensuing from the powers delineated by law. Municipality is obliged to look after the preservation and development of its property. Municipality shall keep records of its property. 14)

(2) The property of the municipality must be protected against destruction, damage, theft or misuse. Municipality shall handle its unnecessary property in a way and under the terms laid down by special regulations, 15) unless this Act stipulates otherwise.

(3) Municipality shall not provide guarantees for obligations of natural persons and legal entities with the exception of:

a) obligations ensuing from a credit agreement, provided the financial resources concerned are destined for an investment implemented with financial support from the state budget, state funds or national fund,

b) obligations ensuing from a credit agreement, provided the financial resources concerned are destined for an investment into municipality-owned real estate,

c) those whose founder is the municipality, the region or the state,

d) those whose rate of participation of the municipality itself or together with another municipality or other municipalities, region or regions or state exceeds 50 %,

e) housing cooperatives,

f) hunting unions.

(4) Legal acts performed in contravention of the provisions of subsection 3 shall be invalid since their very onset.

(5) The state shall not provide guarantees for the municipality's economic management and obligations, unless such guarantees have been assumed by the state contractually.

(6) Municipality is obliged to protect its property against unauthorized acts and to apply in time the right to the compensation of loss and the right to relinquish unjust enrichment.

(7) Municipality is obliged permanently to follow whether its debtors are meeting their obligations on time and properly, and make sure that the rights ensuing therefrom shall not be subject to the statute of limitations or shall not expire.

#### Section 39

(1) Municipality shall publish its intention to sell, barter or donate real estate, lease it or offer it as a loan at least 15 (fifteen) days prior to the decision taken in the municipality's appropriate body by posting it up on the official notice board 3b) of the municipal authority to allow the interested parties to express themselves on the move and to submit their offers. Municipality may also publish its intention in a manner customary locally. If the municipality fails to publish its intention, the pertinent legal act shall be deemed invalid from its very onset. Real estate shall be designated in the intention by data pursuant to special legislation 15a) valid as of the day of the publication of the intent.

(2) In case of paid transfer of property, its price shall usually be agreed at the sum customary in the given locality and time, unless the price is state-regulated. Any difference from the price must be substantiated.

(3) The provision of subsection 1 shall not be applied, if this involves lease of an apartment or grave sites or a lease or loan of the municipality's property for a period shorter than 30 (thirty) days or if this involves a lease or loan to a legal entity established by the municipality.

#### Section 40

**cancelled**

#### Section 41

(1) If the law conditions the applicability of a legal act of the municipality by a previous publication, approval or consent, a deed shall be made out, confirming this legal act by an annex confirming that these conditions have been met.

(2) Without such an approval legal acts requiring approval of the municipality council, eventually municipality board, shall be invalid from the very onset.

#### Section 42

(1) Municipality shall ask the competent regional authority for a review of its economic management for the past calendar year or shall commission such a review to an auditor or an auditor company (hereinafter only "auditor"). Review of the economic management of the municipality shall be performed by the competent region in delegated powers.

(2) If the municipality fails to ask the pertinent regional authority for a review of its economic management or fails to commission such a review to an auditor, the competent regional authority shall review the municipality's economic management itself.

(3) Review of economic management shall be regulated by a special legal regulation. 15b)

(4) The costs for a review of the municipality's economic management by an auditor shall be covered by the municipality from its budgetary sources.

#### Section 43

The final account, together with a report on the results of the review of economic management of the municipality for the past calendar year, shall be discussed by the municipality council by June 30 of the subsequent year, and measures to eliminate shortcomings shall be adopted.

#### Section 44

Compilation of the municipality's budget and final account of its economic management of the budgetary funds shall be further governed by a special Act.

#### Section 45

**cancelled**

### **PART 3**

#### **Co-operation between Municipalities**

#### Section 46

(1) In the discharge of their own competence municipalities can co-operate with one another.

(2) Co-operation between municipalities shall be fostered primarily:  
a) on the basis of a contract concluded for the completion of a specific task,

b) on the basis of a contract on the establishment of a voluntary union of municipalities (hereinafter only "union of municipalities"),

c) by establishing legal entities pursuant to a special Act 17) by two or more municipalities.

#### Section 47

(1) Municipalities cannot associate pursuant to the regulation on the association of citizens.

(2) The provisions of the Civic Code concerning special interest associations of legal entities and the contract on association shall not be applied to co-operation between municipalities, unless this Act stipulates otherwise (Section 51 subsection 3).

#### Section 48

(1) Contract between two or more municipalities on the completion of a specific task shall be concluded for a definite or indefinite period. Establishment of a legal entity cannot be the subject of such a contract. Such a contract must be in writing and must be approved beforehand by the relevant municipality council, otherwise it is invalid.

(2) Such a contract must contain

a) designation of the contracting parties,

b) definition of the subject of contract and its extent,

c) rights and duties of the individual contracting parties,

d) mode of use of building after its completion, if a building is the subject of the contract,

e) mode of withdrawal of the contracting parties from the contract and settlement of part of their property.

(3) Property acquired while performing joint activities of the municipality on the basis of a contract pursuant to subsections 1 and 2 shall become co-ownership of all the parties to this contract. Shares in the property acquired through common activities shall be equal, unless stipulated otherwise by the contract.

(4) The signatories of the contract shall be covenanted towards third parties jointly and indivisibly, unless stipulated otherwise by the contract.

### **Union of Municipalities**

#### Section 49

(1) Municipalities shall have the right to become members of a union of municipalities for the purpose of protecting and enforcing their common interests.

(2) Municipalities may create unions of municipalities as well as joining unions of municipalities already established. Only municipalities may be members of unions of municipalities.

(3) Union of municipalities is a legal entity.

## Section 50

(1) The subject of the activities of the union of municipalities may include in particular

- a) tasks in the field of education, social services, health care, culture, fire protection, public order, environmental protection, tourism and care for animals,
- b) ensuring cleanliness of the municipality, administration of public greenery and public lighting, collection and transport of communal waste and its safe processing, use or disposal, water supply, waste water transport and treatment,
- c) installation, extension and improvement of networks of technical infrastructures and systems of public passenger traffic to secure transport services for a given locality,
- d) tasks in the protection of the quality of air, tasks connected with the reconstruction of solid fuel heating or water heating to environment-friendlier sources of thermal energy in residential and other objects owned by the municipality,
- e) operation of stone quarries, sand pits and facilities serving for the extraction and treatment of mineral resources,
- f) administration of the municipality's property, especially local roads, woodland, housing and residential stock, sporting, cultural facilities and other amenities administered by the municipalities.

(2) An annex to the contract on the establishment of a union of municipalities shall be formed by its statutes which must contain the following

- a) name and seat of the member of the union of municipalities,
- b) name and seat of the union of municipalities and the subject of its activities,
- c) bodies of the union of municipalities, mode of their establishment, their powers, and mode of their decision-making,
- d) property of the members of the union of municipalities invested by them into the union of municipalities,
- e) sources of income of the union of municipalities,
- f) rights and duties of the members of the union of municipalities,

- g) mode of dividing profit and share of the members in covering losses incurred by the union of municipalities,
- h) terms of accession to the union of municipalities and withdrawal from it, including the settlement of property share,
- i) content and scope of the control of the union of municipalities by individual constituent municipalities.

#### Section 51

(1) Municipality shall be bound by the draft contract pursuant Section 46 subsection 2 a) and b) from the day of its approval by the municipality council to the day set for the adoption of a draft contract, unless another municipality to which the draft is addressed rejects it before the expiry of the deadline set for the adoption of the draft.

(2) Contract pursuant to Section 46 subsection 2 a) and b) shall be effective as of the day of the adoption of its draft by all the contracting parties, unless stipulated otherwise by the contract.

(3) A special Act shall regulate the legal powers of the union of municipalities, its registration, abrogation and expiry. 18)

#### Section 52

Citizens of the municipalities associated in the union of municipalities who have reached the age of 18 (eighteen) years shall be authorized to

- a) participate in the sessions of the bodies of the union of municipalities and look into the minutes of their sessions,
- b) submit written motions to the bodies of the union of municipality,
- c) express their views on the draft budget of the union of municipalities and on the final account of the union of municipalities for the past calendar year, either in writing or orally at the session of the bodies of the union of municipalities.

#### Section 53

(1) Union of municipalities shall ask the appropriate regional authority for a review of the economic management of the union for the past calendar year or shall commission such a review to an auditor.

(2) The costs of the review of the economic management of the union by an auditor shall be covered by the union of municipalities from its budgetary funds.

(3) Provisions of Section 42 subsection 2 and Section 43 shall apply to the union in a similar manner.

## Section 54

### **Co-operation with Legal Entities and Natural Persons**

The provision of the Civic Code on special interest associations of legal entities and natural persons may be applied to co-operation between municipalities and legal entities and natural persons in civil law relations and in contract on association.

## **PART 4**

### **Co-operation with Municipalities in Other States**

## Section 55

(1) Municipalities are free to co-operate with municipalities in other states and be members of international associations of local authorities.

(2) Municipalities are free to conclude agreements on mutual co-operation with municipalities in other states.

(3) Municipalities are free to conclude agreements on mutual co-operation with unions of municipalities in other states. The content of such co-operation may only be activities that are the subject of activities of the relevant union of municipalities that has concluded the agreement on mutual co-operation.

(4) Agreements pursuant to subsections 2 and 3 must have written form and must be approved in advance by the relevant municipality council, otherwise they are invalid. Agreement must contain the following

- a) names and seat of the contracting parties,
- b) subject of co-operation and mode of its financing,
- c) bodies and mode of their establishment,
- d) period of time for which the agreement is concluded.

(5) Legal entity may be established on the basis of an agreement on co-operation pursuant to subsections 2 and 3, only if permitted by an international treaty approved and promulgated by the Parliament by which the Czech Republic is bound.

(6) Agreement on co-operation pursuant to subsections 2 and 3 on the basis of which a legal entity or membership in the already existing legal entity arises shall be subject to consent by the Ministry of the Interior after previous discussions with the Ministry of Foreign Affairs. Without this consent the agreement cannot come into force. Consent may be denied only if it contravenes the law or the international treaty approved and promulgated by the Parliament with which the Czech Republic is bound.

## **PART 5**

## **Administrative Delicts**

### **Section 56 cancelled**

### **Section 57 cancelled**

### **Section 58**

(1) Municipality may impose a fine up to the sum of 10,000 CZK to a legal entity and natural person who is an entrepreneur and who

a) refuses to suffer free-of-charge placement of a name-plate bearing the designation of a street or other public space on his/her real estate or who places another inscription near the name-plate bearing such a designation,

b) deliberately damages, removes or covers up a name-plate bearing the designation of a street or other public space, or

c) fails to designate his/her building with the numbers as stipulated by the municipality authority.

(2) Municipality may impose a fine of up to the sum of 100,000 CZK to a person mentioned in subsection 1 who does not maintain cleanliness and order in the plot of land which he/she uses or owns, thus disturbing the appearance of the given municipality.

(3) Municipality may impose a fine up to the sum of 200,000 CZK to a person mentioned in subsection 1 who shall soil a public space, disturb the environment in the municipality or discard an object outside a designated site.

(4) Municipality may impose a fine up to the sum of 200,000 CZK to a person mentioned in subsection 1 who has violated the duty laid down by a legal regulation issued by the municipality.

(5) When stipulating the amount of fine pursuant to subsection 1 through 4, the municipality shall take into consideration especially the nature, seriousness, duration and consequences of the illegal behaviour concerned.

### **Section 59**

(1) Procedure on the imposition of fine may be launched within 1 (one) year of the day when the body of the municipality has learnt of the violation of duty, but at the latest within 2 (two) years of the day when the violation occurred.

(2) Fine pursuant to Section 58 cannot be imposed if the law stipulates a higher penalty for the violation of duty pursuant to Section 58.

(3) Imposition of a fine pursuant to Section 58 shall not absolve the person who has been

given the fine from the duty to remove the defect within a deadline laid down by the municipality with a view to the circumstances of the case.

(4) Criminal or administrative procedure held for the said misdemeanour, laid down by special legislation, shall not be included in the run of the deadline pursuant to subsection 1.

## **PART 6**

### **Elections to Councils in Municipalities and Local Referendum**

#### Section 60

Election to councils in municipalities and local referendum shall be governed by special legislation. 7) , 8)

## CHAPTER III

### DELEGATED POWERS

#### Section 61

- (1) Delegated powers in matters which are stipulated by special legislation shall be
- a) exercised - to the basic extent entrusted to the municipality - by bodies of the municipality as specified by this or another Act or on the basis of this Act; in such a case the territory of the municipality is an administrative district;
  - b) exercised - to the extent of a designated municipality authority (Section 64) - by that authority,
  - c) exercised - to the extent of the municipality authority of a municipality with extended powers (Section 66) - by that authority.

- (2) In exercising delegated powers, bodies of the municipality shall be governed by
- a) laws and other legal regulations in issuing rulings of the municipality,
  - b) in other cases also by 1. Government Resolutions and directives issued by central administrative authorities; such resolutions and such directives cannot impose duties on the bodies of the municipality, unless these are simultaneously laid down by law; a prerequisite for the validity of directives issued by central administrative authorities is their publication in the Government Journal for Regional Authorities and Municipal Authorities;  
2. measures by the appropriate public administration authorities taken when controlling the exercise of delegated powers pursuant to this Act.

(3) Methodological and specialized assistance in matters given in subsection 2 shall be provided to bodies of the municipality by the relevant regional authority.

#### Section 62

Municipality shall receive an allowance from the state budget for performing tasks in delegated powers.

### Section 63

(1) Municipalities whose bodies exercise delegated powers in the same administrative district of the municipality with extended powers are free to conclude a statutory agreement under the terms of which bodies of one municipality shall exercise delegated powers or part of delegated powers for bodies of another municipality (other municipalities), which is (which are) contracting parties of the said statutory agreement. The subject of the statutory agreement cannot be a delegated competence which is entrusted, pursuant to law, only to some municipalities. Consent of the competent regional authority is necessary for the conclusion of such a statutory agreement.

- (2) The statutory agreement must contain
- a) designation of its contracting parties,
  - b) duration of the agreement,
  - c) delineation of the scope of delegated powers to be discharged by bodies of the municipality for another municipality (other municipalities), and
  - d) mode of compensation of the costs connected with the exercise of delegated powers pursuant to c).

### **Designated Municipality Authority**

### Section 64

(1) Classified in laws and other legal regulations, eventually administrative acts and acts pursuant to Section 61 subsection 2 b) as designated municipality authority for the purpose of exercising delegated powers is the municipal authority, which, in addition to its delegated powers pursuant to Section 61 subsection 1 a), exercises - to the extent entrusted to it by special legislation - delegated powers in an administrative district designated by an executive legal regulation.

(2) Municipality with a designated municipality authority shall be stipulated by special legislation. 18b)

### Section 65

(1) If a body of the municipality fails to meet its duty pursuant to Section 7 subsection 2, the competent regional authority shall rule that delegated powers or part of delegated powers shall be performed for it by a designated municipality authority to whose administrative district it belongs. At the same time, the regional authority shall rule on the transfer of the allowance for the exercise of delegated powers. Decisions shall be issued by the regional authority in delegated

powers; rules of administrative procedures do not apply when issuing such decisions.

(2) Decision of a regional authority pursuant to subsection 1 shall be published for a period of at least 15 (fifteen) days on the official notice board 3b) of the municipality authority of the municipality whose body has failed to meet the duty pursuant to Section 7 subsection 2.

#### Section 66

(1) Classified in laws and other legal regulations, eventually in administrative acts and acts pursuant to Section 61 subsection 2 b), for the purpose of exercising delegated powers as the municipality authority of a municipality with extended powers shall be a municipality authority which, in addition to delegated powers pursuant to Section 61 subsection 1 a) and in addition to delegated powers pursuant to Section 64, discharges - within the scope entrusted to it by special legislation - delegated powers in the administrative district designated by an executive legal regulation.

(2) Municipalities with extended powers shall be governed by special legislation. 18c)

#### Section 66a

(1) Municipalities with extended powers whose municipality authorities exercise delegated powers in an administrative district of one regional authority, may conclude a statutory agreement under which the municipality authority of one municipality with extended powers shall exercise delegated powers or part of delegated powers for a municipality authority of another municipality (other municipalities) with extended powers, which is a contracting party to the relevant statutory agreement. For the conclusion of a statutory agreement it is necessary to have the consent of the Ministry of the Interior which issues it after discussing the matter with the relevant Ministry or other competent central administrative authority.

(2) The statutory agreement must contain

- a) designation of the contracting party to the agreement,
- b) duration of the agreement,
- c) definition of the extent of delegated powers to be performed by the municipality with extended powers for another municipality with extended powers,
- d) mode of compensation of the costs connected with the exercise of delegated powers pursuant to c).

#### Section 66b

(1) If the municipality authority in the municipality with extended powers fails to meet its duties pursuant to Section 7 subsection 2, the Ministry of the Interior shall decide, after discussing the matter with the relevant Ministry or other competent central administrative authority, stating that the municipality authority of another municipality with extended powers shall discharge for it delegated powers or part of delegated powers. The Ministry of the Interior

shall issue its decision within 60 (sixty) days of the day when it has learnt of the non-compliance with the duty pursuant to the first sentence. The Ministry of the Interior shall also decide on the transfer of the allowance for the exercise of delegated powers. Rules of administrative procedures shall not apply when issuing such a decision.

(2) The Ministry of the Interior shall post up its decision pursuant to subsection 1 on the official notice board 3b) of the municipality authority with extended powers which has failed to meet the duties pursuant to Section 7 subsection 2, and on the official notice board of the municipality authority in its administrative district for a period of at least 15 (fifteen) days. Decision of the Ministry of the Interior pursuant to subsection 1 shall be published in the Journal of Legal Regulations of the appropriate region.

(3) The Ministry of the Interior, acting at the proposal of a municipality with designated municipality authority and at the recommendation of the competent regional authority, and following discussions with the relevant municipality with extended powers, may decide on delegating a certain extent of the exercise of state administration of a municipality with extended powers to a municipality with delegated municipality authority. Application shall be filed by the given municipality by January 15 of the calendar year at the latest. Decision of the Ministry of the Interior may come into force solely as of January 1 of the calendar year. The Ministry of the Interior shall also decide about the transfer of the allowance for the exercise of delegated powers. Rules of administrative procedures shall not apply when issuing such a decision.

(4) Decision of the Ministry of the Interior pursuant to subsection 3 shall be posted up on the official notice board of the delegated municipal authority and on the notice board of the municipality authority in its administrative district for a period of at least 15 (fifteen) days. The decision shall also be published in the Journal of Legal Regulations of the relevant region.

### **Common Provisions on Statutory Agreements (Section 63 and 66a)**

#### **Section 66c**

(1) Unless stipulated otherwise by this Act, the provisions of the rules of administrative procedures shall be applied to statutory agreements.

(2) Municipality, which is a contracting party of the statutory agreement, shall post it up without any delay after its conclusion on the official notice board for a period of at least 15 (fifteen) days. At the same time, the concluded statutory agreement shall be published in the Official Journal of Legal Regulations of the relevant region. Similar procedures shall be applied when amending or cancelling a concluded statutory agreement.

(3) Concluded statutory agreement must be accessible to all and sundry at the municipality authority of the municipality which is its contracting party.

#### **Section 66d**

**cancelled**

#### **Section 66e**

**cancelled**

## **CHAPTER IV**

### **BODIES OF THE MUNICIPALITY**

#### **PART 1 Municipality Council**

##### **Section 67**

Municipality council shall be composed of the members of the municipality council whose number for each term of office shall be fixed in compliance with this Act by the municipality council at the latest 85 (eighty-five) days before the day of the election into the councils in the municipalities.

##### **Section 68**

(1) In stipulating the number of its members, the municipality council shall take into consideration primarily the number of its inhabitants and the size of the district concerned. The number of members shall be fixed in a way so that the municipality council in a municipality, township, town, municipal district, metropolitan district should have the following proportional representation

up to 500 inhabitants	5 to 15 members
from 500 to 3,000 inhabitants	7 to 15 members
from 3,000 to 10,000 inhabitants	11 to 25 members
from 10,000 to 50,000 inhabitants	15 to 35 members
from 50,000 to 150,000 inhabitants	25 to 45 members
over 150,000 inhabitants	35 to 55 members.

(2) The number of members of the municipality council to be elected shall be published on the official notice board 3b) of the municipality authority within 2 (two) days of its stipulation at the latest. Furthermore, the number of members of the municipality council may be published in a manner customary locally.

(3) The decisive factor for the determination of the number of members of the municipality council shall be the number of inhabitants of the given municipality as of January 1 of the year in which the election is held.

(4) Unless the council stipulates otherwise, the number of council members to be elected shall be determined according to the number of members of the previous municipality council during the ending term of office.

(5) If there is a merger of municipalities or separation of part of a municipality, the Ministry of the Interior shall fix the number of members of the municipality council to be elected. If a municipal district or a metropolitan district is to be established in a territorially divided statutory city, the number of members of the municipal district council or metropolitan district council to be elected shall be fixed by the relevant metropolitan authority in delegated powers. A

similar procedure pursuant to subsection 1 shall be applied when stipulating the number of members of a municipality council and members of a municipal district council or metropolitan district council.

#### Section 69

(1) The mandate of a member of the municipality council shall arise with the election; a member shall be elected with the end of voting.

(2) At the beginning of the first session of the municipality council to be attended by a member of the municipality council after his/her election, he/she shall make the following pledge: "I hereby pledge loyalty to the Czech Republic. I promise on my honour and consciousness that I shall discharge my office conscientiously, in the interest of the municipality (town, township) and its citizens, and adhere to the Constitution and laws of the Czech Republic."

(3) Member of the municipality council shall make his/her pledge in front of the municipality council by uttering the word "promise". Member of the municipality council shall confirm his/her oath with his/her signature.

(4) Member of the municipality council shall perform his/her mandate personally and in compliance with his/her oath, and shall not be bound by any commands.

#### Section 70

The office of the member of the municipality council is a public function. Member of the municipality council shall not be prejudiced for the exercise of his/her office in his/her rights ensuing from his/her employment or any similar relations.

#### Section 71

(1) Members of the municipality council who have been released to discharge their office on a long-term basis, 21) and members of the municipality council who were not in an employment contract before their election to the office of the member of the municipality council but who discharge their office to the same extent as those municipality council members released to discharge their office on a long-term basis, (hereinafter only "released member of the municipality council") shall receive from the municipality remuneration for the exercise of the office of a released member of the municipality council pursuant to this Act. Remuneration shall be covered from the municipality's budgetary resources.

(2) Remuneration means monetary performance provided by the municipality to released members of the municipality council for the exercise of their office; the performance provided in connection with the exercise of their office pursuant to special legal regulations, especially travel expenses, shall not be classified as remuneration.

(3) Remuneration pursuant to subsection 1 shall constitute the following  
a) monthly remuneration,

b) reward at the end of the term of office.

(4) Other members of the municipality council, not given in subsection 1, (hereinafter only "non-released member of the municipality council"), if they are in an employment contract, shall receive from their employer for the exercise of their office leave with the compensation of salary; 22) the extent of the time necessary for the exercise of the office in each specific case shall be determined by the municipality. Salary compensation, complete with social security insurance and state employment policy allowance and public health insurance scheme, shall be covered by the municipality to their employer pursuant to a special regulation. 23) Non-released members of the municipality council who are not in an employment contract or in a similar contract shall receive from the municipality, out of its budgetary funds, compensation for the lost income in connection with the exercise of their office by means of a lump sum whose amount shall be fixed by the municipality council always for each calendar year.

## Section 72

Monthly remuneration may be granted to non-released members of the municipality council for the exercise of their office. Its maximum amount shall be stipulated by an executive legal regulation.

## Section 73

(1) Monthly remuneration is a monetary performance provided on a monthly basis according to the type of office discharged and according to the number of inhabitants of the municipality amounting to the sum and depending on the conditions to be stipulated by an executive legal regulation. Monthly remuneration shall be made up of a fixed component, stipulated according to the type of office discharged, plus a surcharge according to the number of inhabitants of the municipality. Calculation of the actual amount of surcharge according to the number of inhabitants of the municipality shall be based on the number of inhabitants who have permanent residence in the municipality as of January 1 of the relevant calendar year. The number of inhabitants of the municipality shall be rounded off upwards to the whole hundreds.

(2) Monthly remuneration paid to released members of the municipality council in municipalities with extended powers, in municipalities with a designated municipal authority, in municipalities with a registry 23a) and in municipalities with a building control authority 23b) shall be raised by a sum stipulated by an executive legal regulation.

(3) If a released member of the municipality council does not discharge his/her office due to temporary incapacity to work due to illness, quarantine, pregnancy or care for a child under 3 (years) of age, he/she shall not be entitled to monthly remuneration, unless stipulated otherwise in subsection 4; in a calendar month in which a released member of the municipality council discharged his/her office only for a part of that month due to the above reasons, shall be given a proportionate amount of his/her monthly remuneration.

(4) For the first 14 (fourteen) calendar days of his/her temporary incapacity to work or quarantine a released member of the municipality council shall be entitled to a reduced amount of monthly remuneration; for the first 3 (three) calendar days of temporary incapacity to work due to

illness or quarantine reduced amount of monthly remuneration shall be due for each calendar day, amounting to 30 %, and starting - from the fourth calendar day of temporary incapacity to work due to illness or quarantine - reduced amount of monthly remuneration for each calendar day amounting to 69 % of one thirtieth of the monthly remuneration. For the purpose of fixing the reduced amount of monthly remuneration according to the first sentence, the monthly remuneration out of which reduced amount of monthly remuneration is stipulated, shall be regulated in the same manner as that regulating the daily basis of assessment for the stipulation of health insurance allowances. Reduced amount of monthly remuneration according to the first sentence shall be reduced by 50 %, in cases when sickness benefit is reduced to one half according to the valid health insurance regulation. Reduced amount of monthly remuneration stipulated according to the first and third sentence for each individual calendar day shall be rounded off upwards to whole CZK.

Section 74  
**cancelled**

Section 75

(1) Non-released member of the municipality council, if discharging the office of the Mayor, and released member of the municipality council shall be entitled to remuneration after the end of their term of office, if - as of the day of election to the municipality council - they were entitled to monthly remuneration and if their repeated claim to monthly remuneration has not arisen. If a released member of the municipality council or a non-released member of the municipality council, discharging the post of the Mayor, has been convicted upon final judgment of an intentional criminal act committed during his/her term of office, then he/she shall not be entitled to remuneration after the end of his/her term of office.

(2) The actual amount of remuneration at the end of the term of office of a released member of the municipality council and a non-released member of the municipality council, discharging the office of the Mayor, shall be fixed as the amount of monthly remuneration to which a multiple of that sum and the number of whole finished consequent years of the exercise of the office - but five finished years of the exercise of the office at most - shall be added.

(3) This particular remuneration shall be provided to a released member of the municipality council and a non-released member of the municipality council who discharged the office of the Mayor or Deputy Mayor, for which monthly remuneration is due and whose mandate has expired before the day of the holding of the election to the municipality council, for a period of 3 (three) months from the day of the expiry of the mandate.

(4) A released member of the municipality council and a non-released member of the municipality council who discharged the office of the Mayor or Deputy Mayor, for which monthly remuneration is due and who has been recalled from the office or who stepped down from the office, shall be given this remuneration for a period of 3 (three) months from the day of stepping down from the office or recall from the office.

(5) An outgoing Mayor who exercises powers pursuant to Section 107 subsection 1 until the constituent session of the municipality council shall be entitled to monthly remuneration in

the current amount.

(6) Member of the municipality council who exercises powers pursuant to Section 107 subsection 2 shall be entitled to monthly remuneration at the same amount that would belong to the Mayor according to the executive legal regulation.

(7) Reward at the end of the term of office may be paid in monthly installments or as a lump sum. If a claim to remuneration has arisen to member of the municipality council given in subsection 1 at the end of his/her term of office during which criminal proceedings are conducted against him/her for an intentional criminal act committed in his/her term of office, reward shall not be paid at the end of the term of office. If the said criminal proceedings for a criminal act end with the conviction of the said member of the municipality council upon a final judgment, it shall be held that the entitlement to his/her reward at the end of the term of office has not arisen; if such a conviction is not passed, reward at the end of the term of office shall be paid out.

#### Section 76

Maturity and payment of rewards to members of the municipality council, as well as deductions from rewards shall be governed by legal regulations on pay conditions for employees of the municipality and the Labour Code. For these purposes, reward of the members of the municipality council shall be classified as a salary of the employees of the municipality in an employment contract; the municipality shall be classified as an employer, and members of the municipality council shall be classified as employees.

#### Section 77

(1) Reward shall be given to a released member of the municipality council from the day he/she was elected or appointed to the office for which he/she is entitled to receive reward.

(2) Reward shall be given to a non-released member of the municipality council from the day as specified by the relevant municipality council.

- (3) In case of concurrent exercise of several offices
- a) a released member of the municipality council shall be entitled to monthly remuneration according to his/her office for which the highest remuneration is given,
  - b) a non-released member of the municipality council may be given monthly remuneration up to the sum of the total of remuneration for the individual offices.

#### Section 78

In connection with the exercise of his/her office, a member of the municipality council shall be entitled to receive travel expenses amounting to the sum and depending on the conditions as stipulated by legal regulations valid for employees 26)

#### Section 79

(1) A released member of the municipality council shall be entitled to holiday pursuant to this Act, amounting to 5 (five) weeks in each calendar year.

(2) If his/her term of office does not last for the entire period of one calendar year, he/she shall be entitled to a proportionate part of holiday. For each calendar month, even a commenced one, of the exercise of his/her office this shall amount to one twelfth (1/12) of the holiday for each calendar year.

(3) Monthly remuneration pursuant to this Act shall also be due during the holiday.

(4) Municipality shall provide to a released member of the municipality council also that part of his/her holiday which he/she has not drawn before being released for the exercise of his/her public office. If a released member of the municipality council fails to draw his/her holiday before the expiry of the time for his/her release for the exercise of his/her public office, holiday shall be given by the releasing employer.

(5) If a released member of the municipality council could not draw his/her holiday or part of it in the course of a given calendar year, this claim shall be carried over to the following calendar year. In such a case, a released council member may also ask the municipality for compensation of his/her monthly remuneration for unused holiday.

Section 80  
**cancelled**

Section 81  
**cancelled**

Section 82

In the course of exercising his/her office, a member of the municipality council shall be entitled to do the following

a) submit to the municipality council, the municipality board, committees and commissions motions for discussion,

b) raise questions, comments and motions to the municipality board and its individual members, to committee chairmen, to statutory bodies of legal entities whose founder is the municipality, and to heads of contributory organizations and organizational components founded or established by the municipality; a written answer must be received within 30 (thirty) days,

c) demand from employees of the municipality, assigned to the municipality authority, as well as from employees of the legal entities founded or established by the municipality, information on matters connected with the exercise of their office; such information must be supplied within 30 (thirty) days at the latest.

Section 83

(1) Member of the municipality council is obliged to attend sessions of the municipality council, eventually sessions of other bodies of the municipality, if he/she is their member, he/she shall fulfill the tasks set by those bodies, protect the interests of the citizens of the municipality, and act and behave in a way not to jeopardize the solemnity of his/her office.

(2) Member of the municipality council in whose case facts indicate that his/her participation in the discussion of and decision-making on a specific matter in the bodies of the municipality could bring an advantage or loss for that particular member or a person close to him/her, for a natural person or legal entity he/she represents on the basis of law or power of attorney (clash of interests) shall be obliged to report that fact before the start of deliberations of the body of the municipality which is to discuss the given matter. This body of the municipality shall then decide whether there are reasons for exclusion from deliberations and decision-making concerning that matter.

## **PART 2**

### **Powers of the Municipality Council**

#### Section 84

(1) The municipality council decides on matters belonging to the municipality's own competence (Section 35 subsection 1).

(2) The municipality council shall be entitled to

- a) approve the municipality's development programme,
- b) approve budget of the municipality and final account of the municipality,
- c) establish permanent and temporary financial funds of the municipality,
- d) establish and abolish budgetary organizations and organizational components of the municipality, approve their deeds of foundation,
- e) decide on the establishment or abolition of legal entities, approve their deeds of foundation, social contracts, founding agreements and statutes, and decide about participation in the already established legal entities, 29)
- f) delegate representatives of the municipality, with the exception of Section 102 subsection 2 c), to attend general meetings of business companies in which the municipality has a property interest,
- g) propose the municipality's representatives in other bodies of business companies in which the municipality has a property interest, and propose their recall,
- h) issue generally binding ordinances of the municipality,
- I) decide about the holding of a local referendum,

- j) propose changes in the cadastral territory within the municipality, approve agreements on changes of the municipality's boundaries and on the merger of the municipality,
- k) determine posts for which members of the municipality council shall be released,
- l) set up and abolish committees, elect their chairmen and other members, and recall them from their posts,
- m) from the ranks of the of the municipality council elect the Mayor, Deputy Mayor and other members of the municipality councils (councillors) and recall them from their posts, determine the number of the members of the municipality council, as well as the number of long-term released members of that council, set up and abolish committees, elect their chairpersons and other members, and recall them from their posts,
- n) stipulate the amount of rewards for non-released members of the municipality council,
- o) set up and abolish municipality police,
- p) decide about co-operation of the given municipality with other municipalities and on the actual form of such co-operation,
- r) decide on the establishment and names of parts of the municipality, on the names of streets and other public spaces,
- s) grant and recall honorary citizenship of the municipality and awards of the municipality,
- t) stipulate principles for granting travel expenses to members of the municipality council,
- u) decide on monetary performance provided to natural persons who are not members of the municipality council for the exercise of the office of committee members,
- v) decide about the establishment, merger, consolidation, division and abolition of a public non-profit institutional health facility, propose representatives to its supervisory board, and decide about the transfer of property rights to the property administered by public non-profit institutional health facility or its rental in cases stipulated by a special legal regulation 29a) ,
- x) meet the tasks laid down by a special legal regulation.

(3) If no municipality board has been set up, the municipality council shall issue rulings.

(4) The municipality council may reserve other powers in its own competence outside the powers reserved for the municipality council pursuant to Section 102 subsection 2.

(5) The municipality council shall decide on the abolition of resolutions of the municipality council, if such are submitted for its decision pursuant to Section 105 subsection 1.

## Section 85

Furthermore, the municipality council shall be entitled to decide on the following property-right acts:

- a) acquisition and transfer of movable things, including issue of movable things pursuant to special Acts, transfer of flats and non-residential premises from the property of the municipality,
- b) provision of material gifts in the value exceeding 20,000 CZK and monetary gifts in the value exceeding 20,000 CZK to natural person or legal entity in a single calendar year,
- c) provision of subsidies in excess of 50,000 CZK in individual cases to civic associations, humanitarian organizations and other natural persons or legal entities active in the field of youth, physical training and sports, social services, support for families, fire protection, culture, education and adult education and science, health care, drug-control activities, crime prevention and environmental protection,
- d) conclusion of contracts on association and provision of material values pursuant to contract on association in which the municipality is a contracting party,
- e) monetary and non-monetary investments into legal entities,
- f) surrender of right and waiver of a debt higher than 20,000 CZK,
- g) mortgaging real estate or rights in a value higher than 20,000 CZK,
- h) agreement on loans with a maturity period longer than 18 (eighteen) months,
- i) assignment of debt higher than 20,000 CZK,
- j) conclusion of agreement on the acceptance and provision of a credit or a loan, on the provision of a subsidy, on the acceptance of a debt, on the acceptance of a guarantor's obligation, and the assumption of liability for debt, and contract on association,
- k) assignment of real estate,
- l) issuance of a communal bond.

## Section 86 **cancelled**

## Section 87

Consent of a majority of all the members of the municipality council shall be necessary for a resolution of the municipality council, its decision or voting to be valid, unless laid down otherwise by a special legal regulation 31a) .

Section 88  
**cancelled**

Section 89

(1) If the municipality council fails to meet for a period longer than 6 (six) months in a way to be able to have a quorum, the Ministry of the Interior shall dissolve it. The municipality concerned may file action to court to contest that decision.

(2) If the municipality council or another body of the municipality fails to proceed in compliance with a court decision on the duty to declare a local referendum or a decision adopted by a local referendum, the Ministry of the Interior shall urge the given municipality council to rectify the situation within 2 (two) months. If the municipality council does not comply within the given deadline, the Ministry of the Interior shall dissolve it. The municipality concerned may file action to court to contest that decision 30).

(3) By the time a new municipality council is elected or eventually a new Administrator of the municipality is found pursuant to Section 98, the municipality board shall exercise its powers pursuant to Section 102 subsection 2 and 3. If no municipality board has been elected, the Mayor shall exercise the powers pursuant to Section 107 subsection 1. If no Mayor has been elected, these powers shall be exercised by another member of the municipality council to be authorized with that task by the council.

Section 90

If the number of members of the municipality council decrease by more than a half, eventually dropping under 5 (five), and the municipality council cannot be supplemented by substitutes, the municipality authority shall report this fact forthwith to the relevant regional authority. In such a case, the municipality council cannot decide about matters pursuant to Section 84 and 85.

Section 91

(1) Constituent session of a newly elected municipality council shall be convened by the incumbent Mayor so as to take place within 15 (fifteen) days of the announcement of the election results, eventually within 15 (fifteen) days of the coming into effect of the court resolution on the complaint against the issuance of the certificate on the election of a municipality council member. 31) The constituent session is usually chaired by the oldest member of the municipality council until such time when a Mayor or Deputy Mayor is elected. The constituent session of the municipality council shall elect the Mayor, Deputy Mayor and other members of the municipality board.

(2) If the constituent session of the newly elected municipality board is not convened within a deadline given in subsection 1, the Ministry of the Interior shall do so.

## Section 92

(1) The municipality council shall meet as need be, but at least once in 3 (three) months. The municipality council sessions are held in the territorial district of the municipality. The municipality council sessions are convened and usually chaired by the Mayor. The Mayor is obliged to convene a municipality council session, if requested to do so by at least one third of the members of the municipality council or by the chief executive of the relevant region. Municipality council session shall be held within 21 (twenty-one) days of the day when such a request has been delivered to the municipality authority at the latest.

(2) If the Mayor does not convene a municipality council session pursuant to subsection 1, the Deputy Mayor or eventually another member of the municipality council shall do so.

(3) The municipality council shall have a quorum if a majority of all its members are present. If a majority of all the members of the municipality council is not present after the start or in the course of the municipality council session, its chairperson shall terminate the municipality council session. A substitute session shall be held within 15 (fifteen) days. It shall be convened by means of a procedure pursuant to subsection 1 or 2.

## Section 93

(1) The municipality authority shall inform about the actual venue, time and proposed programme of the scheduled municipality council session. Information shall be posted up on the official notice board 3b) of the municipality authority for at least 7 (seven) days prior to the municipality council session; in addition, information may be published in a manner customary in the given locality.

(2) Municipality council sessions are public.

(3) If a member of the Government or his/her appointed representative, a Senator, a Member of Parliament or a representative of a regional authority claims the floor at a municipality council session, he/she must be given the floor.

## Section 94

(1) The right to submit motions for inclusion on the agenda prepared for municipality council sessions shall lay with its members, municipality board and committees.

(2) The municipality council shall decide about inclusion of motions submitted during municipality council sessions on its agenda.

## Section 95

(1) Minutes shall be compiled on the course of municipality council sessions. These are signed by the Mayor or Deputy Mayor and by appointed verifiers. The minutes shall invariably give the number of members of the municipality council present, the approved agenda of the municipality session, its course and the result of voting, and the resolutions approved.

(2) The minutes, which must be made out within 10 (ten) days of the end of the relevant session, shall be kept at the municipality authority open for inspection. Objects raised by members of the municipality council to the minutes shall be decided at the nearest municipality council session.

#### Section 96

The municipality council shall issue rules of procedure, thereby stipulating the details of the deliberations of the municipality council.

#### Section 97

The municipality shall inform its citizens of the activities of the bodies of the municipality at the municipal council session and also in other ways customary in the given locality.

#### Section 98

(1) The Ministry of the Interior shall appoint an Administrator of the municipality from the ranks of civil servants assigned to the Ministry of the Interior,

a) if an election called in the municipality is not held due to a lack of candidates for members of the municipality council or because no Ward Electoral Commission has been established, 32)

b) if the municipality council has been dissolved pursuant to Section 89,

c) if the mandate of all the members of the municipality council has terminated and substitutes have not taken up vacated posts,

d) if the Mayor is not elected within 6 (six) months of the constituent session, or from the day the Mayor has been recalled or resigned from his/her office,

e) if there is a merger of municipalities or separation of part of the municipality at the beginning of the given calendar year.

(2) Administrator of the municipality shall ensure the exercise of delegated powers, if this is a municipality without its Secretary of the municipality authority, and also tasks in the field of the municipality's own competence pursuant to Section 84 subsection 2 c) and Section 102 subsection 2 and 3. Administrator of the municipality shall head the municipality authority. If this is a municipality where the post of Secretary of the municipality authority (Section 110) has been set up, the Secretary shall be subordinated to the Administrator of the municipality.

(3) The costs connected with the exercise of the office of the Administrator of the municipality shall be covered by the state.

(4) The Ministry of the Interior controls the activities of the Administrator of the municipality.

(5) Activities of the Administrator of the municipality shall be terminated on the day of the constituent session of the municipality council (Section 91) or on the day of the election of the Mayor. At the constituent session of the municipality council, the Administrator of the municipality shall present a report on the exercise of his/her office, and on the municipality's state of economic management and its property.

### **PART 3**

#### **Municipality Board**

##### **Section 99**

(1) The municipality board is an executive body of the municipality in the field of its own competence, accountable for its activities to the municipality council. In the field of delegated powers the municipality board shall be entitled to the right to decide, as laid down by law.

(2) In a municipality where no municipality board is elected, its powers shall be performed by the Mayor, unless stipulated otherwise by this Act (Section 102 subsection 4).

(3) The municipality board shall be made up of the Mayor, the Deputy Mayor (Deputy Mayors) and other members of the board, elected from the ranks of the members of the municipality council. The number of members of the municipality board is odd, amounting at least to 5 (five) and at the most to 11 (eleven) members, while its total number must never exceed one third of the number of the members of the municipality council. The municipality board is not elected in municipalities whose municipality council has less than 15 (fifteen) members.

(4) If the Mayor or the Deputy Mayor is recalled from office or if he/she has resigned from the post, he/she shall cease to be a member of the municipality board as well.

##### **Section 100**

(1) If, during the term of office, the total number of members of the municipality board drops beneath 5 (five) and has not been supplemented at the nearest session of the municipality council to at least 5 (five), its powers shall be exercised from that moment by the municipality council, which may entrust decision-making on matters pursuant to Section 102 subsection 2 and 3 either completely or partly to the Mayor.

(2) If, during the term of office, the total number of members of the municipality council drops beneath 11 (eleven) and the vacated mandates are not filled with substitutes, the activities of the municipality board shall end with the expiry of the thirtieth day from the vacation of the mandates in the municipality council. The office of the municipality board shall be discharged in such a case by the municipality council, which may entrust the discharge of some of the tasks of the municipality board to the Mayor.

(3) If, during the term of office, the total number of members of the municipality board exceeds one third of the total number of members of the municipality council, without the number of its members dropping beneath 11, the municipality board shall continue to discharge

its function.

## Section 101

(1) The municipality board shall meet for its sessions as need be, its meetings are not public. In order to discuss some of the items on the agenda, the municipality board may invite to its meeting another member of the municipality council and other persons.

(2) The municipality board shall have a quorum if a majority of all its members is present; consent of a majority of all its members is necessary for its resolution or decision to be valid.

(3) The municipality board prepares minutes from its meeting which are signed by the Mayor together with the Deputy Mayor or another councillor. The minutes shall invariably give the number of members of the municipality board present, the approved agenda of the meeting of the municipality board, the course and result of its voting, and the resolutions approved. The minutes from the municipality board meetings must be made out within 7 (seven) days of its holding. The nearest meeting of the municipality board shall decide about the eventual objections raised by the members of the municipality board to the minutes. The minutes from the municipality board session must be kept at the municipality authority open for the members of the municipality council.

(4) The municipality board shall issue its rules of procedure, thereby laying down the details of the municipality board session.

## Section 102

(1) The municipality board prepares motions for municipality council meetings, securing implementation of the resolutions adopted by the council meetings.

(2) The municipality board is entitled to

a) ensure economic management of the municipality in keeping with its approved budget, take budgetary measures to the extent laid down by the municipality council,

b) while acting vis-a-vis legal entities and organizational components founded or established by the municipality council, with the exception of the municipality police, discharge tasks of the founder or incorporator pursuant to special regulations, unless these are reserved to the municipality council (Section 84 subsection 2),

c) decide on matters of the municipality as the sole partner in a business corporation,

d) issue rulings of the municipality,

e) discuss and resolve proposals, comments and moves submitted by the members of the municipality council or commissions of the municipality board,

f) stipulate the division of powers in the municipality authority, establish and abolish departments and sections of the municipality authority (Section 109 subsection 2),

g) at the proposal of the Secretary of the municipality authority appoint and recall heads of the departments of the municipality authority in keeping with special legislation, 32a)

h) establish and abolish, as need be, commissions of the municipality board (hereinafter only "commissions"), appoint and recall from their posts their chairpersons and members,

i) monitor the implementation of the tasks of the municipality authority and commissions in the field of the municipality's own competence,

j) determine the total number of employees of the municipality in the municipality authority and in the organizational components of the municipality,

k) impose fines in matters of the municipality's own competence (Section 58); the municipality board may entrust these powers to an appropriate department of the municipality authority either completely or partly,

l) acting on the strength of a move, examine the measures adopted by the municipality authority in its own competence and by the commissions,

m) decide on the conclusion of rental contracts and contracts on loans; the municipality board may entrust these powers to an appropriate department of the municipality authority or to the municipality's contributory organization either completely or partly,

n) lay down rules for the reception and handling of petitions and complaints,

o) approve the organizational rules of the municipality authority,

p) meet tasks laid down by special legislation.

(3) The municipality board shall ensure decision-making on other matters belonging to the municipality's own competence, unless these are reserved by the municipality council or unless the municipality council has reserved them. The municipality board shall not entrust decision-making on matters pursuant to subsection 2, with the exception of those given in subsection 2 k) and m), either to the Mayor or the municipality authority.

(4) In municipalities where the Mayor exercises the powers of the municipality board (Section 99 subsection 2), decision-making on matters given in subsection 2 c), d), f), j) and l) shall also be reserved for the municipality council.

(5) If the municipality board is recalled as a whole and if concurrently no new municipality board has been elected as yet, the incumbent municipality board shall exercise its powers until the election of a new municipality board.

## **PART 4**

### **The Mayor**

## Section 103

(1) The Mayor is a public representative of the municipality.

(2) The Mayor and Deputy Mayor (Deputy Mayors) are elected to the posts of the municipality council from the ranks of their members. The Mayor and the Deputy Mayor must be a citizen of the Czech Republic. For the exercise of his/her office he/she shall be accountable to the municipality council.

(3) The Mayor appoints and recall - with the consent of the Director of the regional authority - the Secretary of the municipality authority in keeping with special legislation 32a), and fixes his/her salary pursuant to special regulations; 33) without the consent of the Director of the regional authority the appointment and recall of the Secretary of the municipality authority shall be invalid.

(4) The Mayor

a) is responsible for timely ordering of the review of the municipality's economic management for the past calendar year (Section 42),

b) discharges tasks of the employer pursuant to special regulations, concludes and terminates employment contracts with employees of the municipality, fixing their salaries pursuant to special regulations, 33) unless the municipality has its Secretary of the municipality authority; he/she appoints, recalls and fixes the salaries of the heads of departments, only if no municipality board has been established,

c) may - following discussions with the Director of the regional authority - entrust to the commission the exercise of delegated powers in specific matters,

d) may ask the Police of the Czech Republic for co-operation in securing local matters in public law and order,

e) is responsible for keeping the public informed on the activities of the municipality, 34)

f) ensures the exercise of delegated powers in municipalities where there is no Secretary of the municipality authority,

g) decides on matters of the municipality's own competence, entrusted to it by the municipality board,

h) discharges other tasks laid down by this Act and other legislation,

i) discharges similar tasks as the statutory authority of an employer pursuant to special legal regulations vis-a-vis released members of the council and the Secretary of the municipality authority.

(5) The Mayor convenes and usually chairs sessions of the municipality council and the municipality board, signs - together with other verifiers - the minutes from the municipality

council meetings and the minutes from the municipality board meetings.

(6) If the Mayor is recalled from office or if he/she has resigned from the office, and if, at the same time, a new Mayor has been elected, his/her powers shall be exercised until the election of the new Mayor and the Deputy Mayor, appointed by the municipality council to represent the Mayor (Section 104 subsection 1). If the municipality council has not appointed the Deputy Mayor to represent the Mayor, or if this Deputy Mayor has been recalled from the office, or if he/she has resigned together with the Mayor, the municipality council shall authorize a member of the municipality council with the task of exercising the powers of the Mayor.

#### Section 104

(1) The Mayor is represented by the Deputy Mayor. The municipality council may elect more Deputy Mayors and entrust them with some tasks. The Deputy Mayor to be appointed by the municipality council shall represent the Mayor at the time of the latter's absence or while the Mayor does not exercise his/her office (Section 73 subsection 3 and Section 79 subsection 1).

(2) The Mayor together with the Deputy Mayor sign legal regulations of the municipality.

#### Section 105

The Mayor shall suspend the execution of a resolution of the municipality board, if he/she believes it is incorrect. He/she shall then submit the matter to be decided at the nearest session of the municipality council (Section 84 subsection 5).

#### Section 106

(1) In cases laid down by special legislation, the Mayor shall establish, for the exercise of delegated powers, special bodies of the municipality, appointing and recalling their members. In cases laid down by special legislation, a special body of the municipality with extended powers shall execute state administration for an administrative district of the municipality with extended powers.

(2) Special body of the municipality may only be headed by a person who, unless stipulated otherwise by a special Act, has proved its special professional ability in the field of delegated powers, for the exercise of which office that particular special body has been established. In a similar way, the provisions of the special legal regulations governing the process of proving special professional abilities for the officials of territorial self-governing units shall also apply to the process of proving special professional abilities of the person heading the special body of the municipality.

(3) The provision of subsection 2 shall not apply to cases when the Mayor stands at the head of a special body of the municipality on the strength of the provisions of special legislation.

#### Section 107

(1) During the period from the day of the election to the municipality council to the day of

the constituent session of the newly elected municipality council the outgoing Mayor shall

a) ensure the exercise of delegated powers in the municipalities without a Secretary of the municipality authority,

b) exercise powers pursuant to Section 102 subsection 2 a), b), e), h), i), l), Section 102 subsection 3, and Section 103 subsection 4 with the exception of the performance of budgetary measures,

c) receive statements on the conclusion of marriages. 34a)

(2) If a municipality council fails to elect its Mayor at its constituent session, the outgoing Mayor, if he/she is a member of the council, shall exercise powers pursuant to subsection 1. If the outgoing Mayor is not a member of the municipality council, the municipality council shall authorize one of its members to exercise these powers.

(3) If the newly elected municipality council fails to elect its Mayor within 6 (six) months of the day of its constituent session, the provisions of Section 98 shall be applied.

#### Section 108

(1) The Mayor is entitled to use a suspended emblem on major occasions and at civic ceremonies. A suspended emblem has a large state emblem in the middle with the name the Czech Republic on its perimeter.

(2) The municipality board may stipulate on which particular occasions this emblem may be used by another member of the municipality council or by the Secretary of the municipality authority.

(3) The Lord Mayor of a statutory city has the right to wear the Lord Mayor's emblem on major occasions and at civic ceremonies.

### **PART 5**

#### **Municipal Authority**

#### Section 109

(1) The municipal authority is made up of the Mayor, the Deputy Mayor (Deputy Mayors), Secretary of the municipality authority, if this post has been established, and the employees of the municipality assigned to the municipality authority. The Mayor heads the municipality authority.

(2) The municipality board may establish - for the individual branches of activities of the municipality authority - departments and sections, incorporating municipality employees assigned to the municipality authority.

(3) The municipality authority

- a) in the sphere of its own competence 1. discharges tasks set to it by the municipality council or by the municipality board,  
2. helps committees and commissions in their activity;
- b) exercises delegated powers pursuant to Section 61 subsection 1 a), with the exception of matters falling into the powers of a different body of the municipality.

#### Section 110

(1) The post of the Secretary of the municipality authority who is an employee of the municipality shall be set up in municipalities with designated municipality authority and in municipalities with extended powers. Other municipalities may establish the post of the Secretary of the municipality authority.

(2) The Secretary of the municipality authority is responsible for the implementation of the tasks of the municipality authority in its own competence as well as the delegated powers of the Mayor.

(3) If the post of the Secretary of the municipality authority has not been established in the municipality or if no Secretary of the municipality authority has been appointed, his/her tasks shall be discharged by the Mayor.

- (4) The Secretary of the municipality authority
- a) ensures the exercise of delegated powers with the exception of matters which are entrusted by law to the municipality board or a special body of the municipality,
  - b) fulfills tasks entrusted to it by the municipality council, the municipality board or by the Mayor,
  - c) fixes, pursuant to special legal regulations 33), salaries of all the employees of the municipality assigned to the municipality authority,
  - d) discharges tasks of the statutory employer pursuant to special legal regulations towards municipality employees assigned to the municipality authority,
  - e) issues filing rules, rules for the safe destruction of official documents, and employment rules of the municipality authority, as well as other internal guidelines of the municipality authority, unless these are issued by the municipality board.

(5) The Secretary of the municipality authority attends sessions of the municipality council and meetings of the municipality board, having a consultative vote.

(6) The Secretary of the municipality authority must not discharge any functions in political parties and in political movements.

#### Section 111

(1) All the written documents executed by the body of the municipality in the municipality's own competence shall be headlined with the words "municipality" ("town", "township") and the name of the municipality, township or town, giving the name of the body which made out the given document.

(2) All the written documents executed by the body of the municipality in delegated powers of the body of the municipality, with the exception of rulings of the municipality, shall be headlined with the words "municipality authority" ("municipal authority", "township authority"), giving the name of the municipality, township or town.

(3) If written documents are elaborated by departments of the municipality (municipal authority or township authority, the name of the department which has elaborated the given written document shall also be given under its head. If a special Act stipulates a different designation of the department, this particular designation shall be given.

(4) If written documents are elaborated by special bodies, they shall be headlined with the name "municipality" ("town", "township") and under it the name of the special body which has elaborated the written document,

(5) Municipalities may use stamp of the municipality in cases where special legislation does not lay down the compulsory use of the official stamp with the small state emblem 34b)

Section 112  
**cancelled**

Section 113  
**cancelled**

Section 114  
**cancelled**

Section 115  
**cancelled**

Section 116  
**cancelled**

## CHAPTER V

### BODIES OF THE MUNICIPALITY COUNCIL AND THE MUNICIPALITY BOARD

#### **Committees**

Section 117

(1) The municipality council may set up committees as its initiative and control bodies. Committees submit their standpoints and motions to the municipality council.

(2) The municipality council always establishes a financial and audit committee.

(3) The municipality inhabited, according to the latest census, by at least 10 % of citizens espousing a nationality other than Czech shall establish a National Minorities Committee. Members of that Committee shall also be representatives of the national minorities, if delegated by the union set up pursuant to special legislation; 36) however, members of the national minorities must always make up at least one half of the Committee members.

(4) Committee chairperson shall always be a member of the municipality council; this shall not apply if this is the chairperson of neighbourhood committee (Section 120).

#### Section 118

(1) Committee discharges tasks entrusted to it by the municipality council. Committee is accountable for its activities to the municipality council.

(2) The total number of committee members is always odd. Committee shall meet as need be. Committee resolutions shall be made in writing, and shall be signed by the Committee chairperson.

(3) Committee resolution shall be valid if a majority of all the committee members has expressed consent with it.

#### Section 119

(1) Financial and Audit Committees have at least three members each. Their members can be neither the Mayor, the Deputy Mayor, the Secretary of the municipality authority nor persons securing budgetary and accounting work at the municipality authority.

(2) Financial Committee shall

a) check the economic management of the municipality's property and financial resources,

b) discharge other tasks entrusted to it by the municipality council.

(3) Audit Committee shall

a) check the implementation of the resolutions of the municipality council and the municipality board, if the latter has been established,

b) check compliance with the legal regulations by other Committees and the municipality authority in the field of its own competence,

c) discharge other auditing tasks entrusted to it by the municipality council.

(4) Committee shall make out a record of the audit performed, containing information

which particular shortcomings have been found and draft measures aimed at eliminating them. The record shall be signed by a Committee member who carried out the audit and by an employee whose activities were checked.

(5) Committee shall submit the record to the municipality council; attached to the record shall be a statement of the body, or the employees whose activities were audited.

#### Section 120

(1) In parts of the municipality, the municipality council may set up neighbourhood or local committees (hereinafter only "neighbourhood committee"). Neighbourhood committee shall have at least 3 (three) members. The actual number of members of the neighbourhood committee shall be determined by the municipality council.

(2) Members of the neighbourhood committee are citizens of the given municipality who have permanent residence in that part of the municipality for which the pertinent neighbourhood committee has been established and who have been appointed by the municipality council.

(3) Chairperson of the neighbourhood committee is elected by the municipality council from the ranks of the members of the neighbourhood committee.

#### Section 121

- (1) The neighbourhood committee is entitled to
- a) submit to the municipality council, the municipality board and the committees motions pertaining to the development of the relevant part of the municipality and the municipality's budget,
  - b) express its views on the motions submitted to the municipality council and the municipality board for decision, if concerning the relevant part of the municipality,
  - c) express itself on the comments and suggestions submitted by citizens of the municipality who have permanent residence in the part of the municipality and addressed to the bodies of the municipality.

(2) If a chairperson of the neighbourhood committee claims the floor at a session of the municipality council, he/she must be given the floor.

#### Section 122

##### **Commission**

(1) The municipality board may set up commissions as its initiative and consultative bodies. Commissions submit their standpoints and subjects to the municipality board.

(2) Commission is also an executive body, if authorized to exercise delegated powers pursuant to Section 103 subsection 4 c).

(3) Only a person who has proved his/her special professional competence in the field entrusted to the commission with delegated powers can become chairperson pursuant to subsection 2, unless stipulated otherwise by special legislation. Similar regulations shall apply to the provisions of special legal regulations governing the process of proving such competence for the officials of territorial self-governing units as for the process of proving special professional abilities of the Commission chairperson

(4) Commission shall agree by a majority of votes of all its members.

(5) Commission is accountable for its activities to the municipality council; in matters concerning the exercise of delegated powers in the entrusted field it is accountable to the Mayor.

## CHAPTER VI

### SUPERVISION

#### PART 1

#### **Supervision of the Issuance and Content of Generally Binding Ordinances of the Municipality and Resolutions, Decisions and Other Measures of the Body of the Municipality in its Own Competence**

##### Section 123

(1) If a generally binding ordinance of the municipality contravenes the law, the Ministry of the Interior shall call on the offending municipality to correct the situation. If the municipality fails to rectify within 60 (sixty) days of the delivery of the notice, the Ministry of the Interior shall rule on the suspension of the effectiveness of those generally binding ordinances. The effectiveness of the generally binding ordinances of the municipality shall be suspended on the day of delivery of the decision of the Ministry of the Interior to the municipality. The Ministry of the Interior shall further stipulate to the municipality in its decision an appropriate deadline for rectification. If the municipality council manages to correct the situation within the given deadline, the Ministry of the Interior shall cancel its decision on the suspension of the effectiveness of the generally binding ordinance of the municipality immediately after receiving the municipality's information on the correction of the situation, whose annex shall be formed by the municipality's generally binding ordinance which has corrected the situation.

(2) In case of an evident discrepancy between the municipality's generally binding ordinances with human rights and fundamental freedoms the Ministry of the Interior may suspend their effectiveness without a previous call for rectification. The effectiveness of the municipality's generally binding ordinances shall be suspended on the day of the delivery of the decision of the Ministry of the Interior to the municipality. In its decision the Ministry of the Interior shall also stipulate to the municipality an appropriate deadline for rectification. If the municipality council manages to remedy the situation within the stipulated deadline, the Ministry of the Interior shall cancel its decision on the suspension of the effectiveness of the municipality's generally binding ordinance without any delay after receiving from the municipality a report on the correction of the situation whose annex shall be formed by the municipality's generally binding ordinance which has corrected the situation.

(3) If the municipality council fails to correct the situation within the stipulated deadline and if no remonstrance is filed against the decision by the Ministry of the Interior pursuant to subsection 1 and 2, the Ministry of the Interior shall submit within 30 (thirty) days of the expiry of the deadline after the submission of the remonstrance to the Constitutional Court a motion to repeal the municipality's generally binding ordinance. If a remonstrance has been filed against the decision of the Ministry of the Interior pursuant to subsection 1 and 2, the Ministry of the Interior shall submit such a motion to the Constitutional Court within 30 (thirty) days of the coming into effect of the decision on the remonstrance with which the said remonstrance has been dismissed. If the Constitutional Court rejects or dismisses this motion or terminates the procedure, the ruling of the Ministry of the Interior on the suspension of the effectiveness of the municipality's generally binding ordinance shall lose its validity on the day when the ruling of the Constitutional Court comes into force.

(4) If the municipality council manages to remedy the situation before the ruling of the Constitutional Court on the motion pursuant to subsection 3, the municipality shall report this immediately to the Constitutional Court and to the Ministry of the Interior. The Ministry of the Interior shall cancel its decision on the suspension of the effectiveness of the municipality's generally binding ordinance within 15 (fifteen) days of the delivery of the municipality's report on rectification whose annex shall be formed by the generally binding ordinance of the municipality which has corrected the situation.

#### Section 124

(1) If a resolution, decision or other measure of the body of the municipality in its own competence is found to contravene the law or other legal regulation, and if this is not a generally binding ordinance of the municipality, the Ministry of the Interior shall call on the offending municipality to remedy the situation. If the relevant body of the municipality fails to rectify the situation within 60 (sixty) days from the day of the delivery of the notice, the Ministry of the Interior shall suspend the implementation of such a resolution, decision or other measure of the body of the municipality in its own competence. Implementation of the resolution, decision or other measure of the body of the municipality in its own competence shall be suspended on the day of the delivery of the ruling of the Ministry of the Interior to the offending municipality. The Ministry of the Interior in its ruling shall also stipulate to the municipality an appropriate deadline for rectification. If the relevant body of the municipality manages to remedy the situation within the stipulated deadline, the Ministry of the Interior shall cancel its ruling on the suspension of the implementation of the offending resolution, decision or other measure taken by the body of the municipality in its own competence without any delay after receiving the municipality's report on the correction of the situation whose annex shall be formed by the resolution, decision or other measure of the body of the municipality in its own competence which has corrected the situation.

(2) In case of an evident and serious contravention of a resolution, decision or other measure of the body of a municipality in its own competence with the law, the Ministry of the Interior may suspend the implementation of such a resolution, decision or other measure of the body of municipality in its own competence without previous call for rectification. Implementation of such a resolution, decision or other measure of the body of municipality in its own competence shall be suspended on the day of the delivery of the decision. In its decision the

Ministry of the Interior shall also stipulate to the municipality an appropriate deadline for rectification. If the relevant body of the municipality remedies the situation within the given deadlines, the Ministry of the Interior shall cancel its decision on the suspension of the effectiveness of the resolution, decision or other measure of the body of the municipality in its own competence without any delay after receiving the municipality's report on rectification whose annex shall be formed by the resolution, decision or other measure of the body of the municipality in its own competence which has corrected the situation.

(3) If the relevant body of the municipality fails to remedy the situation within the stipulated deadline and if no remonstrance is filed against the decision by the Ministry of the Interior pursuant to subsection 1 and 2, the Ministry of the Interior shall file within 30 (thirty) days from the expiry of the deadline for the submission of the remonstrance to the relevant court a motion to cancel the resolution, decision or other measure of the body of the municipality in its own competence. If remonstrance has been filed against the ruling of the Ministry of the Interior pursuant to subsection 1 and 2, the Ministry of the Interior shall file such a motion to the relevant court within 30 (thirty) days of the day of the coming into effect of the ruling on the remonstrance which has dismissed the remonstrance. If the court rejects or dismisses the motion or terminates the procedure, the ruling of the Ministry of the Interior on the suspension of the effectiveness of the resolution, decision or other measure of the body of the municipality in its own competence shall lose its validity on the day when the court ruling comes into force.

(4) If the relevant body of the municipality manages to rectify the situation prior to the court decision on the motion pursuant to subsection 3, the municipality shall report this to the court and to the Ministry of the Interior without any delay. The Ministry of the Interior shall cancel its decision on the suspension of the implementation of the offending resolution, decision or other measure of the body of the municipality in its own competence within 15 (fifteen) days from the delivery of the municipality's report on rectification whose annex shall also be formed by the resolution, decision or other measure of the body of the municipality in its own competence which has corrected the situation.

(5) The Ministry of the Interior shall not decide on the suspension of the implementation of a resolution, decision or other measure of the body of the municipality in its own competence, if that has already been executed; in such a case it shall merely submit to court a motion for its cancellation.

(6) The provisions of subsections 1 through 5 shall not be applied in cases of violation of legal regulations of the civic, commercial or labour code, and in cases where supervision and control of the exercise of the municipality's own competence is governed by a special legal regulation 37) .

Section 124a  
**cancelled**

**PART 2**  
**Supervision of the Issuance and Content of Regulations of the Municipalities and Resolutions, Decisions and Other Measures of the Body of the Municipality in Delegated**

## **Powers**

### **Section 125**

(1) If the municipality's regulation contravenes a law or another legal regulation, the regional authority shall call on the offending municipality to remedy the situation. If the relevant body of the municipality fails to correct the situation within 60 (sixty) days of the delivery of the call, the competent regional authority shall rule on the suspension of the effectiveness of the municipality's regulation. The effectiveness of the municipality's regulation shall be suspended on the day of the delivery of the decision of the regional authority to the offending municipality. In its decision the regional authority shall also stipulate to the municipality an appropriate deadline for rectification. If the relevant body of the municipality corrects the situation within the stipulated deadline, the regional authority shall cancel its decision on the suspension of the effectiveness of the regulation of the municipality without any delay after receiving the municipality's report on rectification whose annex shall also be formed by the regulation of the municipality which has corrected the situation.

(2) In case of an evident contravention of the municipality's regulation with human rights and fundamental freedoms, the regional authority may suspend its effectiveness without prior notice for rectification. The effectiveness of a municipality regulation shall be suspended on the day of the delivery of the decision of the regional authority to the relevant municipality. In its decision the regional authority shall also stipulate to the offending municipality an appropriate deadline for rectification. If the relevant body of the municipality remedies the situation within the fixed deadline, the regional authority shall cancel its decision on the suspension of the effectiveness of the municipality regulation without any delay after receiving the municipality's report on rectification whose annex shall also be formed by the municipality regulation which has corrected the situation.

(3) If the relevant body of the municipality fails to correct the situation within the given deadline, the Director of the regional authority shall submit to the Constitutional Court a motion to cancel the municipality regulation within 30 (thirty) days of the expiry of the deadline for rectification. If the Constitutional Court rejects or dismisses this motion or terminates the procedure, the decision of the regional authority on the suspension of the effectiveness of the municipality regulation shall lose its validity on the day when the decision of the Constitutional Court comes into force.

(4) If the relevant body of the municipality rectifies the situation still before the ruling of the Constitutional Court on the motion pursuant to subsection 3, the municipality shall report this without any delay to the Constitutional Court and to the relevant regional authority. The regional authority shall cancel the decision on the suspension of the effectiveness of the municipality regulation within 15 (fifteen) days of the delivery of the municipality's report on rectification whose annex shall also be formed by the municipality regulation which has corrected the situation.

**headline deleted**

### **Section 126**

(1) If a resolution, decision or other measure of the body of the municipality in delegated powers contravenes the law, another legal regulation and - within its intentions - also Government Resolutions, directive of a central administrative authority or a measure of the regional authority adopted while checking the exercise of delegated powers, the regional authority shall call on the offending municipality to correct the situation. If the municipality fails to rectify the situation within 60 (sixty) days of the delivery of the call, the regional authority shall cancel such a resolution, decision or other measure of the body of the municipality, and shall report to the municipal authority the decision on the cancellation of the said resolution, decision or other measure of the body of the municipality in delegated powers.

(2) In case of evident and serious contravention of a resolution, decision or other measure of the body of the municipality in delegated powers with the law, the regional authority may cancel such a resolution, decision or other measure of the body of the municipality without any previous call for rectification.

**PART 3**  
**Supervision on the Issuance and Content of Resolutions, Decisions and Other Measures of Bodies of Municipal Districts and Metropolitan Districts of Territorially Divided Statutory Cities**

Section 127

(1) If a resolution, decision or other measure of the body of a municipal district or a metropolitan district in its own competence contravenes the law or another legal regulation, the relevant metropolitan authority shall suspend its implementation. The implementation of a resolution, decision or other legal regulation shall be suspended on the day of delivery of the decision of the metropolitan authority to the municipal district or metropolitan district concerned. In its decision the metropolitan authority shall also stipulate to the municipal district or metropolitan district a deadline for rectification which must not be longer than 3 (three) months. If the relevant body of municipal district or metropolitan district corrects the situation within the fixed deadline, the pertinent metropolitan authority shall cancel its decision without any delay after receiving notification from the municipal district or metropolitan district of a territorially divided statutory city on rectification whose annex shall also be formed by the resolution, decision or other measure of the municipal district or metropolitan district in its own competence which has corrected the situation.

(2) If the relevant body of the municipal district or metropolitan district fails to correct the situation in a case pursuant to subsection 1 within the stipulated deadline, the metropolitan authority shall submit to a court within 60 (sixty) days of the expiry of the deadline its motion to cancel the resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence. If the court rejects or dismisses this motion or suspends the proceedings, the decision of the metropolitan authority on the suspension of the implementation of the resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence shall lose its validity on the day when the court decision comes into effect.

(3) If the relevant body of the municipal district or metropolitan district rectifies the situation prior to a court decision, the relevant municipal district or the metropolitan district shall report this without any delay to the competent court and to the metropolitan authority. The metropolitan authority shall cancel its decision on the suspension of the execution of a resolution, decision or other measure of the body of the municipal district or metropolitan district without any delay after receiving notification of the municipal district or metropolitan district on rectification whose annex shall also be formed by the resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence which has corrected the situation.

(4) The metropolitan authority shall not decide on the suspension of the execution of a resolution, decision or other measure of the body of a municipal district or metropolitan district in its own competence, if that has already been executed; in such a case it shall merely submit to court a motion to cancel it.

(5) The provisions of subsections 1 through 4 shall not apply in case of violation of the legal regulations of the civic, commercial or labour code and in case where supervision and control of the exercise of the municipality's own competence is regulated by a special legal regulation 37).

#### Section 127a

If the resolution, decision or other measure of the body of a municipal district or municipal part in delegated powers contravenes the law, another legal regulation, Government Resolution, directive of the central administrative authority or a measure of the metropolitan authority adopted while checking the performance of delegated powers, it shall be abolished by the metropolitan authority. The metropolitan authority shall notify the relevant municipal district or metropolitan district authority of the cancellation of the resolution, decision or other measure of the body of the municipal district or the metropolitan district in delegated powers.

### **PART 4**

#### **Common Provisions on Supervision**

#### Section 128

- (1) The municipality shall post up without any delay on the official notice board for the period of at least 15 (fifteen) days
  - a) a decision on the suspension of the effectiveness of a municipality legal regulation,
  - b) a finding of the Constitutional Court abolishing the legal regulation of the municipality or its individual provisions,
  - c) a court decision abolishing the resolution, decision or other measure of a municipality body in its own competence,

- d) a decision on the cancellation of the suspension of the effectiveness of the municipality legal regulation,
- e) a Constitutional Court ruling on the basis of which the decision on the suspension of the municipality legal regulation loses its validity.

(2) A municipal district or metropolitan district of a territorially divided statutory city shall, without any delay, post up on the official board of the municipal district office or metropolitan district office for a period of at least 15 (fifteen) days a decision of the court canceling the resolution, decision or other measure of the body of the metropolitan district or the municipal district in its own competence.

(3) On request the municipality shall without any delay send to the Ministry of the Interior a resolution, decision or other measure of the body of the municipality in its own competence. On request the municipality shall without any delay send to the regional authority a resolution, decision or other measure of the body of the municipality with delegated powers.

(4) A municipal district or metropolitan district of a territorially divided statutory city shall send on request without any delay a resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence to the metropolitan authority. A municipal district or metropolitan district of a territorially divided statutory city shall send on request without any delay a resolution, decision or other measure of the body of the municipal district or metropolitan district with delegated powers to the metropolitan authority.

(5) The competence entrusted to the regional authority in Section 125 and 126, and the competence entrusted to the metropolitan authority in Section 127a is a delegated competence.

(6) The provisions of the rules of administrative procedure shall not be used for the decision on the suspension of the effectiveness of the municipality regulation and on the cancellation of the resolution, a decision or other measure of the body of a municipality, municipal district or metropolitan district of a territorially divided statutory city with delegated powers with the exception of the provision on the basic principles of the activities of an administrative body.

(7) The provisions of Part 1 to 3 shall not relate to the decisions and other activities of the body of the municipality, municipal district or metropolitan district of a territorially divided statutory city carried out pursuant to the rules of administrative procedure or the Act on the Administration of Taxes and Fees.

## **CHAPTER VII**

### **CONTROL OF THE EXECUTION OF THE OWN AND DELEGATED COMPETENCE**

- (1) The Ministry of the Interior shall control the performance of the own competence entrusted to the bodies of the municipality. The regional authorities shall control in the delegated competence the execution of the delegated competence entrusted to the bodies of the municipality.
- (2) The metropolitan authorities of the territorially divided statutory cities in the delegated competence shall control the execution of the own and delegated competence entrusted to the bodies of the municipal districts or metropolitan districts of the territorially divided statutory cities.
- (3) Control for the purpose of this Act shall mean the activity of a public administration body mentioned in subsection 1 and 2, during which it is ascertained whether the bodies of the municipality, the municipal districts and metropolitan districts of the territorially divided statutory cities adhere to the following:
  - a) during the performance of the own competence to the laws and other legal regulations,
  - b) during the execution of delegated powers to laws, other legal regulations and - within their limits - also Government Resolutions, guidelines issued by the central administrative authorities, as well as the measures of the competent public administration bodies approved during the control of the execution of delegated powers pursuant to this Act (Section 129b, subsection 3).
- (4) Control of the execution of the own and delegated powers entrusted to the bodies of the municipality, municipal districts and metropolitan districts of the statutory cities shall be carried out by authorized employees who are the following:
  - a) an employee of the region assigned to the regional authority,
  - a) an employee of a territorially divided statutory city assigned to the metropolitan authority of a territorially divided statutory city,
  - a) a state employee assigned to the Ministry of the Interior (hereinafter the "controlling person").

#### Section 129a

#### **Control of the Execution of the Own Competence**

- (1) The controlling person shall be authorized during the execution of the control

- a) to request from the competent body of the municipality to submit source materials and provide complete information necessary for the execution of the control within a given period,
- b) to secure in justified cases the submitted materials,
- c) to enter the building and other premises if the entry is connected with the implementation of the control,
- d) within the necessary extent corresponding to the nature of the control to use technical and material equipment of the municipality in cases where their use is necessary for ensuring the control.

(2) The municipality shall provide in connection with the implementation of the control to the controlling person all the assistance corresponding to the possibilities of the municipality and the extent of the control authorization defined by this Act.

(1) The controlling person shall be obliged:

- a) to notify the Mayor or a representative authorized by him of the commencement and end of the control and submit - prior to the beginning of the control - a written authorization issued by the person authorized pursuant to the internal regulations of the control body,
- b) to perform the control to the extent of the authorization for the control,
- c) to find out the real state of the activities controlled, compare them with the competent legal regulations and to support the findings of the control with the pertinent materials,
- d) to confirm in written form the taking over of the submitted materials, to ensure the proper protection of the materials secured, and return them without delay, if the reasons for their securing are no longer valid,
- e) to provide a written protocol on the results of the control, and state in it the essential elements stipulated by this Act,
- f) to notify the Mayor or a representatives authorized by him about the content of the control protocol,
- g) to recommend in the control protocol a possible solution to eliminate the shortcomings that have been found, if so requested by the Mayor or a representative authorized by him,
- h) to submit to the Mayor or a representative authorized by him a copy of the protocol for signature,
- i) to brief the Mayor or a representative authorized by him on the possibility to raise objections against the protocol.

(4) The control protocol shall state especially:

- a) the title of the control body,
- b) the title of the body of the municipality controlled,
- c) the name and surname of the controlling person or persons,
- d) the place and time of the performance of the control,
- e) the subject of the control and the period controlled,
- f) all the findings of the control, including the specification of any illegal procedure that has been uncovered,
- g) a recommendation in respect of a possible solution to eliminate shortcomings that have been uncovered, if so requested by the Mayor or a representative authorized by him,

- h) the designation of all materials supporting control findings,
  - i) the signature of the controlling person who carried out the control: in case the control was implemented by more than one controlling person the signature of all the controlling persons who participated in the control,
  - j) the date of the execution of the protocol and the date when the control protocol was taken over by the Mayor or a representative authorized by him.
- (5) If the Mayor or a representative authorized by him refuse to sign the control protocol, the controlling person shall mark this fact in the protocol.
- (6) The Mayor or a representative authorized by him can raise objections to the control protocol within 15 (fifteen) days from the day of its submission. The controlling person shall decide about the objections to the control protocol. If the objections have not been complied with, the Mayor or a representative authorized by him can appeal within 15 (fifteen) days from the day of submitting the decision on the objections to the person who entrusted the controlling person with the control (hereinafter "the head"). The head shall decide about the appeal against the decision on the objections within 30 (thirty) days from the submission of the appeal. If there are adequate reasons, the head shall change or cancel the decision on the objections, otherwise he/she shall reject the appeal and confirm the decision. If within the appellate procedure against the decision on the objections it is necessary to complete the inquiry into the matter, the head shall cancel the decision and shall ensure the completion of the inquiry into the matter. It is impossible to further appeal against the decision of the head. If the controlling person complies with the objections to the control protocol or if the head complies with the appeal against the decision on the objections, the appendix to the control protocol is the enclosure with their written decision which corrects the part of the control protocol which has been successfully contested by the objections.
- (7) While deciding pursuant to subsection 6, the rules of administrative procedure shall not be applied with the exception of the provisions on the basic principles of the activities of administrative bodies, the delivery and the content and formal matters of the decision.
- (8) The Mayor or a representative authorized by him at the next session of the municipality council shall inform the municipality council about the results of the control performed: in case that the control has uncovered illegal procedure of a body of the municipality, he/she shall submit a draft measure to eliminate its consequences and prevent its repetition, or he/she shall inform the council about the manner in which this has been carried out. The municipality shall without any delay post up for at least 15 (fifteen) days on the official board of the municipality authority the information on the deliberations of the municipality council in this matter, including the draft measure in accordance with the first sentence or the information on the rectification of the illegal procedure of the body of the municipality.
- (9) For the control of the execution of the own competence entrusted to the bodies of the municipal districts or metropolitan districts of the territorially divided statutory cities, subsections 1 to 8 shall be used in a similar manner.

## Section 129b

### **Control of the Execution of the Delegated Competence**

- (1) For the control of the exercise of the delegated competence entrusted to the bodies of the municipality, the provisions of Section 129a shall be used in a similar way, with the exception of subsection 8. The rights and obligations which according to Section 129a lay with the Mayor or a representative authorized by him, shall rest in the case of the control of the exercise of a delegated competence entrusted to the bodies of the municipality, with the Secretary of the municipality authority, if this post has not been established in the municipality, then with the Mayor, or a representative authorized by him.
- (2) The controlling person shall be obliged to compare the state of the controlled activities also with Government Resolutions, guidelines of the central administrative authorities and with the measures of the competent public administration body adopted during the control of the execution of the delegated competence.
- (3) The controlling person can, furthermore, in the protocol on the control do the following:
  - a) impose on the body of the municipality to fulfill the task set by law or to rectify the illegal procedure or other shortcomings found out during the control, and set a reasonable period for this,
  - b) impose on the body of the municipality to submit to the control body within a period set by a) a written report on the fulfillment of the task set by law or on the rectification of the illegal procedure or other shortcomings found out during the control.
- (4) For the control of the execution of the delegated competence entrusted to the bodies of the municipal districts or metropolitan districts of the territorially divided statutory cities subsections 1 to 3 shall be used in a similar manner. The rights and obligations which pursuant to subsection 1 rest with the Secretary of the municipality authority lay in this case with the Secretary of the municipal district authority or metropolitan district authority. The state of the activities controlled shall be compared also with the measures of the metropolitan authority adopted during the control of the execution of the delegated competence entrusted to the bodies of the municipal districts or metropolitan districts, and if the control is carried out by the metropolitan authority, the protocol on the control shall state the period for submitting of the report to the metropolitan authority.
- (5) The provision of subsection 3a shall not pertain to the acts carried out by the bodies of the municipality, the municipal district or the metropolitan district of a territorially divided statutory city pursuant to the rules of administrative procedure or the Act on the Administration of Taxes and Fees.

## Section 129c

- (1) The control body can impose a procedural fine of up to 50,000 CZK on the natural person who was responsible for the municipality failing to fulfill an obligation pursuant to Section 129a subsection 2.
- (2) The procedural fine can be imposed repeatedly if the obligation had not been fulfilled in a period set anew by the controlling person. The sum total of the imposed procedural fine shall not exceed 200,000 CZK.
- (3) The procedural fine can be imposed within 1 (one) month from the non-fulfillment of the obligation.
- (4) The procedural fine shall be collected and exacted by the control body which had imposed it. The procedural fine is a budgetary income from which the activity of the control body imposing the fine is covered.
- (5) The procedural fine shall be collected and exacted pursuant to the Act on the Administration of Taxes and Fees.

## **CHAPTER VIII**

### **STATUTORY CITIES**

#### Section 130

The territorially divided statutory cities shall regulate their internal matters concerning municipal administration by a statute issued in the form of a generally binding municipality ordinance. The statute shall state the following in particular:

- a) a list of the individual municipal districts and metropolitan districts, and the delineation of their territory,
- b) the powers of the metropolitan body in the field of the own and delegated competence,
- c) the powers of the bodies of the municipal districts and metropolitan districts in the field of their own and delegated competence,
- d) mutual coordination between the metropolitan bodies and the bodies of the municipal districts and metropolitan districts,
- e) the sources of income of the municipal districts and metropolitan districts, and the types of expenditures in connection with the fulfillment of the tasks of the own and delegated competence,

- f) the mode of negotiating the draft generally binding ordinances and regulations of a city with municipal districts and metropolitan districts, and the mode of their publication in the municipal districts and metropolitan districts,
- g) the mode of negotiating development plan documentation of the city and the programme of urban development of a city with municipal districts and metropolitan districts,
- h) the property of the city which is entrusted to the municipal districts and metropolitan districts, and the extent of powers of the municipal districts and metropolitan districts while administrating the property and exercising the relevant powers,
- i) the extent of the powers vested in the municipal districts and metropolitan districts to establish, constitute and abolish legal entities and organizational components,
- j) further matters if so stipulated by this or a special Act.

### Section 131

The statutory city can entrust by a statute to the municipal district or metropolitan district in the field of its own competence especially the following:

- a) the approval of the development programme of a municipal district or metropolitan district,
- b) the decision-making on the property and legal acts laid down in Section 133 subsection 1,
- c) the establishment of permanent and temporary funds of the municipal district or metropolitan district,
- d) the imposition of fines pursuant to Section 58,
- e) the exercise of the post of the employer for the employees assigned to the municipal district or metropolitan district authority or the organizational component of the municipal district or metropolitan district.

### Section 132

- (1) An object entrusted from the property of the statutory city can be taken away from the municipal district or metropolitan district for the purpose for which the property can be expropriated pursuant to a special legal regulation 39a or with the approval of the municipal district or metropolitan district.
- (1) An object entrusted from the property of the statutory city can be taken away from the municipal district or metropolitan district also in case when the municipal district or metropolitan district, while handling the given object, violates legal regulations and does

not eliminate these shortcomings within a period set by the statutory city, which shall not be shorter than 60 (sixty) days.

- (1) The council of the statutory city (Section 130h) shall decide about the removal of the object from the property of the statutory city entrusted to the municipal district or metropolitan district.

### Section 133

The statutory city may entrust by a statute under conditions stipulated in it to the municipal district or metropolitan district decision-making especially in the following property and legal acts:

- a) the transfer and mortgage of immovable things including the delivery of real estate pursuant to a special Act from the property of the city entrusted to a municipal district or a metropolitan district,
- b) the transfer and mortgage of movable things and rights,
- c) assignment of debts,
- d) surrender of a right and a waiver of a debt,
- e) conclusion of an agreement on the adoption and provision of a credit or a loan, on the provision of a borrowing, on the provision of a subsidy, on the taking over of a debt, on the taking over of a guarantor's obligation, on the assumption of liability for the debt of another entity and the contract on association,
- f) a monetary and non-monetary deposit into legal entities,
- g) a property participation in business undertakings of other legal entities,
- h) agreements on installments,
- i) the conclusion of tenants' agreements and agreements on loans,
- j) the provision of material and monetary donations to natural persons and legal entities,
- k) the provision of subsidies to civic associations, humanitarian organizations and other legal entities or natural persons active in the field of youth, physical training and sports, social services, fire protection, culture, science and education, health care, anti-drug activities, crime prevention and environmental protection.

### Section 134

- (1) The municipal districts and metropolitan districts negotiate on behalf of the city in matters entrusted to them by law and within the law by a statute.

- (2) The municipal districts and metropolitan districts cannot issue generally binding ordinances or regulations.

#### Section 135

The resolution of the municipal council and the municipal board in matters which have not been entrusted to the municipal districts and metropolitan district by law or a statute shall be binding on the bodies of the municipal districts and metropolitan districts.

#### Section 136

- (1) The Secretary of the metropolitan authority shall appoint and recall the Administrator of the municipal district or metropolitan district.
- (2) The Administrator of the city, the municipal district and the metropolitan district shall fulfill the tasks of the Administrator of the municipality pursuant to Section 98.

#### Section 137

The right to dissolve the council of a municipal district or a metropolitan district shall be exercised by the municipal council pursuant to Section 98.

#### Section 138

cancelled

#### Section 139

- (1) The bodies of the statutory cities execute delegated powers which are entrusted by law to the authorized municipality authorities and to authorities of municipalities with the extended competence.
- (2) The bodies of the municipal districts and metropolitan districts execute delegated powers, which according to special laws perform the bodies of the municipality. The statutory city can stipulate by a statute the municipal districts and metropolitan districts, the bodies of which shall execute in full or in part the delegated powers, entrusted by special laws to the authorized municipality authorities, or some delegated powers entrusted by special laws to the authorities of municipalities with extended powers.

- (3) For a certain purpose, the statutory city can, by a statute with the approval of the municipal district or metropolitan district, assign in delegated powers some activities to the metropolitan authority or stipulate that some of these powers shall be executed by the bodies of other municipal districts and metropolitan districts.
- (4) The municipal districts and metropolitan districts shall be, during the execution of the delegated powers, administrative districts; they shall be obliged to ensure the execution of the delegated powers. The municipal districts and metropolitan districts shall receive a allowance from the budget of the statutory city for the execution of the delegated powers.
- (5) The decision of the bodies of the municipal districts and metropolitan districts issued within administrative procedures shall be examined by the metropolitan authority unless the competence is entrusted to a special metropolitan body or a special Act states otherwise.

#### Section 140

- (1) In a statutory city the post of the Deputy Mayor (Deputy Mayors) shall be filled by the Deputy Lord Mayor (Deputies) of the Lord Mayor.
- (2) In a statutory city the post of the Secretary of the metropolitan authority who is the employee of the city shall be established. The Lord Mayor with the approval of the Director of the regional authority shall appoint and recall the Secretary of the metropolitan authority and shall determine his/her salary according to special regulations. Without the approval of the Director of the regional authority the appointment and recall of the Secretary of the metropolitan authority shall be invalid.
- (3) In the municipal districts and metropolitan districts, the bodies of which have been entrusted in full or in part with delegated powers, which are executed in accordance with special laws by the authorized municipality authorities, eventually some delegated powers, the post of the Secretary of the municipal district authority or the Secretary of the metropolitan district authority shall be established. The Mayor with the approval of the Secretary of the metropolitan authority shall appoint or recall the Secretary of the municipal district or the Secretary of the metropolitan district; without the approval of the Secretary of the metropolitan authority the appointment and recall of the Secretary of the municipal district and the Secretary of the metropolitan district shall be invalid.

#### Section 141

- (1) All written documents prepared by a body of the statutory city in the own competence of the city shall be marked in the title by the words "statutory city" with the name of the city and the body that prepared the documents; if this is a body of the municipal district or metropolitan district the title shall state "municipal district" or "metropolitan district" and the name of the city, name of the municipal district or the metropolitan district, and the title of the body which prepared the written document.

- (2) All written documents prepared by the body of the statutory city with a delegated competence of the city, with the exception of a city regulation, shall be marked in the title with the words "Metropolitan Authority", the name of the city and the name of the department which prepared the written document; if this concerns the body of the municipal district or metropolitan district in the title there are the words "The Municipal District Authority" or "The Metropolitan District Authority" and the name of the city, the name of the municipal district or the metropolitan district, and the department which prepared the written document. If a special Act cites another title of the department such a title shall be put down.
- (3) If the written documents are prepared by a special body of a statutory city they shall be marked in the title by the words "statutory city", the name of the city and the title of the special body which prepared the written document; if this concerns the special body of the municipal district or the metropolitan district the name of the municipal district or metropolitan district shall also be included in the title.
- (4) The statutory city, municipal district or metropolitan district of a territorially divided statutory city may use their own stamp in cases where a special Act does not stipulate an obligatory use of the official stamp with the small state emblem. 34b) The stamp shall have in the middle the emblem of the statutory city or the municipal district or the metropolitan district, and on the perimeter of the stamp the name of the city, the municipal district or the metropolitan district in full.

#### Section 142

- (1) The municipal districts and metropolitan districts of the territorially divided statutory city can have their own emblem and flag.
- (1) The Speaker of the Chamber of Deputies can grant an emblem and a flag of the municipal district or the metropolitan district to the municipal district or the metropolitan district that do not have an emblem and a flag on their request, upon the comment of the statutory city. The Speaker of the Chamber of Deputies can change the emblem and the flag of the municipal district or the metropolitan district upon the request of the municipal district or the metropolitan district.

#### Section 143

**cancelled**

#### Section 144

**cancelled**

Section 145

**cancelled**

Section 146

Unless stated by this Chapter of the Act otherwise, the provisions of the other chapters of the Act shall apply to statutory cities, their municipal districts and metropolitan districts.

**PART TWO**

**COMMON AND TRANSITIONAL PROVISIONS**

Section 147

- (1) The Act on Administrative Procedure shall relate to municipality decision-making
  - a) in the matters pursuant to Sections 58 to 59,
  - b) on the rights and obligations of legal entities and natural persons in the field of delegated powers unless stipulated by a special Act otherwise.
- (2) The administrative body while examining the decision pursuant to subsection 1a may only cancel or cancel and return the decision for new deliberations.
- (3) The municipality shall collect and exact fines pursuant to a special Act; 39) the proceeds of fines imposed by the municipality shall be the income of the municipality unless specified by a special Act otherwise.
- (4) The decisions of the bodies of the cities of Brno, Ostrava and Plzeň issued in an administrative procedure shall be examined by the competent regional authority. The procedure on the examination of a decision 16) of the body of these cities held in front of the competent central administrative authority and unfinished by the day of the effectiveness of this provision shall be completed pursuant to the current regulations.

Section 148

The facts supporting the exclusion of an employee of a municipality assigned to the municipality authority from the negotiations and decision-making of a matter in administrative

procedure shall be imparted to the head of the department of the municipality authority; in municipalities where the department of the municipality authority had not been established such notifications shall be handed over to the Mayor. The facts testifying to the exclusion of the head of the department of the municipality authority shall be imparted to the Secretary of the municipality authority; in a municipality without a Secretary of the municipality authority the notification is handed over to the Mayor. Concerning the member of the commission or a special body the notification is submitted to the Mayor. The body or employee to whom the facts supporting the exclusion are submitted shall decide about any prejudice; he/she is also the one who in case that the employee or member of the body shall be excluded due to prejudice, shall take the necessary measures for ensuring further procedure.

#### Section 149

The municipality bodies shall implement administrative decisions issued by them unless a proposal for a judicial implementation of a decision has been issued.

#### Section 150

This Act shall not apply to the Capital City of Prague.

#### Section 151

- (1) Municipalities pursuant to this Act shall be territorial self-governing units, which were municipalities on the day of effectiveness of this Act.
- (2) The cities pursuant to this Act shall be municipalities which were cities on the day of effectiveness of this Act.
- (3) If in the legal regulation there is the term "municipality council" and "municipality board" it shall mean the "council of a municipality" and "board of a municipality".
- (4) The associations of municipalities pursuant to this Act shall be voluntary unions of municipalities, which were voluntary unions of municipalities on the day of the effectiveness of this Act.
- (5) The associations of municipalities pursuant to this Act shall also be interest associations of legal entities established solely by municipalities pursuant to provisions of Section 20f and the ensuing sections of the Civil Code which by December 31, 2001 shall fulfill the conditions laid down in Sections 50 and 51 of this Act.

#### Section 152

- (1) For special Acts valid as of the day of effectiveness of this Act provisions of Section 8 shall be used as of January 1, 2003.
- (2) The municipalities where the records of the legal regulations of the municipality do not correspond to the provisions of this Act, shall put into conformity with this Act the records of the legal regulations of the municipality by the end of 2003.
- (3) The numbering of buildings carried out pursuant to regulations valid until the beginning of the effectiveness of this Act shall remain valid.
- (4) The municipality shall enroll the candidates for an examination of a special professional competence at the latest 3 (three) months after the commencement of the effectiveness of this Act if the candidate has been executing the activity he/she can execute only after showing special professional competence and has not proved it yet (Section 113 and the foll.). This period shall not include maternity leave, basic military (alternative) service, civil service or the period for the release for the execution of a public post.
- (5) The special professional competence verified by an examination pursuant to the legal regulations valid in the period from November 24, 1990 until the effectiveness of this Act 41) shall be considered a special competence verified pursuant to this Act.
- (6) The statutory cities, the statutes of which do not correspond to the provisions of this Act shall implement their statutes in compliance with this Act by the end of 2001. Until the time of the effectiveness of the new statute, the provisions of the current statutes shall be valid in the field of the own as well as delegated competence.

### **PART THREE**

#### **FINAL PROVISIONS**

##### **Section 153**

- (1) The Government shall issue a Regulation for the implementation of Sections 72 and 73.
- (1) The Ministry of the Interior shall publish Regulations for the implementation of Section 33.

##### **Section 154**

The following shall be repealed:

1. Act No. 367/1990 Coll., on Municipalities (Establishment of Municipalities).

1. Act No. 3052/1992 Coll., amending and supplementing Act No. 367/1990 Coll., on Municipalities (Establishment of Municipalities) as amended by Act No. 439/1991 Coll., Act No. 485/1991 Coll., and Act No. 553/1991 Coll.

#### Section 155

This Act shall come into effect on the day of the elections into the Regional Councils in the year 2000 with the exception of Section 147 subsection 4, which shall come into effect on January 1, 2001.

Signed by Klaus

Signed by Havel

On behalf of signed by Rychetský

#### **Selected Provisions of the Amendments**

Art. XLVI of Act No. 189/2006 Coll.

#### **Transitional Provisions**

If the released member of the municipality council has been acknowledged as unable to work or a quarantine has been imposed on him/her before January 1, 2007, the reduced monthly remuneration shall not be due to him and after December 31, 2006 he/she shall be provided with sickness pay.

Art. II of Act No. 234/2006 Coll.

**Transitional Provisions**

1. The procedure on the suspension of the effectiveness of the legal regulation of a municipality initiated before the day of this Act coming into effect shall be completed pursuant to the current legal regulations.
2. The procedure on the suspension of the execution of the resolution, decision or a measure of a body of the municipality in its own competence, initiated before the day of the effectiveness of this Act shall be completed pursuant to the contemporary legal regulations.
3. The control of the execution of the delegated powers of a body of the municipality initiated before the day of the effectiveness of this Act shall be completed pursuant to the current legal regulations.
4. The separation of the part of the municipality which had been approved before the day of the effectiveness of this Act by a final decision of the regional authority and which has not been implemented by the period of the effectiveness of this Act, shall be carried out on July 1, 2006.

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2a) Act No. 320/2001 Coll., on Financial Control in Public Administration and on the Amendment to Some Acts (Financial Control Act).

3) Section 3, subsection 3 of the Decree No. 190/1996 Coll., implementing Act No. 265/1992 Coll., on Records of Property and other Property Rights to Real Estate, as amended by Act No. 210/1993 Coll., and Act No. 90/1996 Coll., and Act No. 344/1992 Coll., on the Land Registry of the Czech Republic (Land Registry Act) as amended by Act No. 89/1996 Coll.

3a) Act No. 314/2002 Coll., on Determination of Municipalities with Authorized Municipality Office and Municipalities with Extended Competence.

3b) Section 26 of Act No. 500/2004, Rules of Administrative Procedure.

4) For example, Act No. 412 on the Protection of Classified Information and Security Competence, Act No. 101/2000 Coll., on Personal Data Protection and the Amendment to Some Acts, as amended, Act No. 89/1995 Coll., on State Statistical Service, as amended.

6) Act No. 133/2000 Coll., on the Record of Citizens and the Birth Numbers and on the Amendment to some Acts (Act on the Records of Citizens).

7) Act No. 152/1994 Coll., on the Elections into the Municipality Councils and on the Amendment and supplements to some other Acts, as amended by Act No. 247/1995 Coll.

8) Act no. 298/1992 Coll., on the Local Referendum, as amended by Act No. 152/1994 Coll.

- 9) Act No. 222/1999 Coll., on Securing the Defence of the Czech Republic.
- 10) Section 11 of Act No. 298/1992 Coll.
- 11) Act No. 129/2000 on Regions (Regional Arrangement).
- 12) Section 2, subsection 4 of Act No. 344/1992 Coll., on the Land Registry of the Czech Republic (Land Registry Act), as amended by Act No. 89/1996 Coll.
- 13) Section 3, subsection 1a), point 1 of Act No. 151/1997 Coll., on the Appraisal of Property and the Amendment to some Acts (Appraisal of Property Act).
- 13a) Act No. 553/1991 Coll., on Municipal Police, as amended.
- 14) For example Act No. 563/1991 Coll., on Accounting, as amended.
- 15) For example, Civil Code, Commercial Code.
- 15a) Section 5 of Act No. 344/1992 Coll., on the Land Registry of the Czech Republic (Land Registry Act), as amended.
- 15b) Act no. 420/2004 Coll., on the Examination of Economic Administration of the Territorial Self-Governing Units and Voluntary Municipal Unions.
- 16) Act No. 71/1967 Coll., on Administrative Procedure (Rules of Administrative Procedure), as amended by Act No. 29/2000 Coll.
- 17) Commercial Code,
- 18) Sections 20i and 20j of the Civil Code.
- 18a) Section 93g, h and Section 93h of Act No. 129/2000 Coll., on Regions (Regional Arrangement), as amended.
- 18b) Annex No. 1 to Act No. 314/2002 Coll.
- 18c) Annex No. 2 to Act No. 314/2002 Coll.
- 21) Section 124, subsection 2 of the Labour Code.
- 22) Section 124 Labour Code.
- 23) Section 17 Government Decree No. 108/1994 Coll., implementing the Labour Code and some other acts.

23a) Section 2, subsection 1a of Act No. 301 Coll., on Registries, Name and Sure-Name and on the Amendment to Some Related Acts.

23b) Section 117, subsection 1 and 2 of Act No. 50/1976 Coll., on Territorial Planning and Building Procedure (Building Act), as amended.

26) For example, Act No. 119/1992 Coll., on Travel Reimbursements, as amended.

28) Section 10 and 11 of Act no. 50/1976 coll., on Territorial Planning and Building Procedure (Building Act), as amended.

29) For example, Section 110 and 163 of the Commercial Code, Section 4 of Act No. 248/1995 Coll., on Beneficiary Societies and on the Amendments and Supplements to some Acts, Section 3 of Act No. 227/1997 Coll., on Foundations and Foundation Funds).

29a) Act No. 245/2006 Coll., on Public Non-Profit Institutional Health Centres and on the Amendment to some Acts.

30) Section 67 b) Act No. 150/2002 Coll., Judicial Administrative Procedure.

31) Section 59 of Act No. 152/1994 Coll.

31a) For example, Section 14 of Act No. 22/2004 Coll., on Local Referendum and the Amendment to some Acts.

32) Section 22, subsection 1 of Act No. 152/1994 Coll.

32a) Act No. 312/2002 Coll., on the Officials of Territorial Self-Governing Units and the Amendment to some Acts.

33) Act No. 143/1992 Coll., Government Decree No. 253/1992 Coll., on Salary Situation of the Employees of State Administration Bodies, some other Bodies and Municipalities, as amended.

34) Act No. 106/1999 Coll., on Free Access to Information,

34a) Section 4 of Act No. 94/1963 Coll., on Family, as amended.

34b) Act No. 352/2001 Coll., on the Use of State Symbols of the Czech Republic and the Amendment to some Acts.

36) Act No. 83/1990 Coll., on the Association of Citizens, as amended..

36b) Section 69a of Act No. 129/2000 Coll., on Regions (Regional Arrangement), as amended.

37) Act No. 320/2001 Coll., on Financial Control in Public Administration and on Amendment to some Acts (Financial Control Act), as amended.

Act No. 420/2004 Coll., on the Examination of Economic Administration of Territorial Self-Governing Units and Voluntary Unions of Municipalities, as amended by Act No. 413/2005 Coll.

39) Act No. 337/1992 Coll., on the Administration of Taxes and Fees, as amended.

39a) Section 108 subsection 2 of Act No. 50/1976 Coll., on Territorial Planning and Building Procedure (Building Act), as amended.

41) Regulation No. 51/1998 Coll., Stipulating the Prerequisites for the Performance of Functions Requiring Special Professional Competence in District Offices and Municipality Offices (Special Professional Competence Regulation), as amended by Regulation No. 121/1999 Coll., Ministry of the Interior and the Environment Decree of May 31, 1989, Ref. No. LK-7696/89-529 on Special Professional Competence of the Employees of National Committees for the Execution of some Activities, published in Chapter 3/1989 of the Bulletin of the Government of the Czech Socialist Republic for National Committees and Announced in Chapter 17/1989 Coll.