

# Mayor: The Strongest Player in Slovenian Local Government?

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## **Abstract:**

The paper analyses the position and role of the mayor in the Slovenian system of local self-government. This role has changed significantly since the communist times, and even since the mid-1990s, when Slovenia re-introduced the system of local self-government. We track these changes and analyse them in this paper. Our theoretical anchor is the work by Mouritzen and Svava (2002), in which they categorise ideal-type models of executive government at the sub-national levels of government and the relations inside the executive. Using data gathered in 2011 and 2012 in a majority of Slovenian municipalities, we analyse the governing of the mayor and try to ascertain the extent to which it depends on the political parties that constitute municipal councils, on the municipal administration, and also on the institutional framework within which municipal governments function.

*Keywords:* Slovenia, local self-government, municipality, relations, mayor, municipal council, director of municipal administration

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## **1. Theoretical and Historical Framework**

Local self-government is a crucial element of the political system of (European) liberal democracies (Stoker 1991: 1), and represents an achievement of civilisation as well as a theoretical and practical component of all modern democratic political systems. The most rudimentary definition of local self-government states that it is the level of government closest to the citizens. Consequently, it has the task of representing the relevant issues and viewpoints of a locality. The implementation of local self-government is a demanding task and refers primarily to the division of competences between the state and local communities (Brezovšek

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et al. 2008: 120). Mouritzen and Svava have devised four ideal-type models of executive government at the local level, as follows:

- *The strong-mayor form*: The elected mayor controls the majority of the municipal council and is legally and *de facto* wholly in charge of all executive functions. The chief executive officer (CEO) serves at the mayor's will and can be hired and fired without the consent of any other politicians or political bodies. The mayor can hire political appointees to help with any function. This form gives primary emphasis to the political leadership principle.
- *The committee-leader form*: One person is clearly the political leader of the municipality – with or without the title of mayor. He or she may or may not control the council. Executive powers are shared. The political leader may have responsibility for some executive functions but others rest with collegiate bodies – standing committees composed of elected politicians – and with the CEO.
- *The collective form*: The decision centre is one collegiate body, the executive committee that is responsible for all executive functions. The executive committee consists of locally elected politicians and the mayor, who presides.
- *The council-manager form*: All executive functions are in the hands of a professional administrator – the city manager – who is appointed by the city council, which has general authority over policy but is restricted from involvement in administrative matters. The council is a relatively small body, headed by a mayor who, in formal terms, has presiding and ceremonial functions only (Mouritzen and Svava 2002: 55–56).

When analysing all the factors and variables the authors take into consideration in their assignment of (participating) nation states to a certain model of executive government, a question arises, namely: which ideal-type model does the arrangement of local self-government (municipalities) in Slovenia come closest to? Our contribution attempts to answer this question through analysis of the institutional aspect of the role of the mayor and their position in the system of Slovenian local self-government and also with the assistance of collected empirical data on the relationship between the mayor and the municipal administration, and the mayor and the municipal council.

In the territory of what is now Slovenia, local self-government had already been introduced in the mid-1800s by the Austrian provisional act on municipalities, signed by the ruling Kaiser, Franz Joseph I, in 1849. The first municipal representative bodies in Carniola were elected in 1850. Sixteen years later, a provincial act on municipalities was adopted, and from then on, legislative regulation of local self-government was being enacted continuously until 1955, when a socialist communal system was introduced, which effectively abolished local self-government. Under the communal system, the municipality was a so-called 'socio-political community' that primarily acted in the name of the state, whereas local self-government proper was taking place only in local communities at the sub-municipal level. This system was finally replaced by the introduction of new municipalities, and their commencement of operation in 1995. In Slovenia, local-self government has been in operation on a practical level since January 1995, when territorially modified municipalities – having new substance and new bodies (the mayor, the municipal council and the supervisory committee) – became

operational. In the years following the re-introduction of local self-government, many changes have taken place, especially in the legislative domain (Brezovšek et al. 2008: 124–127). Article 139 of the Constitution of the Republic of Slovenia defines the municipality as the fundamental community of local self-government that encompasses one or several settlements connected together through the common needs and interests of their inhabitants (Constitution of the Republic of Slovenia, Article 139). The Local Self-Government Act defines the municipality as the fundamental community of local self-government that independently manages and performs its own matters within the limits of the Constitution and legislation, and performs tasks delegated to it by law (Local Self-Government Act, Article 1 and 2).<sup>1</sup> The latter definition is also one of the most commonly cited, and includes three major components: the municipality is the most important form of local self-government; it has been formed within natural, historically created local communities, such as settlements (one or more, connected through common interests); and it has been granted the status of self-government (Šmidovnik 1995: 63). The jurisdiction of the municipality is fairly narrowly defined by the Constitution, as the competences of municipalities include only those local matters that the municipality can manage independently and that concern the municipality's residents.<sup>2</sup> The working process/operation of the municipality is directed by three bodies: the municipal council, the supervisory committee, and the mayor (Local Self-Government Act, Article 28).

## 2. The Role and Position of the Mayor in The Slovenian Municipality

The mayor is one of the three bodies of the municipality (the others being the municipal council and the supervisory committee). The mayor is a political official, elected at direct elections with a secret ballot for a four-year term. Suffrage is conferred upon the voters who have permanent residence in the municipality (Local Self-Government Act, Article 42). Elections are held at the same time as elections to municipal councils. Every citizen who has the right to vote at municipal council elections has the right to vote for and be elected as a mayor. A candidate for mayor can be proposed either by political parties or by a specified number of voters, which is dependent on the size of the municipality. The candidate who receives an absolute majority of the votes cast is elected as mayor. Mayors are thus elected directly by a double-round absolute majority voting system. If none of the candidates receives an absolute majority of votes in the first round, the second round is held between the two candidates who received the most votes in the preceding round. In accordance with the organisation of the operation of the municipality and the division of competences (associated with municipality's tasks) between bodies of the municipality, the role of the mayor is executive and coordinative. According to the Local Self-Government Act, Article 33, the roles and tasks of the mayor are:

- (political) representation and legal representation of the municipality;
- representation of the municipal council plus summoning and presiding over its sessions;
- proposal of budgets, decrees and other general legal acts of the municipality;
- execution of the decisions adopted by the municipal council;

- head of the municipal administration;
- responsibility to publish all the adopted general legal acts of the municipality, as well as responsibility for the protection of the constitutionality and legality of the operation of municipal bodies;
  - leadership of the municipality as a sui-generis enterprise and acting in the municipality's legal relationships concerning its assets;
  - contact with the public, summoning of citizens' assemblies, the announcement of local referenda, and responding to questions, initiatives and proposals made by citizens;
  - execution of delegated matters and decision-making in administrative matters falling within the scope of the original competences of the municipality, or referring to delegated (state) competences.

One of the more visible functions of the mayor is the representation of the municipality and the municipal council. The mayor calls and presides over sessions of the municipal council, but has no right to vote. As an executive body, the mayor primarily executes the decisions made by the municipal council and has the right to initiate legislation, as the mayor submits draft budgets, decrees and other legal acts for adoption by the municipal council. The mayor is the “master” of the municipality, as they look after the municipality's assets, replenish them, and act to increase their value on a daily basis, namely through the signing of various contracts and public tenders, the rational and economical implementation of the budget, and a strict consideration of the principles of good management. Their task is also the summoning of citizens' assemblies and the adoption of emergency measures when the lives and/or the property of citizens are endangered (Prašnikar 2000: 46).

The most important function of the mayor is to be in charge of the municipal administration. The mayor is sovereign and practically untouchable for the duration of their term of office. Through the administration which they head, the mayor can pursue very independent policies, regardless of the policies pursued by the municipal council. As the head of the municipal administration, the mayor: (1) makes decisions on administrative matters within the scope of the municipality's competences at the second stage; (2) decides upon appeals lodged against decisions made by a body of the joint municipal administration that fall within the territorial jurisdiction of the municipality; (3) settles disputes concerning competences between individual bodies within the municipal administration; (4) appoints and dismisses the secretary of the municipality and the heads of bodies of municipal administration; (5) acting jointly with other mayors, appoints and dismisses the head of the joint body/-ies of the municipal administration; (6) determines the systematisation of posts within the municipal administration; (7) decides on the appointment or conclusion of employment relationship(s) at the municipality; (8) assigns tasks to the municipal administration that the latter has to perform for the municipal council, and is accountable to the municipal council for the work of the municipal administration in terms of its implementation of the municipal council's decisions; (9) provides for expert and administrative assistance of the municipal administration to the municipal supervisory committee; (10) directs the work of the municipal administration and the joint body/ies of the municipal administration (Juvan Gotovac 2000: 17).

## 2.1 The relationship between the mayor and the municipal administration

The municipal administration performs administrative, expert, promotional and developmental tasks, which are based on the provision of public services that fall within the scope of municipal jurisdiction. Its competences include the implementation of decisions adopted by the mayor and the municipal council, as well as the preparation of expert advice relating to their decisions. The municipal administration is established by the municipal council, acting on a proposal by the mayor, by virtue of a legal act of general scope that also has to stipulate the areas of responsibility and the internal organisation of the administration. The mayor is the superior of the municipal administration, whereas the director (that is, the CEO of the municipality – henceforth, the CEO) is responsible for the organisation and coordination of the tasks of the municipality, i.e. for the management of municipal administration. The municipal administration oversees the implementation of municipal by-laws and other legal acts regulating municipal competences; for this purpose, the municipal administration has the right to establish a municipal inspection, having the same authority as a state-level inspection. The municipal administration adopts decisions in administrative matters in the first instance. An individual has the right to lodge an appeal to the mayor against its decisions (Local Self-Government Act, Articles 49 & 50.a). Because the Local Self-Government act stipulates that the municipal administration is under the direct control and leadership of the CEO (hence, the latter is most frequently engaged in contacts with political representatives, especially with the mayor), the next section of our article contains a more detailed analysis of the relationship between the CEO and the mayor.

### *The relationship between the mayor and the CEO*

Those provisions of the Local Self-Government Act that regulate decision-making and management within the administration are too general in character to enable, on their own, a conventional, accurate and, above all, rigorous division of competences and responsibilities between the mayor and the CEO. The notion of a superior is not precisely defined by the legislation and it is therefore unclear what exactly it encompasses. This poses problems for the actual management of municipal administrations. As a consequence, the division of competences relating to the management of administrations between the mayor and the CEO differ greatly from one municipality to another; in most cases, this division depends on the professional competences each of them possesses, and on whether a mayor executes their office in a professional or non-professional manner. Frequently, this division depends on subjective relations between the holders of both posts. In any case, one has to bear in mind that the success of the administration in most cases depends to a great extent on the superior professionals, since holders of political functions come and go and frequently leave the administration once they have acquired suitable expert knowledge and skills for managing the administrative body. Most of the shortcomings and vagueness concerning the management of the administration can be overcome simply by a clear definition of tasks that the mayor and the CEO have in relation to the management and intensive education of the managerial personnel (Prašnikar 2000: 48–49). The mayor should perform the *de facto* functions of decision-making, giving directions, delegating and overseeing, whereas the CEO should perform

the managerial function(s). However, this division of labour is often completely blurred. The problem arising from such a situation is that the role of civil servants is neither entirely administrative nor completely political. In individual case after individual case, politics and expertise are intertwined through different policies, as the CEOs often have to act politically. On the other hand, mayors equally often face circumstances under which they are expected to display expertise. It is exactly this unclear relationship between mayors and CEOs, in addition to legislative stipulations regarding the actual tasks of the CEO, that are too vague and cause situations of uncertainty, which every municipality tries to resolve in its own manner, most frequently via the mayor's authorisation of CEOs. As a consequence, the role and power of CEOs vary across Slovenian municipalities, since certain CEOs enjoy a far wider variety of powers delegated to them by mayors. Of course, this can lead to the participation of CEOs in policymaking processes – some of them can take part in and influence the adoption of (political) decisions, whilst others merely execute decisions that have already been made.

The theoretical points of departure described so far served as the basis on which we were able to perform our empirical research.<sup>3</sup> As already mentioned in the introduction, the focus of our research interest is the mayor as the apex of political power within the municipality on the one hand, and the apex of the municipal administration, embodied in the CEO, on the other. Since the survey respondents constituted two major groups *per se* – the political and the administrative – we divided them accordingly. This facilitated comparison between political officials and senior civil servants in terms of both their formal roles and the relationships between them within local-level political processes. We performed the survey in municipalities that actually have the position of the CEO (191 of a total of 210 municipalities) from mid-April to the beginning of June 2011. The survey turnout rate was considered to be good, as 100 CEOs (52.4%) and 80 mayors (41.8%) took part, but not all the respondents answered every question.

Our empirical research covered the formal relationships between mayors and CEOs, and we focused on the delegation of the execution of the mayor's tasks to the CEO, as well as on the mutual relations between them. We wanted to find out the percentage of mayors that had actually authorised their CEOs to execute tasks belonging within the scope of mayoral competences, and which tasks were delegated in this way. 82.5% of mayors responded that they had authorised their CEOs to execute at least one task falling within the scope of their competences. The proportion of CEOs' responses claiming that they had been granted such an authorisation by their mayors was slightly higher, at 85%. A comparison between mayors' and CEOs' answers regarding such tasks revealed that the majority of CEOs had been authorised to perform tasks related to project group cooperation for the most demanding and important projects within municipalities, as well as the most difficult tasks in municipal administration, especially concerning public tendering and procurements. A minority of CEOs had been delegated tasks concerning civil protection, emergency rescue and fire protection, as well as tasks related to civil defence. According to the responses given by mayors and CEOs, a large discrepancy was observed in the task of managing procedures and decision-making in matters of employment within the municipal administration. 69.7% of mayors participating in the survey claimed that they had authorised their CEOs to execute this task, while only 57.6% of the CEOs included in our survey said the same. Considering the fairly high percentage of

mayors who had delegated at least some of their powers to the CEOs, we were somewhat surprised by the data referring to their mutual relations. 72.2% of CEOs chose the answer “*I am subordinate*”<sup>4</sup>, which coincides with the 84.4% of mayors who considered themselves to be superior. What we can say is that mayors (even if they authorise CEOs to execute tasks from among their own competences) are aware of their superiority to the CEOs. And the same logic works the other way – the CEOs are aware of their subordinate position to mayors, despite being empowered to perform certain delegated tasks.

In determining the cooperation (or lack thereof) between the mayor and the CEO, we applied the principles of teamwork.<sup>5</sup> On this basis,<sup>6</sup> we presented our survey participants with a series of statements<sup>7</sup> and we discovered that both mayors and CEOs most frequently chose the answer “always or often”. The statement most frequently answered in this way was “The mayor and the CEO abide by and fulfil mutual arrangements” (87.8% of the CEOs and 92.5% of the mayors answered “always or often”). These data enable us to conclude that mayors and CEOs of Slovenian municipalities operate largely in accordance with the principles of good teamwork. Miglič & Vukovič (2006: 71) further describe the atmosphere in a successful team as relaxed, informal and pleasant. Since we were interested in the working relationship between the mayor and the CEO, this issue was also included in our survey. A majority of the CEOs (48%) responded with “*strictly professional*”, followed by the answer “*semi-professional*” (45.9%); few respondents chose the answer “*informal*” (6.1%). In the majority of cases (48.6%), mayors chose the answer “*semi-professional*”, ahead of the response “*strictly professional*” (41.9%); the answer “*informal*” was also the least frequently chosen by this group of respondents (9.5%).

In addition to the already described relationships, we also wanted to find out what the general views/attitudes were of each of the two groups of actors regarding the local-level dichotomy between administration and politics. In question one, survey respondents had to evaluate the intensity of their influence in a field that is supposedly a domain of the opposite group of actors. Thus, the CEOs evaluated the intensity of their influence on (local) politics, whereas mayors had to assess their impact on expertise. Survey respondents could choose on a scale from 0 to 10, where 0 stood for “*no influence at all*”, and 10 for “*a very strong influence*”. Data reveal that the average value of CEOs’ responses was 4.69 and the mayors’ average was 6.22. This allows us to conclude that mayors believe to have more influence on expertise than CEOs have on (local) politics.

In the subsequent section, we offered mayors and CEOs a set of statements on the relationship between administration and politics and asked them to agree or disagree with each of them. We can reveal that 63.8% of the CEOs (and 36.7% of mayors) agreed with the statement that “The mayor of an average Slovenian municipality should completely hand over the management of municipal administration to the director of the municipal administration, as the latter is the highest-ranking and most qualified civil servant in a municipality.” When we compare these data with the perceived state of affairs in Slovenian municipalities, it becomes evident that a surprisingly low percentage of respondents (36.5% of CEOs and 33.3% of mayors) agreed with the statement “*The management of the municipal administration is completely handed over to the CEO and the former refrains from getting involved in their work.*” This evidence leads us to conclude that the CEOs are in principle in favour of greater autonomy for the municipal administration in respect to politics, and in favour of an increase

in their own independence of operation in relation to the mayor. However, this is often not the case in practice, as our data show.

Since our objective was to determine the percentage of municipalities in Slovenia in which the mayor has a more important role than the CEO in terms of the exercise of competences, we attributed a value to each answer to the questions about the transfer of mayoral tasks to the CEO.<sup>8</sup> The sum of these values placed a municipality into one of the following pre-determined groups. Group 1 (*municipalities with a strong mayor*) is composed of municipalities that have no CEO at all and those that have a CEO who is not authorised to execute the tasks falling within the scope of mayor's competences, or only has marginal powers in this respect; Group 2 (*municipalities with divided competences between the mayor and the CEO*) comprises municipalities in which mayors have delegated a number of their competences to the CEOs; Group 3 (*municipalities with a strong CEO*) contains municipalities whose CEOs are authorised to execute a wider range of tasks from the mayors' scope of competences.

Analysis of our data reveals that, in Slovenia, the municipalities with strong mayors are most prevalent (according to the responses of the CEOs, 47% of municipalities fall into this category, whereas mayors' responses indicate that 53.8% of municipalities can be categorised in this way). Considering the fact that municipalities without CEOs can be assigned to this group, we are justified in speculating that the real proportion of such municipalities is likely to be even higher. A comparison of these data with the question referring to the CEOs' and mayors' status with respect to their competences and division of tasks is also interesting. It clearly shows a positive correlation between the group of municipalities with a strong mayor, and the status of both actors in terms of the division of competences and tasks. Namely, the highest percentage of CEOs' responses indicating their subordination in relation to mayors was found in exactly that group of municipalities that are characterised by having a strong mayor (54.3%). In addition, the highest percentage of mayors who were considered to be superior was found in this group (56.7%).

We should further emphasise the fact that the majority of Slovenian municipalities are characterised by cooperative relationships between the mayor and the CEO. This raises the question of how such a situation is possible in light of our finding that CEOs are subordinate to mayors. The latter finding is also corroborated by the fact that most Slovenian municipalities have strong mayors. The answer to this question may be found in the legislation, namely in the stipulation that the CEO is appointed and dismissed by the mayor (Local Self-Government Act, Article 49). The data we collected reveal that 72.2% of mayors who took part in our survey had appointed "their own" CEOs and 65.6% of the CEOs included in our survey had been appointed by the mayors in office at the time. Both groups cited positive experiences of past cooperation as the main reason for selection (mayors 53.6%, CEOs 47.5%), followed by application for tender by persons who would later be selected as CEOs (in this case the mayor and the CEO had not cooperated before), personal acquaintance, political motives, and various other reasons (recommendations; the CEO had already been employed at the municipality; professional reputation). These data enable us to make two conclusions. (1) The mayor usually appoints a person to the position of the CEO who, in their belief, will be cooperative, and (2) if the role of the CEO has already been filled by a person with whom the newly-elected mayor cooperates according to the principles of teamwork, this person is not dismissed or replaced by the mayor.

Comparative analysis of the acquired data uncovers further curious results which we think are worth mentioning. According to data on the professional performance of the mayor, 57.4% of mayors who perform their function professionally belong to the group of municipalities that also have a strong mayor. On the other hand (according to answers given by the CEOs), this group also contains the greatest number of municipalities (55.3%) in which mayors perform their function non-professionally. Hence, the category of municipalities with a strong mayor includes both municipalities with mayors who perform their function professionally, and those who perform their function non-professionally.

In support of the thesis that most Slovenian municipalities have strong mayors, we can add the following data pertaining to the group of municipalities with a strong mayor: only 38.5% of the CEOs of these municipalities agreed with the statement that they cooperated in (local-level) policymaking, while 52.5% of mayors claimed that this statement was true. Also of interest is the statement: "A mayor of an average Slovenian municipality should completely hand over the management of municipal administration to the director of the municipal administration, as the latter is the highest-ranking and the most qualified civil servant in a municipality." 57.7% of the CEOs responded positively, yet a far lower percentage of mayors agreed with the statement – only 37.9%.

We conclude our analysis of the relationship between the mayor, CEO and municipal administration with a reflection on the greater autonomy of the CEO and of the municipal administration. Because of a blurring of the relationship between mayors and CEOs, and as a result of legislative provisions that are too vague about the actual tasks of the CEO, ambiguous situations occur on a daily basis between the two sets of actors. Considering the fact that the CEOs constitute the local administrative elite, with respect to their attributes (professionalism, independence, permanence of office) and their ambitions for greater independence (primarily from mayors), their competences, tasks and role ought to be specified in greater detail and clarity by the legislation. At the same time, a different method for selecting the CEO than the one currently used (whereby the mayor autonomously appoints and dismisses the CEO) should be considered. This would undoubtedly mean greater professionalism and less interference from the political sphere in the operation of municipal administration.

## 2.2 The relationship between the mayor and the municipal council

The central body of local self-government is the municipal council, which is the highest authority for decision-making on all matters within the scope of the rights and obligations of the municipality. It is elected at direct, general and free elections, by secret ballot cast by the inhabitants of the municipality, for a term of office lasting four years. The municipal council is elected in general elections by the citizens of each municipality every four years, with one-round relative majority and proportional electoral systems in use, the former in smaller municipalities (up to 3000 inhabitants) and the latter in all other municipalities, where both D'Hondt and Hare methods of seats allocation are used. A municipal council can have from seven to 45 members, depending on the total number of residents in the municipality. The competences of the municipal council include the following:

- adoption of the statute of the municipality, of municipal decrees and other municipal legal acts;
- adoption of spatial and other developmental plans of the municipality;
- adoption of the municipal budget and its balance sheet;
- appointment and dismissal of the members of the supervisory committee and members of commissions and committees of the municipal council;
- appointment and dismissal of representatives of the municipality in the advisory committee to the head of the administrative unit;
- decision-making on the acquisition and disposal of real estate and control over the performance of duties by the mayor, deputy-mayor(s) and the municipal administration – with regard to the implementation of decisions adopted by the municipal council (Local Self-Government Act, Article 29).

The phenomenon of building coalitions in the formation of local-level representative bodies is relatively common – especially on the European continent. Actors taking part in the process of coalition building have, so the classical theories claim, a double motive (Riker 1962): to acquire a key position at the local level of government, and/or to exert influence on local-level policies. Since the key local-level political functionary in Slovenia (the mayor) is also an elected one, the main motivation behind coalition building is primarily a desire for power, for control, and hence for greater influence over the adoption and implementation of local-level policies. At the local level of government, the executive body (the mayor) is elected directly at elections and not indirectly by the legislative body, and they, therefore, do not need to conclude a coalition agreement (or agreements) in order to be elected. In spite of this fact, various coalition agreements are forged within local communities well before the actual elections take place, and these agreements take a wide variety of forms – from public statements of support given to a certain candidate, to serious coalition alliances that are binding in the case of a certain candidate being elected, and which guarantee them a certain amount of support from the legislative body of the local community.<sup>9</sup> However, the forging of coalition alliances is, of course, more common in the aftermath of elections, when the balance of power between individual political actors becomes known. At this point, though, the prevalent motive is the desire to provide the already elected candidate-mayor with a majority of support within the municipal council (regardless of their party allegiance) – thus, the key motivation is to gain influence over local-level policies (Haček et al. 2008: 153–154). The data of the Research Project “Župani in podžupani” [Mayors and Deputy-Mayors]<sup>10</sup> reveal the absence of coalition building in the majority of Slovenian municipalities (63.7%), even though almost one fifth (17.7%) of mayors stated that project-based cooperation of all political groups in municipal councils had been in place for large and significant municipal projects. We asked the mayors of municipalities with municipal councils led by some form of coalition to evaluate their cooperation with the currently governing coalition. Their evaluation was positive,<sup>11</sup> and 82.2% of mayors said that in most cases the majorities in municipal councils had not impeded the developmental orientation of the municipalities they governed.

In addition to questions concerning the formation and functioning of coalitions, mayors were also asked a question about the division of competences between the mayor and the municipal council. 57% of mayors said that the division of competences in the current system

of local self-government was adequate; slightly less than a quarter said they would take away some of the municipal council's competences and transfer them to the mayor; and none of the mayors included in the survey agreed with the statement that the municipal council should be given more competences and the mayor less. 94.7% of mayors claimed that less than a quarter of all matters they had proposed to the municipal council for adoption had been rejected; almost 30% of mayors had never had any proposal rejected. This can be related to the fact that mayors evaluated their overall cooperation with municipal councils as being very good.<sup>12</sup> What is somewhat surprising, though, is the data on the frequency of communication between mayors and members of municipal councils. Only 12.4% of mayors admitted to having contacts with municipal councillors at least once a week (7.1% of them several times a week), which is a fairly low figure compared to the 42.5% of mayors who, in their words, had contacts with members of municipal councils only once a month. In addition, mayors evaluated cooperation with CEOs and other employees in municipal administrations as being "fairly good". The mayors have the lowest levels of cooperation with ministries in the Government of the Republic of Slovenia.<sup>13</sup>

The question referring to which body had the greatest level of influence on decision-making within a municipality had percentages evenly distributed between the responses "*the mayor*" and "*the municipal council*". Exactly one half of the mayors participating in our survey were of the opinion that the municipal council was the body of the municipality that had the greatest influence on decision-making; the lowest degree of influence was attributed to political parties (1.9%). Mayors who claimed that the greatest influence on decision-making in their municipalities was in the hands of municipal councils came primarily from smaller municipalities (in terms of their number of inhabitants)<sup>14</sup> whereas mayors of larger municipalities maintained that they were the ones with the greatest influence. However, 47.6% of mayors agreed that the body with the greatest influence in the municipality should be the mayor.<sup>15</sup>

Municipalities are the fundamental units of local self-government. As such, they represent the level of government that is the closest to the citizens and is responsible for providing a vast array of public services. Since Slovenia has had a long history of discussion about the legislatively defined powers of municipalities, we asked the mayors whether they think municipalities' competences are too narrow, too wide, or adequate. Surprisingly, 56.1% of mayors responded that the powers of municipalities were too narrow; just over a third said they were adequate and only 7% thought their powers to be too wide. If these data are compared with the data from the Research Project Local Democracy in the Republic of Slovenia (2003), one can see that the percentage of mayors who claimed that municipalities' powers were too wide have dropped somewhat in the intervening time.<sup>16</sup> Since we are interested in whether the size of municipalities influences in any way the scope of competences, we have compiled an overview (Table 1), which shows that, in particular, mayors of large municipalities with over 15,000 inhabitants thought that municipalities' powers were too narrow. On the other hand, we can see that most of the mayors who saw municipal competences as being too wide come from the group of municipalities with up to 5,000 inhabitants; however, this percentage can be considered negligible. This allows us to draw the conclusion that the municipalities' size plays no significant role, as both large and small municipalities included in our survey clearly expressed a desire for a wider scope of competences that the legislation provides.

**Table 1: The scope of legislatively defined powers of municipalities according to the size of municipalities (percentages)**

	<b>Powers of municipalities are too narrow</b>	<b>Powers of municipalities are too wide</b>	<b>Powers are adequate</b>	<b>Don't know</b>
Municipalities with up to 3,000 inhabitants	52.2	8.3	37.5	0
Municipalities above 3,000 and up to 5,000 inhabitants	51.4	10.8	37.8	0
Municipalities above 5,000 and up to 10,000 inhabitants	47.4	0	42.1	10.5
Municipalities above 10,000 and up to 15,000 inhabitants	45.4	9.1	36.4	9.1
Municipalities above 15,000 and up to 20,000 inhabitants	69.2	0	23.1	7.7
Municipalities above 20,000 and up to 30,000 inhabitants	100	0	0	0
Municipalities above 30,000 inhabitants	80	20	0	0

*Source: Research Project “Župani in podžupani” [Mayors and Deputy-Mayors] (2012).*

We also asked mayors about the competences of the municipality in several distinct fields. This was intended as an evaluation of whether municipalities have too few or too many powers in individual policy areas.<sup>17</sup> Spatial planning stands out, as mayors expressed the opinion that they had too few competences in this policy domain – the average value of their answers was 1.62. By contrast, the highest average value of their answers was in the field of sport and recreation development, which indicates that this policy domain may contain somewhat too many competences and responsibilities.

### 3. Conclusion

Our contribution has analysed the status and role of the executive head of Slovenian municipalities – the mayor. Institutional standards specify that, in accordance with the organisation of the work of the municipality and the distribution of competences and tasks among the bodies of the municipality, the function of the mayor is executive and coordinative. Accordingly, the mayor is attributed a whole range of roles and tasks, among which we have emphasised the political and legal representation of the municipality. The mayor calls and presides over meetings of the municipal council, but has no right to vote. As an executive body, the mayor primarily implements the decisions of the municipal council and has the power of legislative initiative as well, as they propose budgets, decrees and other legal acts for adoption by the municipal council. Yet the most important function of the mayor is to be in charge of the

municipal administration. Thus, the mayor is sovereign and practically untouchable throughout their entire term of office. Through the administration of which they are the head, the mayor can pursue a very independent agenda, regardless of the policies pursued by the municipal council.

As we already said in the introduction, we are not only interested in the institutional aspect of the role and status of mayors in Slovenian local self-government system, but also in the relations between the mayor and the municipal administration, as well as the legislative body, i.e. the municipal council. The municipal administration is directly managed by the CEO, who, by virtue of their position, has most frequent contact with the mayor. In light of this, we performed a research survey among the mayors and the CEOs; the data we collected shed light on the actual and current roles of the two sets of actors, and the relationships between them. When analysing the legislative framework, we were particularly surprised by the mayor's autonomy regarding the appointment and dismissal of the CEO, as well as the (non-)authorisation of the CEO for the execution of tasks that fall within the mayor's scope of competences. We further claim that the powers and functions of the CEO are exceptionally limited and poorly defined – namely, the direct management of the municipal administration. On the basis of the authorisation granted by the mayor, the CEO can perform other tasks, but these tasks are not defined anywhere and are determined by individual mayors themselves. Therefore, the legislation currently in place allows for the highest-ranking and the most qualified civil servant within the municipality to be formally subordinated to the mayor, as the former is accountable to the latter for the operation of the entire municipal administration. Furthermore, the CEO is appointed, dismissed and authorised to perform certain tasks by the mayor. The data we gathered also supported our hypothesis about the subordination of the CEO. Moreover, the synthesis of answers provided by both groups of actors reveals that the majority of municipalities can be placed into the group that has a strong mayor, and in which the CEO either has no authorisation granted to perform the tasks belonging to the scope of the mayor, or has authorisation of only marginal significance.

In our analysis of the relations between mayors and municipal councils, we first tackled coalition building. Even though we detected an absence of coalitions in Slovenian municipalities (except for intermittent cases of project-based cooperation), mayors still claimed that the majorities in municipal councils had generally not impeded the developmental orientation of their municipalities. This claim is corroborated by the opinion of almost 95% of mayors participating in our survey, who testified that municipal councils had rejected less than one quarter of all the matters they had proposed. In spite of the infrequent contact between mayors and municipal councillors, their cooperation generally seems to be good, which was confirmed by the fairly high rating given by mayors for cooperation with the legislative body in general. Most mayors also assessed the current arrangement of the system of local self-government in terms of the division of powers between the executive and the legislative body as being adequate. Finally, we also asked mayors to evaluate the scope of general competences that municipalities have; more than one-half of mayors included in our survey were of the opinion that the powers of municipalities are too narrow, especially so in the domain of spatial planning.

Let us now return to our theoretical point of departure – the ideal models of government at local level formulated by Mouritzen & Svava (2002). The current arrangement of the Slovenian system of local self-government actually stipulates that the fundamental body

of the municipality should be the municipal council. However, a more detailed analysis of the legislatively defined competences and empirical research speaks in favour of the mayor as the dominant body. Mouritzen & Svava (2002) also state that, in *the strong-mayor form model*, the mayor is responsible for the executive functions of the municipality, as defined in law, which is undoubtedly true of the Slovenian arrangement. Secondly, the mayor is able to select, appoint, and dismiss the highest-ranking civil servant within the municipality – the CEO. Furthermore, the mayor is free to decide whether to delegate their own powers to the CEO. Thirdly, regarding the relationship between the mayor and the municipal council, we can say that the mayor controls the work of the municipal council to a great extent, especially on the basis of data showing that a low percentage of proposals by the mayor are rejected by the municipal council. However, it is still true that legislation is designed to ensure that the municipal council oversees the work of the mayor. In the light of everything discussed so far, we conclude that among the four ideal-type models devised by Mouritzen & Svava, the majority of Slovenian municipalities are closest to the strong-mayor form. The mayor of a typical Slovenian municipality therefore plays the central role in the system of local self-government – let us remind ourselves that almost one-half of the mayors in our survey claimed that the body with the greatest influence within the municipality should, of course, be the mayor him/herself.

## Endnotes:

1. The Local Self-Government Act, article 13.a, states just one very simple rule for establishing a municipality, i.e. a minimal number of 5000 inhabitants. All new municipalities are to be established by the adoption of a special law, passed by the National Assembly, according to the results of a referendum on establishing new municipalities.
2. The Slovenian constitution (article 141) defines a special type of municipality, i.e. the urban municipality, a status which every urban area with a distinctive geographical, cultural, economic, historical and/or social development can obtain, provided that it has at least 20,000 inhabitants, that it creates at least 15,000 jobs, and that it fulfils some additional requirements (it includes a hospital, high schools, public services, etc.). There is no normative difference in jurisdiction between regular and urban municipalities; the only applicable difference is in financing, as urban municipalities are entitled to some additional funding by the state.
3. For further details on the research project, see “Lokalna demokracija IV: Aktualni problemi slovenske lokalne samouprave [*Local democracy IV: Recent problems of Slovenian local self-government*] (Bačlija 2012)”.
4. Only 1% of the CEOs included in the survey responded with the answer “I am the superior”.
5. According to Armstrong (1994), a good team exhibits the following characteristics: (1) integration – members of a group always act in unison towards the external environment; (2) members of a group are mutually interdependent – they can rely upon assistance and help by other members of a group in the performance of tasks and realisation of goals; (3) members of a group devise their own rules and behaviour patterns; (4) a certain ideology is formed within a group and (5) the whole is stronger than the sum of its individual members.
6. Možina (1996: 117) argues that the principles of teamwork are as follows: (1) timely exchange of information, (2) openness and sincerity in conversation, (3) a desire to achieve common goals, (4) the establishment and cultivation of trust among team members, (5) respect for contributions made by others on the basis of argument and knowledge, (6) assistance and complementation in

the resolution of an individual's problems, (7) cooperation rather than mere opposition, and (8) the possibility for every individual to freely express their thoughts and ideas.

7. For instance, one of the statements was "The mayor and the CEO communicate and inform each other in due time." For every statement, survey respondents could choose from three possible answers, namely: "always or often", "sometimes" and "seldom or never".
8. Every answer was attributed a certain number of units, depending on the nature of a task (in the case of *management*, *independent decision-making* and *overseeing*, the answer was assigned three units; for *implementation*, *performance* and *execution* of tasks, two units were assigned; whereas one unit was assigned to *cooperation* or *preoccupation*; additionally, one unit was also assigned in the case of a survey respondent writing down a task that had not originally been included in the answers our questionnaire offered). The criteria for placing municipalities into different groups were the following: 0–14 units = Group 1; 15–21 units = Group 2; 22–28 units = Group 3.
9. Comparative analysis of local elections reveals that the percentage of municipalities in which a coalition of parties proposes a joint candidate has been decreasing – 26% in 2002, and 22% in 2006. As a consequence, the most recent (2010) local elections saw only 15% of municipalities following this procedure (Haček & Kukovič 2011: 383).
10. The research project was conducted in February 2012 and included mayors and deputy-mayors of Slovenian municipalities (200 mayors and 262 deputy-mayors; 11 mayors were excluded from our research as they had been elected at parliamentary elections in December 2011 and their function as mayor had automatically expired; by-elections were then held in March 2012). We received 114 completed questionnaires for mayors (57%) and 123 completed questionnaires for deputy-mayors (47%).
11. Question V16: "Please evaluate your cooperation with the coalition currently in power within the municipal council, using the following scale (0 stands for exceptionally bad cooperation and 10 stands for excellent cooperation)." The average value from 55 answers was 8.56, with a standard deviation of 1.63.
12. Question V15: "We ask you to evaluate your cooperation with the municipal council on a scale from 1 to 10, using the following scale (where 0 stands for exceptionally bad cooperation and 10 stands for excellent cooperation)." The average value from 114 responses was 8.31 with a standard deviation of 1.55.
13. Question V22: "We ask you to evaluate your cooperation with each of the actors given below, respectively, using the scale ranging from 1 (*very bad cooperation*) to 7 (*excellent cooperation*)." The average value from 111 responses regarding the CEO was 6.24, with a standard deviation of 1.1; for the employees of the municipal administration, the average value from 114 responses was 6.12 (with a standard deviation of 0.92); the lowest average value was for the ministries of the Government of the Republic of Slovenia, i.e., 3.91 (with a standard deviation of 1.35).
14. 47.8% of mayors from the group of municipalities having up to 3,000 inhabitants expressed the opinion that the municipal council had the greatest influence on decision-making in their municipality. The respective percentage for the group of municipalities with more than 3,000 and up to 5,000 inhabitants was 45.7%; and in the group of municipalities with over 5,000 and up to 10,000 inhabitants, the respective number was 83.3%.
15. Followed by the municipal council, with 44.8%. Third place went to inhabitants, with only 3.8%.
16. In 2003, an even higher percentage (58.8%) of mayors of Slovenian municipalities chose the answer that the powers of municipalities were too narrow; a good third (36.4%) claimed that the powers of Slovenian municipalities were adequate; only 4.2% responded that the powers were too wide (Brezovšek 2005: 80).
17. V21: "We are going to list individual areas in which Slovenian municipalities have certain competences and implement individual programmes and policies. We ask you to evaluate the (in-)adequacy of the current scope of municipal competences in each of the areas, using a scale ranging from 1 to 5, where 1 stands for "too few powers" and 5 for "too many powers".

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