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United Nations Interim  
Administration Mission in  
Kosovo



**NATIONS UNIES**  
Mission d'Administration  
Intérimaire des Nations Unies au  
Kosovo

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16 October 2007

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**REGULATION NO. 2007/30**

**AMENDING UNMIK REGULATION NO. 2000/45 ON SELF-  
GOVERNMENT OF MUNICIPALITIES IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

For the purpose of organizing and overseeing the development of provisional institutions for democratic and autonomous self-government in Kosovo pending a political determination of the future status of Kosovo,

Referring to the European Charter on Local Self-Government, and in particular to Article 3 which denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population,

Taking into account the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, the European Charter for Regional or Minority Languages, the Council of Europe's Framework Convention for the Protection of National Minorities and the Convention on the Elimination of All Forms of Discrimination Against Women,

Taking into account the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9, as amended),

For the purpose of reflecting the introduction of a directly elected Mayor and consequential legislative changes,

Hereby amends Regulation No. 2000/45 of 11 August 2000 on Self-Government of Municipalities in Kosovo,

Consequently, the Regulation as amended will be as reflected hereunder as of the date on which the present Regulation enters into force:

## **Chapter 1**

### **General Provisions**

#### Section 1

#### Provisional Institutions

The present Regulation establishes provisional institutions for democratic and autonomous self-government at the municipal level.

#### Section 2

#### Municipalities in Kosovo

2.1 The basic territorial unit of local self-government in Kosovo shall be the municipality, which shall exercise all powers not expressly reserved to the Special Representative of the Secretary-General or allocated to a competent governmental body pursuant to the applicable law.

2.2 Municipalities shall regulate and manage public affairs in their territory within the limits fixed by law and so as to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo. They may attend to matters of general concern that are connected with the municipality and that are not within the sole competence of the Special Representative of the Secretary-General or allocated to a competent governmental body pursuant to the applicable law.

2.3 All organs and bodies of a municipality shall ensure that inhabitants of the municipality enjoy all rights and freedoms without distinction of any kind, such as race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and that they have fair and equal employment opportunities in municipality service at all levels. Municipalities shall give effect in their policies and practices to the need to promote coexistence between their inhabitants and to create appropriate conditions enabling all communities to express, preserve and develop their ethnic, cultural, religious and linguistic identities. In the present regulation, the term “communities” means communities of inhabitants belonging to the same ethnic or religious or linguistic group.

2.4 Each municipality shall have its own legal status, the right to own and manage property, the capacity to sue and be sued in the courts, the right to enter into contracts and the right to engage staff.

2.5 Changes in the boundaries of the municipalities may be made solely by the Special Representative of the Secretary-General in conformity with the Constitutional Framework after consultation with the municipalities concerned.

### Section 3 Responsibilities and Powers of Municipalities

3.1 Within its territory, each municipality shall be responsible for the following activities, within the laws regulating each activity:

- (a) Providing basic local conditions for sustainable economic development;
- (b) Urban and rural planning and land use;
- (c) Licensing of building and other development;
- (d) Local environmental protection;
- (e) The implementation of building regulations and building control standards;
- (f) Service provision in relation to local public utilities and infrastructure including water supply, sewers and drains, sewage treatment, waste management, local roads, local transport and local heating schemes;
- (g) Public services including fire and emergency services;
- (h) Management of municipal property;
- (i) Pre-primary, primary and secondary education;
- (j) Primary health care;
- (k) Social services and housing;
- (l) Consumer protection and public health;
- (m) Licensing of services and facilities, including entertainment, food, markets, street vendors, local public transport and taxis, hunting and

fishing and restaurants and hotels;

- (n) Fairs and markets;
- (o) Naming and renaming of roads, streets and other public places;
- (p) The provision and maintenance of public parks and open spaces and cemeteries; and
- (q) Such other activities as are necessary for the proper administration of the municipality and which are not assigned elsewhere by law.

3.2 In addition to the activities specified in section 3.1, municipalities may take action within their territories in relation to other matters of concern to the municipality. These may include the following activities:

- (a) Tourism;
- (b) Cultural activities;
- (c) Sports and leisure;
- (d) Youth activities;
- (e) Economic promotion; and
- (f) Civic promotion.

3.3 The municipality shall also be responsible for implementing the applicable law, including cadastre records, civil registries, voter registration and business registration. Commensurate resources shall be made available to the municipality by the Government for these purposes.

3.4 The Provisional Institutions of Self-Government may delegate additional responsibilities within its competence to the municipality provided that commensurate resources are made available to the municipality.

3.5 The Ministry of Local Government Administration may monitor the compliance of action or decisions taken by municipalities with the applicable law and exercise administrative oversight in accordance with UNMIK Regulation No. 2001/19, as amended.

3.6 Except in relation to the matters specified in chapter 2, section 11.3, municipalities may make arrangements between themselves for the carrying out of any of their responsibilities and powers in co-operation with one another.

Section 4  
Local Municipal Regulations

4.1 Municipalities may make local municipal regulations and may take specific decisions relating to matters within the competence of the municipality. The Statute of the municipality shall make provision for their adoption after public consultation and for their publication.

4.2 No local municipal regulation shall be valid if it is in conflict with the applicable law.

Section 5  
Villages, Settlements and Urban Quarters

5.1 Each municipality shall make arrangements with villages, settlements and urban quarters within its territory to ensure that the needs of all inhabitants in the municipality are met.

5.2 With the approval of the municipality, villages, settlements and urban quarters as defined by Municipal Statute in conformity with the applicable law, singly or in combination, may carry out activities that are within the responsibilities and powers of the municipality. In this event, the villages, settlements and urban quarters shall receive commensurate resources from the municipality. Where approval has been withheld by the municipality, villages, settlements and urban quarters may seek judicial review of the municipality's decision in a court of competent jurisdiction.

5.3 The Statute and local municipal regulations shall stipulate the form of co-operation between the municipality and villages, settlements and urban quarters and the scope of work and organization of villages, settlements and urban quarters. All villages, settlements and urban quarters shall comply with the applicable law when carrying out activities by arrangement with the municipality.

Section 6  
Non-Profit Organizations

6.1 A municipality may support the functioning of non-profit organisations, including associations of members of communities, if such organisations provide services within the general responsibility of the municipality.

6.2 A municipality may make arrangements with any such organisation for the provision of services by the organisation to the municipality. All such

organisations shall comply with the applicable law when providing services to the municipality.

### Section 7 Meetings and Documents

7.1 Subject to section 7.3, members of the public, including press representatives, shall be admitted to all meetings of the Municipal Assembly and its committees and all meetings of the Board of Directors.

7.2 Any person may inspect any document held by the municipality in accordance with the applicable law on access to official documents.

7.3 Committees of the Municipal Assembly and the Board of Directors may exceptionally decide to exclude the public, including press representatives, from the whole or a part of a meeting whenever the nature of the matter to be discussed would result in publicity that would be prejudicial to the public interest.

7.4 The Statute may make provision for the public to participate in meetings.

### Section 8 Public Meetings and Petitions

8.1 Each municipality shall hold periodically, at least twice a year, a public meeting at which any person or organisation with an interest in the municipality may participate. The date and place of the meeting shall be publicised at least two weeks in advance. At the meeting municipal representatives shall inform participants about the activities of the municipality and participants may ask questions and make proposals to the elected representatives of the municipality.

8.2 Any person or organisation with an interest in the municipality shall have the right to present a petition to the Municipal Assembly about any matter relating to the responsibilities and powers of the municipality. The Municipal Assembly shall consider the petition in accordance with its Statute and Rules of Procedure.

Section 9  
Languages

9.1 Members of communities shall have the right to communicate in their own language with all municipal bodies and all municipal civil servants.

9.2 Meetings of the Municipal Assembly and its committees and meetings of the Board of Directors and all public meetings convened pursuant to Section 8 shall be conducted in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, the proceedings shall also be translated, when necessary, into the language of that community.

9.3 All official documents of a municipality shall be printed in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, all official documents of the municipality shall also be made available in the language of that community.

9.4 Official signs indicating or including the names of cities, towns, villages, roads, streets and other public places shall give those names in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, those names shall also be given in the language of that community.

9.5 The Statute of the municipality shall make detailed provisions for the use of languages of communities as set out in this section, taking into consideration the composition of communities in the municipality.

**Chapter 2**  
**The Municipal Assembly and its Committees**

Section 10  
Election of the Municipal Assembly

10.1 The highest representative body of the municipality shall be the Municipal Assembly and it shall be directly elected. The powers and duties of the municipality shall be exercised and performed solely by the Municipal Assembly and its organs, except where otherwise provided for under the present regulation.

10.2 The number of members of the Municipal Assembly of the municipalities shall be as follows:

Prishtinë/Priština	51
Podujevë/Podujevo	41

Prizren/Prizren	41
Suharekë/Suva Reka	41
Gjakovë/Đakovica	41
Pejë/Peć	41
Mitrovicë/Mitrovica	41
Gjilan/Gnjilane	41
Ferizaj/Uroševac	41
Malishevë/Mališevo	31
Glogovc/Glogovac	31
Lipjan/Lipljan	31
Rahovec/Orahovac	31
Deçan/Dečani	31
Istog/Istok	31
Klinë /Klina	31
Skenderaj/Srbica	31
Vushtrri/ Vuçitrn	31
Kaçanik/Kaçanik	31
Kamenicë/Kamenica	31
Viti/Vitina	31
Fushë Kosovë/Kosovo Polje	21
Obiliq/Obilić	21
Shtime/Štimlje	21
Dragash/Dragaš	21
Leposaviq/Leposavić	17
Zubin Potok/Zubin Potok	17
Zveçan/Zvečan	17
Novobërdë/Novo Brdo	17
Shtërpcë/Štrpce	17

10.3 The term of office of members of the Municipal Assembly shall be the same as the term of the Municipal Assembly as set out in the applicable law on municipal elections.

10.4 All members of the Municipal Assembly shall have fair and equal rights and opportunities to participate fully in the proceedings of the Assembly. The Municipal Assembly shall ensure that these rights and opportunities are provided in its Statute and Rules of Procedure.

### Section 11

#### Functions of the Municipal Assembly

11.1 The Municipal Assembly shall adopt a Statute and may amend it when it considers it necessary to do so. The Statute shall regulate the implementation of the responsibilities of the municipality as established by the present Regulation. A decision to adopt or amend the Statute must be approved by more than two-



thirds of the members present and voting at the meeting at which the proposal is considered.

11.2 The Municipal Assembly shall adopt Rules of Procedure and may amend them when it considers it necessary to do so. The Rules of Procedure shall provide for the efficient management and control, including financial control, of the administration of the municipality. A decision to adopt or amend the Rules of Procedure must be approved by more than one half of the members present and voting at the meeting at which the proposal is considered.

11.3 The Municipal Assembly may not delegate its responsibility for decisions concerning:

- (a) The approval of the budget;
- (b) The approval of other financial matters that are reserved to the Assembly by the Statute or the Rules of Procedure;
- (c) The compensation to be paid to elected members;
- (d) The annual report;
- (e) The adoption, amendment or repeal of local municipal regulations;
- (f) The establishment of the committees required by the present regulation;
- (g) The election of the Vice-Chairperson(s) of the Municipal Assembly;
- (h) The appointment of the Head of the Department of Administration and Personnel;
- (i) The level of fees and charges;
- (j) The creation and use, in accordance with the applicable law, of municipal symbols, decorations and honorary titles;
- (k) The naming and renaming of roads, streets and other public places; and
- (l) The making of arrangements pursuant to chapter 1, section 3.6.

11.4 The Municipal Assembly may delegate the power to make other decisions to a committee of the Municipal Assembly or to the Mayor of the municipality. The Municipal Assembly may withdraw the delegation at any time. A delegated power may be further delegated within the authority given by the present regulation.

11.5 A decision to name or rename any road, street or other public place must be approved by more than two-thirds of the members of the Municipal Assembly.

### Section 12

#### First Meeting and Members' Oath or Declaration of Office

12.1 The Municipal Assembly shall hold its first inaugural meeting within fifteen days of the certification of the election results. The oldest representative of the Assembly shall chair each meeting until the Mayor has taken the solemn oath or declaration.

12.2 The members of the Municipal Assembly shall each subscribe to a solemn oath or declaration of office. The form of the oath or declaration shall be as follows:

“I swear (or solemnly declare) that I will perform my duties and exercise my powers as a member of the Municipal Assembly of ..... municipality honourably, faithfully, impartially, conscientiously and according to law, so as to ensure conditions for a peaceful life for all”.

### Section 13

#### Chairperson of the Municipal Assembly and Vice-Chairpersons

13.1 The Mayor of the municipality shall act as Chairperson of the Municipal Assembly. He or she shall call and preside over sessions of the Municipal Assembly. The Rules of Procedure shall regulate the way the Assembly sessions shall be called and chaired.

13.2 The Municipal Assembly shall have a Vice-Chairperson who shall call and preside over the sessions of the Municipal Assembly in the absence of the Mayor. The Vice-Chairperson shall be elected by the majority of the Members of the Municipal Assembly. The Municipality of Prishtinë/Priština shall have an additional Vice-Chairperson of the Municipal Assembly who shall be elected in the same manner.

13.3 In municipalities where one or more communities live that are not in the majority, a second Vice-Chairperson from among the Members of the Municipal Assembly shall be elected by the Municipal Assembly from these communities according to a procedure set out in the Municipal Statute. In the event that such communities do not have a Member in the Municipal Assembly, the Municipal Assembly shall appoint, in consultation with members of those communities, a person from those communities to serve as a

Vice-Chairperson with the right to attend and speak as a non-voting Member at meetings of the Municipal Assembly and its committees.

13.4 The Rules of Procedure shall also regulate who shall call and preside over the Municipal Assembly sessions if the offices of Mayor and Vice-Chairperson(s) are vacant or if they are unable to attend for whatever reason.

#### Section 14 Quorum and Decisions

14.1 The quorum for all meetings of the Municipal Assembly and its committees shall be one-half of the members entitled to be present and to vote at the meeting.

14.2 At all meetings of the Municipal Assembly and its committees, each member shall have one vote only. As Chairperson of the Municipal Assembly, the Mayor shall have a casting vote if an equal number of votes is cast for and against a proposal.

14.3 The Municipal Assembly and its committees shall make their decisions by open voting unless otherwise required by the present regulation.

14.4 Decisions of the Municipal Assembly and its committees shall be made by a simple majority of the members present and voting unless otherwise required by the present regulation.

#### Section 15 Sessions

15.1 The Municipal Assembly shall hold its sessions as often as required by the Rules of Procedure, but it must hold at least ten sessions in the municipal year.

15.2 Sessions of the Municipal Assembly may also be called by a quarter of the total number of elected members or by a committee of the Assembly.

15.3 At least seven working days prior to any session of the Municipal Assembly, or exceptionally three working days in a case of emergency, members of the Assembly shall be notified of the time, date and place of the meeting and of the agenda for the meeting. Public notice of these matters shall be given at the same time.

Section 16  
Minutes

16.1 Minutes shall be taken of all meetings of the Municipal Assembly and its committees. The minutes shall contain the names of the members present and the invitees, the agenda, the essence of the discussion, the numerical result of the vote, and the proposals adopted or rejected. If there is a request for a recorded vote, the minutes shall also record how each member voted.

16.2 The minutes shall be kept by a municipal civil servant designated by the Head of the Department of Administration and Personnel and approved at the next meeting. Any person may inspect the minutes and take a copy.

16.3 The Chairperson shall sign the approved minutes.

Section 17  
Conflict of Interest - Members

17.1 A member of the Municipal Assembly or of a committee shall be excluded from the decision-making and administrative procedures relating to any matter in which he or she, or an immediate family member of his or hers, has a personal or financial interest.

17.2 Each member is required to disclose all conflicts of interest immediately they arise at any meeting at which the member is present. Any member may supply information about the interests of another member.

17.3 Members may voluntarily exclude themselves from decision-making and administrative procedures if they consider that they may have a conflict of interest.

17.4 Members of the Municipal Assembly shall not be employed in any supervisory position by the municipality.

17.5 Before the first meeting of the Municipal Assembly, members of the Assembly shall record a full and open statement of their financial interests in a public register to be kept by the Department of Administration and Personnel. Members shall record any change in their financial interests as soon as it occurs.

17.6 The Statute and Rules of Procedure shall set out the measures to be taken to exclude members from the decision-making and administrative procedures where they have a conflict of interest.

Section 18  
Additional Powers of Members of the Municipal Assembly

A member of the Municipal Assembly may:

- (a) Request information concerning municipal matters from the Mayor, a Vice-Chairperson of the Municipal Assembly or the chairperson of a committee. The request shall be dealt with in accordance with procedures to be set out in the Statute and Rules of Procedure;
- (b) Submit remarks in writing, which shall be attached to the minutes;
- (c) Address, but not vote at, meetings of any committee of the Municipal Assembly of which he or she is not a member. He or she may propose to the chairperson of the committee that any matter which is the responsibility of the committee should be discussed; and
- (d) Request from the Board of Directors information and administrative assistance reasonably necessary for his or her work as a member. If he or she is dissatisfied with the response he or she may raise the issue with the Municipal Assembly.

Section 19  
Employment and Compensation

19.1 Employers shall allow members of the Assembly to be absent from their workplaces for such periods as are reasonably necessary for Assembly business.

19.2 The Municipal Assembly may compensate members of the Assembly, including those members holding the offices of Vice-Chairpersons, for their work for the municipality by an attendance fee, financial loss allowance or a lump sum in accordance with the Statute and the applicable law.

Section 20  
Cessation of Office

20.1 A member of the Municipal Assembly who fails to subscribe to the oath or declaration of office within one month of election shall cease to be a member.

20.2 A member of the Municipal Assembly who has been convicted of a criminal offence and ordered to be imprisoned for six months or more shall cease to be a member.

20.3 If a member of the Municipal Assembly fails throughout a period of six consecutive months to attend any meeting of the Municipal Assembly or its committees, he or she shall, unless the failure was due to a reason approved by the Municipal Assembly, cease to be a member.

20.4 If a member of the Municipal Assembly becomes ineligible for election to the Municipal Assembly he or she shall cease to be a member.

### Section 21 Standing Committees and Other Committees

21.1 The Municipal Assembly shall establish and maintain as standing committees a Policy and Finance Committee, a Communities Committee and a Mediation Committee as required by the present regulation.

21.2 The Municipal Assembly shall in addition establish as standing committees a Committee on Health and Social Welfare, a Committee on Education and Culture, a Committee on Economic Development, a Committee on Urban Planning, Cadastre and Environmental Protection and may also establish other committees and decide on their competency and activities.

21.3 In appointing members of standing and other committees, the Municipal Assembly shall endeavour to ensure equitable gender balance.

21.4 Committees established under section 21.2 may co-opt members who are not members of the Municipal Assembly, but the majority of the members of the committee shall always be members of the Municipal Assembly.

21.5 The membership of each committee shall reflect as closely as possible the proportion of seats held by political parties and coalitions in the Municipal Assembly except where otherwise required by the present regulation.

21.6 The chairperson and the vice-chairperson of each committee shall be elected by and from the members of the committee, except where otherwise required by the present regulation.

21.7 Each committee shall decide when its meetings shall take place, in accordance with the Rules of Procedure.

21.8 A meeting of a committee shall be convened if the Chairperson of the committee deems it necessary or at the request in writing of at least one third of its members.

Section 22  
Policy and Finance Committee

22.1 The Policy and Finance Committee shall be responsible for proposing the budget and formulating and researching the future strategic direction of the municipality.

22.2 The Mayor of the Municipality shall preside over meetings of the Committee. When acting as Chairperson, the Mayor shall have a casting vote if an equal number of votes is cast for and against a proposal. In the absence of the Mayor, a Vice-Chairperson of the Municipal Assembly shall chair the Committee in accordance with provisions set out in the Rules of Procedure.

22.3 The chairpersons of the other committees shall be entitled to attend the Policy and Finance Committee meetings.

Section 23  
Communities Committee, Mediation Committee and Community Office

23.1 The rights of the Communities Committee set out in this section shall be additional to the rights of a member of the Committee or a community or an inhabitant to refer a matter to the Ombudsperson or to a court of law.

23.2 The Statute shall regulate the procedures for appointing members of the Communities Committee and the Mediation Committee. The procedures shall ensure:

- (a) That membership of the Communities Committee includes both members of the Assembly and representatives of communities;
- (b) That each community residing in the municipality is represented by at least one member of the Communities Committee;
- (c) That the community that is in the majority in the municipality has less than one half of the membership of the Communities Committee and that the remaining membership of the Communities Committee fairly reflects the number of other communities in the municipality; and
- (d) That the Mediation Committee consists of equal numbers of:
  - (i) members of the Municipal Assembly who are not members of the Communities Committee; and

- (ii) representatives in a fair proportion of communities in the municipality who do not belong to the community that is in the majority in the municipality.

23.3 The Communities Committee shall endeavour to ensure within the territory of the municipality that:

- (a) No person undertaking public duties or holding public office shall discriminate against any person on any ground such as language, religion, ethnic origin or association with a community;
- (b) All persons enjoy, on an equal basis, civil, political, economic, social and cultural rights, and fair and equal employment opportunities in municipality service at all levels; and
- (c) The municipal civil service reflects a fair proportion of qualified representatives of communities at all levels.

23.4 The Communities Committee shall promote the rights and interests of the communities living within the municipality, and further promote a society where a diversity of cultural, social and religious traditions is not only tolerated but also encouraged.

23.5 If the Communities Committee considers that action has been taken, or is proposed to be taken, by or on behalf of the Municipal Assembly, which has violated or may violate the rights of a community or a member of a community or which is or may be prejudicial to the interests of a community, it shall refer the matter immediately to the Mediation Committee.

23.6 The Mediation Committee shall examine all matters referred to it by the Communities Committee. It shall carry out such investigations as are necessary to establish whether the rights of a community or a member of a community have been or would be violated or whether action which is or would be prejudicial to the interests of a community has been taken or proposed. It shall seek to resolve the matter by mediation. The Mediation Committee shall within 28 days submit a report on each matter to the Municipal Assembly, with recommendations as to how it considers the matter should be dealt with.

23.7 The Municipal Assembly shall consider each report submitted to it by the Mediation Committee and shall decide what action, or further action, to take in relation to the matter. Its decision shall be in accordance with the law and with the principles set out in the present Regulation, in particular those set out in chapter 1, section 2.3, in the present section 23 and in chapter 5, section 33.



23.8 If the Municipal Assembly fails to make a decision under section 23.8 within 21 days of the submission of the report of the Mediation Committee or if the Communities Committee is dissatisfied with the decision taken by the Municipal Assembly under section 23.8 it may seek judicial review from the Supreme Court of Kosovo.

23.9 When carrying out their duties and exercising their powers in chapter 1, section 5, municipalities shall take particular account of and provide for the needs of villages, settlements and urban quarters that are populated by communities which are not in the majority in the municipality.

23.10 A Community Office shall be established in those municipalities where a community that is not in the majority forms a substantial part of the population.

23.11 The Community Office shall be responsible for enhancing the protection of community rights and ensuring equal access for communities to public services at the municipal level.

23.12 The Community Office shall be an integral part of the municipality and of the municipal administrative structure. It shall be established by the municipality. Sub-offices shall be established if they are needed in order to provide secure and free access to public services.

23.13 The Head of the Community Office shall be an ex-officio member of the Board of Directors of the municipality. He or she shall submit a report to each meeting of the Communities Committee detailing the work carried out to meet the responsibilities of the Community Office.

### **Chapter 3**

#### **The Mayor of the Municipality**

##### Section 24

##### Election of the Mayor of the Municipality

24.1 The Mayor of the municipality shall be elected directly by eligible voters of the Municipality in accordance with the applicable law on municipal elections.

24.2 The Mayor of the municipality shall be elected for the same term of office as the Members of the Municipal Assembly. No person may serve as Mayor of the Municipality for more than two terms of office.

24.3 If the Mayor is temporarily absent, or becomes temporarily unable to perform the duties of Mayor, he or she shall designate a Member of the Board

of Directors to provisionally exercise the duties of the Mayor except for the duties entrusted to the Vice-Chairperson of the Municipal Assembly as set out in Section 13.2.

24.4 The Municipal Assembly shall make provision in the municipal budget for compensation for the post of the Mayor in accordance with the applicable law.

#### Section 25 Oath or Declaration of Office-Mayor of the Municipality

The Mayor of the municipality shall subscribe to a solemn oath or declaration of office before the members of the Municipal Assembly. The form of the oath or declaration shall be as follows:

“I swear (or solemnly declare) that I will perform my duties and exercise my powers as Mayor of ... municipality honourably, faithfully, impartially, conscientiously and according to law, so as to ensure conditions for a peaceful life for all”.

#### Section 26 Removal from Office and Filling of Vacancy

The term of office of a Mayor may only be terminated in the manner provided in the applicable law on Municipal Elections. In case of termination prior to expiry of a Mayor’s mandate, an extraordinary mayoral election shall be held in that municipality without delay.

#### Section 27 Responsibilities

27.1 The Mayor shall serve as Chairperson of the Municipal Assembly.

27.2 The Mayor shall, in consultation with the Municipal Assembly, appoint Directors to assist the Mayor in carrying out his or her duties. In making such appointments, the Mayor shall have due regard for fair representation of communities residing in the Municipality. The persons thus appointed shall serve as members of the Board of Directors provided for in Section 30.

27.3 The Mayor shall serve as Chairperson of the Board of Directors, who shall assist the Mayor in carrying out his or her responsibilities.

27.4 The Mayor shall be responsible to propose the annual budget to the Municipal Assembly for its adoption.

27.5 The Mayor of the municipality shall be responsible for the implementation of regulations issued and decisions taken by the Municipal Assembly and for the financial administration of the municipality.

27.6 The Mayor shall refer any matter that affects the rights or interests of communities to the Communities Committee for review.

27.7 The Mayor shall report to the Municipal Assembly on at least a quarterly basis.

27.8 The Mayor shall have such further responsibilities as are assigned to him or her in conformity with the present Regulation by the Statute and the Rules of Procedure as adopted by the Municipal Assembly.

Section 28  
Conflict of Interest - Mayor

28.1 The provisions of chapter 2, section 17 shall apply *mutatis mutandis* to the Mayor.

28.2 The Mayor shall as soon as possible after election terminate any contract or association that may call into question his or her ability to carry out the responsibilities of the Mayor fairly and impartially.

**Chapter 4**  
**Municipal Departments and the Board of Directors**

Section 29  
Municipal Departments

29.1 The Municipal Statute shall establish the Municipal Departments, which shall include the Department of Administration and Personnel, the Department of Health and Social Welfare, the Department of Education and Culture, the Department of Finance, Economy and Development, the Department of Urban Planning, Cadastre and Environmental Protection, the Municipal Community Office and such other Departments as deemed necessary and appropriate to carry out the functions and responsibilities of the Municipality.

29.2 Each Municipal Department shall have a Director appointed by the Mayor in accordance with section 27 who shall have responsibility for direction and management of the Municipal Department, except for the

Department of Administration and Personnel which shall function under the direction and management of the Head of that Department under the overall authority of the Municipal Assembly and the Mayor.

29.3 A Director may be assigned responsibility for more than one (1) Municipal Department.

29.4 The Directors shall serve as political appointees for the duration of the term of office of the Mayor and shall be deemed “exempt appointees” under Section 1(e) of UNMIK Regulation No. 2001/36, as amended, on the Kosovo Civil Service.

29.5 Each Municipal Department comprising municipal civil servants shall have a Head recruited in accordance with the applicable law on the Kosovo civil service.

### Section 30 Board of Directors

30.1 The Board of Directors shall consist of the Directors appointed by the Mayor and the Head of the Department of Administration and Personnel and the Head of the Community Office who shall serve as *ex officio* members.

30.2 Each Member of the Board of Directors, including *ex officio* Members, shall:

- (a) Report to the Mayor on a regular basis on matters within his or her area of responsibility;
- (b) Assist the Mayor and the Municipal Assembly and its committees by providing all necessary information and reports for the decision-making process; and
- (c) Implement all regulations and decisions of the municipality.

### Section 31 Conflict of Interest – Board of Directors

31.1 A member of the Board of Directors shall be excluded from the decision-making and administrative procedures relating to any matter in which he or she, or an immediate family member of his or hers, has a personal or financial interest.

31.2 The Directors are required to disclose all conflicts of interest in writing in a register to be kept by the Department of Administration and Personnel.

31.3 The Statute and Rules of Procedure shall set out the measures to be taken to exclude the Members of Board of Directors from the decision-making and administrative procedures where they have a conflict of interest.

## **Chapter 5 The Municipal Civil Service**

### Section 32 Municipal Civil Service

32.1 The administrative staff shall form the municipal civil service, which shall be governed in accordance with the applicable law on the Kosovo civil service.

32.2 The conditions of municipal civil service shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence.

32.3 All municipal civil servants shall carry out their tasks impartially and justly respecting and acting in accordance with the applicable law.

32.4 All municipal civil servants shall carry out the instructions of their superiors and follow their directives unless the instruction given is contrary to law or counter to human rights and freedoms or the rights of communities.

32.5 The municipal service shall reflect a fair proportion of qualified representatives of communities at all levels.

32.6 All municipal civil servants are required to disclose all conflicts of interest in writing in a register to be kept by the Department of Administration and Personnel.

32.7 The Head of a Municipal Department, Office or section may not be a member of the Municipal Assembly in the municipality that employs them.

### Section 33 Department of Administration and Personnel

33.1 The Municipal Assembly shall appoint the Head of the Department of Administration and Personnel *mutatis mutandis* in conformity with the procedure for selection and recruitment of senior civil servants set out in the applicable law. The Head of the Department of Administration and Personnel

shall have the qualifications prescribed by the Statute and shall serve as the senior civil servant in the municipality.

33.2 The Head, Department of Administration and Personnel, acting under the overall authority of the Municipal Assembly and the Mayor, shall:

- (a) Act as Secretary to the Municipal Assembly;
- (b) Act as Secretary to the Board of Directors;
- (c) Carry out all responsibilities duly assigned to him or her by the present Regulation, the Statute and the Rules of Procedure; and
- (d) Carry out all responsibilities duly assigned to him or her by the Mayor or the Municipal Assembly.

33.3 The Head of the Department of Administration and Personnel shall as soon as practicable notify the Municipal Assembly and the Mayor of any action taken or proposed to be taken that may be contrary to law or to budgetary procedures, financial regulations or procurement rules or which is not in accordance with the present Regulation, the Statute or the Rules of Procedure.

33.4 The Head of the Department of Administration and Personnel shall be the chief of staff in respect of the Municipal civil service. The appointment, conditions of service and dismissal of all municipal civil servants shall be exercised under his or her management in accordance with the applicable law.

33.5 If the post of Head of the Department of Administration and Personnel becomes vacant, the Municipal Assembly shall within three months recruit a new Head as set out in Section 32.1.

33.6 The Head of the Department of Administration and Personnel may only be dismissed in the manner provided for the dismissal of senior civil servants set out in the applicable law.

## **Chapter 6** **Complaints and Judicial Protection**

### Section 34 Principle of Legality

Law and justice shall bind the administration of the municipality, and in particular the human rights and freedoms contained in the European Convention for the Protection of Human Rights and Fundamental Freedoms

and the Protocols thereto shall be observed. All administrative actions shall be in compliance with the applicable law.

Section 35  
Complaints

35.1 A person may file a complaint about an administrative decision of a municipality if he or she claims that his or her rights have been infringed by the decision. Complaints must be submitted in writing to the Head of the Department of Administration and Personnel or made in person at the office of the Head of the Department of Administration and Personnel within the period of one month from the complainant being notified of the decision.

35.2 The Head of the Department of Administration and Personnel shall re-examine both the legality of the decision and the administrative process by which it was reached. He or she shall make a recommendation within two (2) weeks to the Mayor, who shall be responsible to provide the complainant with a reasoned response in writing within one month of the receipt of the complaint that shall constitute a final administrative decision.

35.3 If the complainant is dissatisfied with the response of the Mayor, the complainant may seek judicial review in a court of competent jurisdiction in accordance with the applicable law.

35.4 No administrative decision shall be modified to the disadvantage of the complainant as a consequence of the complaint.

35.5 The rights set out in this section shall be additional to any rights that the person may have to refer an administrative decision to the Ombudsperson or to a court of law.

Section 36  
Judicial Protection of the Law

A person may seek relief in a court of law against decisions of a municipality, in accordance with the rules and procedures of the relevant court.

## **Chapter 7**

### **Financial Administration**

#### Section 37

#### General Principles

37.1 The municipality's budget shall be balanced, prepared in a transparent manner and based on objective criteria.

37.2 The budget shall contain a plan for activities and economic management during the fiscal year, and shall include all revenue estimates, capital expenditure and current expenditure of the municipality. It shall allocate the funds available to meet the expenditure requirements of the municipality.

37.3 The Statute and Rules of Procedure shall set out budgetary procedures, financial regulations and procurement rules that meet the criteria prescribed by the applicable law.

#### Section 38

#### Municipal Funds

38.1 Financial transfers shall be made to the municipality by the Government through the Ministry of Finance and Economy based on objective criteria, including an assessment of the financial needs and resources of each municipality and the spending priorities pursuant to criteria established by the applicable law.

38.2 Part of the financial transfers may be designated for specific activities identified in chapter 1, section 3. Part of the financial transfers shall be undesignated.

38.3 The municipality shall be notified of the amount of the financial transfers for the forthcoming fiscal year in accordance with procedures established by the applicable law.

#### Section 39

#### Municipal Revenue

39. A municipality may raise revenue, in accordance with the applicable law, by:

- (a) Licenses and fees assessed and levied by the municipality;
- (b) Income from municipal assets; and



- (c) Fines or a proportion of fines.

Section 40  
Public Utilities Provided by Municipal Enterprises

40.1 Where local public utilities are provided by municipal enterprises the enterprises shall submit their budgets to the Municipal Assembly for approval. The budget proposals shall include a proposed tariff structure for the provision of services and shall be submitted before 1 December in the year before the next fiscal year.

40.2 Where an enterprise provides local public utilities for more than one municipality, arrangements shall be made by the municipalities concerned for the joint oversight of the activities of the enterprise.

Section 41  
Adoption of the Budget

The municipal fiscal year shall commence on 1 January. The Mayor shall submit the budget to the Municipal Assembly for adoption as soon as practicable after notification of the amount of the financial transfers for the forthcoming year.

Section 42  
Annual Report

The municipality shall publish an annual report after each municipal fiscal year. The report shall be presented to the Municipal Assembly for approval no later than 30 May in the following year. It shall summarize the objectives of the municipality in relation to each of the activities for which it is responsible and shall assess its performance in relation to those objectives in the fiscal year. It shall explain how each of the activities have been funded and shall set out the financial position of the municipality at the end of that fiscal year. It shall contain audited financial statements. These requirements shall extend to the activities conducted by municipal enterprises, the support given to non-profit organizations and the arrangements made with villages, settlements and urban quarters.

Section 43  
Independent Audit

43.1 The Office of the Auditor General shall appoint an independent auditor to audit the financial statements of each municipality.

43.2 The auditor shall have access to all financial statements, books or papers and other documents, and may call for all information, which he or she requires for the purposes of the audit.

43.3 The auditor shall audit the financial statements of the municipal enterprises.

43.4 The auditor shall inspect the financial statements of all organizations receiving grants-in-aid from the municipality.

43.5 A member of the public may make representations to the auditor about the financial statements and other financial affairs of the municipality and the auditor may investigate any such representations.

43.6 The auditor shall submit a written report to the Municipal Assembly in relation to each audit and the Municipal Assembly shall decide upon the action to be taken in respect of each recommendation contained in the report. The Assembly shall not reject any recommendation without sufficient reason and the reason shall be recorded in the minutes of the meeting.

43.7 Each auditor's report shall be made public.

**Chapter 8**  
**Property of the Municipality**

Section 44  
Land and Buildings

44.1 The Head of Department of Administration and Personnel shall ensure that a record is prepared and maintained of all land and buildings owned or occupied by the municipality.

44.2 A municipality shall not sell or lease for more than ten years land or buildings under its management or control without the approval of the Special Representative of the Secretary General.

Section 45  
Movable Assets

The Head of the Department of Administration and Personnel shall ensure that a sufficient inventory is prepared and maintained of all moveable assets held by the municipality.

**Chapter 9**  
**Special Provisions**

Section 46  
Powers of the Special Representative of the Secretary-General

46.1 The Special Representative of the Secretary-General shall retain in full the authority given to him pursuant to United Nations Security Council resolution 1244. He shall retain the final decision-making authority concerning any provisions of the present regulation.

46.2 The Special Representative of the Secretary-General shall set aside any decision of a municipality, which he considers to be in conflict with United Nations Security Council resolution 1244 or the applicable law or which does not take sufficiently into account the rights and interests of the communities which are not in the majority in the territory of the municipality.

46.3 The Special Representative of the Secretary-General may co-opt additional members to the Municipal Assembly if he considers it necessary to do so in order to ensure representation of all communities pursuant to United Nations Security Council resolution 1244.

46.4 The Special Representative of the Secretary-General may, exceptionally, remove a member of a Municipal Assembly or a Mayor from office who has committed serious misconduct in the exercise of his or her duties. A member who is dismissed from office may ask the Ombudsperson to review the decision.

46.5 If the Special Representative of the Secretary-General considers that a Municipal Assembly is persistently taking action that would fail to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo, contrary to United Nations Security Council resolution 1244, he may dissolve the Municipal Assembly and direct that new elections shall take place.

46.6 A member of the municipal civil service may be dismissed on the ground that he or she has failed to carry out his or her tasks impartially and justly respecting and acting in accordance with the applicable law.

Section 47  
UNMIK Responsibilities for Monitoring, Mentoring and Advising  
Municipalities

47.1 Municipal Representatives and other officials designated by UNMIK shall monitor, mentor and advise the Municipalities and prepare reports as necessary for the SRSG to ensure that municipal decisions are in compliance with United Nations Security Council resolution 1244 and the applicable law.

47.2 Municipal Representatives and other officials designated by UNMIK shall monitor, mentor and advise the Municipalities so as to ensure that fundamental principles of human rights and equal treatment are respected and that the rights and interests of communities are protected.

47.3 Municipal Representatives and other officials designated by UNMIK shall advise the Municipalities to assist in creating local conditions for the return of internally displaced persons and refugees to their municipalities of origin as well as in peace-building activities and reconciliation programs and activities.

47.4. Municipal Representatives and other officials designated by UNMIK shall have the right to attend and address any meetings of the Municipal Assembly and its committees and of the Board of Directors and the right to request and obtain any information, including all official documents, from all organs of the municipality and from the municipal civil service.

Section 48  
Interpretation

The provisions of chapters 1 to 8 of the present regulation shall have effect subject to the provisions of chapter 9. Where there is a conflict between any provision in chapters 1 to 8 and any provision in chapter 9, the provision in chapter 9 shall prevail.

**Chapter 10**  
**International Security Presence**

Nothing in the present regulation shall affect the authority of the Commander of the Kosovo Force (KFOR) to fulfil all aspects of KFOR's mandate under United Nations Security Council resolution 1244.

## **Chapter 11 Implementation**

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

## **Chapter 12 Transitional Provisions**

### Section 49

49.1 The posts of the Chief Executive Officer and the Directors of Municipal Departments shall be discontinued upon the election of the Mayor and the appointment of the members of the Board of Directors;

49.2 The posts of the Heads of Municipal Departments shall be filled without delay according to the applicable law on the Kosovo civil service, as set out in section 29.5.

## **Chapter 13 Applicable Law**

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

## **Chapter 14 Entry into Force**

The present regulation shall enter into force on 16 October 2007.

Joachim Rücker  
Special Representative of the Secretary-General