

In accordance with the article 36 paragraph 1 point 1 of the Self- Government Act(“Official gazette of the Republic of Macedonia”, Number 5/2),The Council of the municipality of Pehchevo on the session on 30<sup>th</sup> July 2009 passed

## **STATUTE OF THE MUNICIPALITY OF PEHCHEVO**

### **1. BASIC PROVISIONS**

#### **Article 1**

The Municipality of Pehchevo (further on: Municipality) is a unit of the Local self-government, where the citizens exercise and realize their Right of local self-government.

Their right to local self-government is realized through their representatives within the bodies of the municipality and through their right to take part in direct decision-making.

#### **Article 2**

The citizens of the Republic of Macedonia who permanently dwell in the area of the municipality of Pehchevo are inhabitants of the municipality of Pehchevo.

The area of the Municipality is determined by law and encloses the territory of the inhabited places, the city of Pehchevo and the villages: Pancharevo, Crnik, Negrovo, Chiflik, Umlena and Robovo.

#### **Article 3**

The municipality has the capacity of a legal person.

#### **Article 4**

Municipality of Pehchevo is housed in Pehchevo -“Boris Kidrich” No: 8

#### **Article 5**

The Municipality has right to property belongings.

#### **Article 6**

The municipality has its own badge in form of a shield and it represents the main industrial and agricultural sectors as well as natural beauties in the municipality. The name of city of Pehchevo is written at the lower part of the badge.

#### **Article 7**

The municipality has a flag.

#### **Article 8**

The municipality has a round stamp in diameter of 3 cm. with the badge of municipality in its middle and the name “Republic of Macedonia-Municipality of Pehchevo”, written on its edges.

On the stamp which is used by the Council of the municipality in the second row is written -”Council of the municipality”.

On the stamp which is used by the mayor in the second row is written “Mayor”

#### **Article 9**

The municipality celebration day is 7<sup>th</sup> September -The Liberation Day of Pehchevo.

#### **Article 10**

In the municipality are constituted municipalities` acknowledgements and awards. The preconditions and the way of conferring of the awards and the acknowledgements are defined by the Council of the municipality by a special act.

#### **Article 11**

The municipality can incorporate in cooperation's in accordance with the law related to the decision passed by the Council of the municipality.

#### **Article 12**

The municipality mutually cooperates with the municipalities in the Republic of Macedonia, with the units of the Local authorities of other countries as well as the international organizations of the local municipalities and it may be a member of the international associations of the local authorities.

The municipality concerning areas of mutual interest and exercising mutual authority activities, can cooperate with other municipalities in the Republic of Macedonia, can join instruments and organs and can form mutual public services, in accordance with law.

#### **Article 13**

Municipality bodies, as well as the committee boards of the Council and the public services must inform the citizens about their activities and developmental plans, so as to enable them a suitable approach to the information in a way arranged by this Statute.

## **2. AUTHORITY OF THE MUNICIPALITY**

#### **Article 14**

The municipality independently, within the Law and this Constitution arranges and exercises the competencies of public interest at the local level, determined by Law for Local Self-Government or other law as well as the competencies which are not excluded of their authority or are not in authority of the organs of the Government.

#### **Article 15**

The competencies of the local authorities include the following:

1. Urban (town and rural) planning; issuance of permits for construction of buildings of local significance determined by law, special planning and organization of construction areas.

2. Protection of the environment and nature in sense of undertaking the protection and prevention of water pollution, air pollution the soil, protection the nature, protection of noise and unionization radiation.

3. Local economic development: planning and definition of the development and structural priorities; leading the economic local policy, support for the development of small and medium-size companies, of entrepreneurship and within that context establishes and develops the local network of institutions and agencies, and the promotion of partnership.

4. Public services and activities: drinking water supply; transport of technologic water, drainage and clearing up of the polluted water, reduction and lighting and hygiene; collecting, transporting and threatening the local solid and technological trash; construct and organize the public natural gas and thermal energy; maintenance of the graves, cemetery, crematories and funeral services, maintenance, reconstruction and protection of the local roads, streets and other infrastructural facilities; regulates and controls the regime of the traffic, construction and maintenance of the street traffic lights, construction and maintenance of public car parks, elimination of irregularly parked vehicles, removal of damaged and crashed transport means out of the public places; construction and maintenance of the markets; cleaning the chimneys; maintenance and use of the parks, greenery, forest`- parks and recreational areas, regulation, maintenance and use of the riverbeds in urban places, determine streets`, squares`, bridges` and other infrastructural facilities names.

5. Culture: institutional and financial support of cultural institutions and projects, Take care (cultivate) folklore, customs, old crafts and similar cultural values, Organize cultural manifestations, instigates different specific forms of Creativity.

6. Sport and recreation: development of massive sports and recreational Activities by organizing sports events and manifestations, maintenance and Construction of sports facilities and support the sports clubs.

7. Social protection and protection of the children, financing, investment, maintenance and ownership of kindergartens and retirement homes, social care for the handicapped and children with no parents and parents` care with educational-social problems, or children with special needs, from one parents` families, homeless children and persons exposed to social risks, affected and maltreated by drug and alcohol raising up the consciousness of the population, housing the persons with a social risk, realization of the right and education of the children at their early age.

8. Education: foundation, financing and administration of elementary and secondary schools in association with the central authorities, in accordance to Law as well as organizing transport and nutrition to pupils and their accommodation (lodgings) in dormitories.

9. Health care. The municipalities have been given competencies in the management of the network of public health care institutions and facilities in the area of primary health care. This presupposes participation of local authorities in the committees of all health care institutions in public ownership, health education, health advancement, preventive activities and another domains determined by law.

10. Performing the preparations and taking protective and saving measures for the citizens and material goods from military destroying, natural and other disasters and from the consequences caused by them.

11. Fire extinguisher protection practiced by the fire brigade.

12. Supervision of the manner of work of local authorities and

13. Other things determined by Law

#### **Article 16**

The things previously mentioned in the article 15 of this Statute are arranged by prescriptions of Council of the municipality, in accordance with the process and standards determined by Law.

The things in the article 15 of this Statute which the municipality will compulsory accomplish would be determined by special laws and national programs.

#### **Article 17**

The things which are not excluded in the authority of the Municipality or are not in the authority of the state bodies are determined by decision of the Council of the municipality.

According to the decision of the paragraph 1 of this article is arranged the manner and the process of executing of the things.

### **3. ORGANIZATION AND WORK OF THE BODIES OF THE MUNICIPALITY**

#### **1. Council of the Municipality**

#### **Article 18**

The Council of the municipality is a representative body of the citizens. The local authority Council is composed of 11 representatives of the citizens, elected in general, direct and free elections by secret ballot. The members of the Council are entrusted the mandate of 4 (four) years.

The member of the Council cannot be revoked.

#### **Article 19**

The Council of the Municipality elects a chairman of its members with mandate of 4(four) years.

The chairman of the Council assembles and manages the sessions of the Council of the municipality, takes care for the organization and the work of the Council and signs the provisions passed by the Council and within 3 days of their carrying out sends them to the mayor for the sake of their announcement.

#### **Article 20**

The members of the Council give and sign a solemn declaration which says: "I (name and surname) solemnly declare that I will perform consciously the rights and duties as a member of the Council, and while performing them I will respect the Constitution, Law, provisions of the Council and I will protect the constitutional system of the Republic of Macedonia".

#### **Article 21**

The Council of the municipality executes the following things:

1. Carries out the Statute of the Municipality;
2. Passes working schedule of the Council
3. Passes working program
4. Passes City budget and Annual municipality account
5. Establishes the level of the taxes, compensations and fee rates
6. Passes General Urban plan
7. Passes Detail urban plans and urban documentation of the populated places in the municipality
8. Passes program for architectural land regulation

9. Passes program for traffic signalization maintenance
  10. Passes Decision for municipality order
  11. Passes instructions for environment protection, local and economic development, culture, sport and recreation, social protection and child protection, education, health protection, fire –preventive protection authorized by special law or in coordination with the national program
  12. Passes Program for building, local roads and streets maintenance
  13. Passes program for public electricity illumination
  14. Passes program for building, reconstruction and local waterworks maintenance
  15. Passes program for public cleanness maintenance
  16. Passes program for utilization and maintenance of the parks and other public places of local importance
  17. Passes program for Cemetery maintenance
  18. Passes program for rivers utilization and maintenance in the urban areas
  19. Gives names to the streets, squares, bridges and other infrastructural objects of local importance
  20. Establishes the organization, range, and the performance of the tasks of the municipality administration suggested by the Mayor.
  21. Establish public services and supervises their work
  22. Appoints members of the management boards of the public services it establishes
  23. Decides on giving license for performing activity of public interest with the local importance in cooperation with the Law
  24. Accepts the reports of work and annual accounts of the public services it establishes
  25. Decides on the utilization of the municipality property
  26. Decides on the leading the financial control of the municipality budget
  27. It selects, appoints the person that leads the district unit of the municipality internal affairs
  28. Analyzes and accepts the annual report of the public security of the municipality district and submits it to the Minister of the internal affairs and the ombudsman
  29. Gives recommendations to the manager of the district unit of the Ministry of the internal affairs on the part of the public security and traffic security
  30. Places and dismisses the Chairman of the Municipality Council
  31. Makes permanent and temporary committees
  32. Approves municipality awards and prizes
  33. Gives opinion on the suggested Laws that municipality is concerned
  34. Selects and appoints in its authorization
  35. Passes other decisions on different matters in its authorization
  36. Performs other important matters
- The authorization of the subsection 1 of this article is performed according to the standards and procedures ratified by the Law.

## **Article 22**

City Council decides with the majority votes of the present members of the Council at least with a third of the total number of the Council members if there is no other majority of the votes planned according to the Statute.

Voting session of the Council is public unless the Council decides different, voting in secret for special matters.

### **Article 23**

Additional session is convoked on the matters of security and safety of the citizens, for the matters raised because of the extraordinary circumstances (fire, flood, and earthquake) and also for the visiting delegations from other countries when they want to speak to the Council members.

### **Article 24**

The Chairman of the Council convokes the additional session by his initiative as a suggestion of at least 1/3 of the members of the Council or as a suggestion of a Mayor.

Invitation for the session with the proposed agenda is delivered to the Council members as fast as it can be.

In the beginning of the session members of the Council vote for the justification of the reasons of the session without discussion.

### **Article 25**

The Council establishes committees to discuss matters in its authorization .Committees can be permanent and temporary. The mandate of the permanent committees lasts as the mandate of the Council members.

### **Article 26**

Permanent committees of the Council:

- Finance, budget and local economic development committee
- Communal activities, urban and environment protection committee
- Public activities committee
- Statute and regulations committee
- Mandate matters, selection and appointing committee
- Committee for Work Programme of the Council
- Commission for protection of patients;
- Committee to mark significant events
- Commission for weddings
- Committee on Equal Opportunities for Men and Women

### **Article 27**

Committees consist of 3-5 members of the council

Municipal Council committees:

-Discuss the range of matters established for

-give opinions and suggestions to the council members and citizens initiatives for the range of matters established for

### **Article 28**

Financing, budget and local economic development committee surveys matters on municipality financing, budget and annual account as well as the matters on planning and programming of the local economic development.

### **Article 29**

Communal activities, urbanism and environment protection committee surveys the matters of the urban planning, public services matters, communal arrangement matters of the city and populated areas and environment protection matters.

### **Article 30**

Social activities committee surveys matters of the Municipality concerning culture, sport and recreation, social protection, education, health protection, public security, traffic security as well as the fire-prevention.

### **Article 31**

The statute and regulations committee ratifies Municipality Statute proposition, surveys the initiatives and propositions for statute change and follows its implementation and surveys the basic matters of the statute character. Approves the proposition of the working schedule of the Council, prepares propositions of the pre-law concerning the municipality.

Surveys other acts authorized by the Municipality Council.

### **Article 32**

Mandate matters, selection and appointing committee surveys and prepares propositions concerning mandate immunity matters:

- Surveys and prepares propositions for selection and appointing concerning the Municipality Council
- Defines salaries, payments and other compensations for selected and appointed persons
- Proposes the level of compensation of the travel and daily expenses of the Municipality Council members as well as expenses made executing the tasks given by the Municipality Council. The president and the members of the committee are selected by the Council at their first session.

### **Article 33**

Committee for Work Programme of the Council consists of three members. The Commission prepare and propose an annual work program of the Council. The draft - program shall be submitted to Council for adoption.

### **Article 34**

Commission for Protection of patients is considering issues of jurisdiction of the municipality, and as they relate to health, protection of patients and preservation of their rights and welfare and children protection.

### **Article 35**

Commission for marking of significant events determines the manner of celebrating the holidays and significant events in the municipality Pehchevo, determines proposals for the allocation of municipal awards.

### **Article 36**

Commission for weddings includes all council members except those who voluntarily give up. Members of the Commission avis are obliged to attend the weddings held in the municipality Pehchevo.

### **Article 37**

Committee on Equal Opportunities for Women and Men is formed as a permanent body. It stands for equal treatment of men and women in the adoption of measures and decision making. Bodies of local self-government, in the process of decision making, plans development and other documents are required to review and

consider the measures and activities proposed by the committee and the coordinator for equal opportunities.

#### **Article 38**

The president and the members of the committees are selected by the Municipality Council proposed by the Mandate matters, selection and appointing committee.

Proposal for selection contains the number of candidates needed.

Political parties that participate in the Council will be in proportion present in the total number of all committees' members.

#### **Article 39**

The committee's manner of work is regulated with the working schedule of the Council.

## **2. The Mayor**

#### **Article 40**

The Mayor represents the Municipality.

The Mayor is elected at general democratic elections by secret voting according to the law, in a period of four years.

The new mayor takes the duty from the previous mayor in term of seven days from the Election Day.

The mayor realizes his function the most professional.

#### **Article 41**

The mayor in the range of his authorization:

- initiates and proposes pass of regulations under authorization of the Council and controls the legality of them.
- publish regulations in the Official Gazette of the council of the municipality;
- Regularly report to the Council to carry out its responsibilities under the statute;
- provides accomplishing matters delegated by the state administration
- proposes the annual budget and account of the municipality budget
- accomplishes the municipality budget
- elects managers of the public services established by the municipality at public announcement
- decides on administrative matters in law, obligations and interests of juridical and private person according to the law.
- manages the municipal administration
- passes systematization regulation of the work places of the municipal administration
- decides on the employment, right, duties and responsibilities of the municipal administration employed, if no other regulated.
- performs other matters ratified by the law and the statute

The mayor can attend and participate in the work of Council sessions.

(2) The mayor may authorize the clerk of the municipality managed to run the procedure and decide in administrative matters and to sign the legislation.



#### **Article 42**

The mayor with a decree in term of seven7 days from the delivery day announces the regulations of the Council in “Official herald of the municipality of Pehchevo”

The mayor ensures accomplishment of the Council decisions.

#### **Article 43**

The mayor is obliged in term of 7days from the Council regulation delivery with a decree to stop its announcement if he thinks it is not corresponding to the Constitution and the Law.

A specimen of the explained decree for non announcement is delivered to the Chairman of the Council.

The Council is obliged in term of 15 days from the announcement of the decree to inspect it and decide.

If the Council confirms the regulation or does not discuss it in term provided in the subsection 3 of this article, the mayor is obliged to announce the regulation and at the same time to submit the initiative for conducting a constitution and legality evaluation procedure to the Constitutional Court of the republic of Macedonia.

The mayor is obliged to inform the authorized Ministry that deals with matters concerning the Local Government.

#### **Article 44**

The mayor is obliged to submit a report for accomplishing the decisions passed by the Council every (three) 3 months during the year. For accomplishing his authorities the mayor informs the Council according to the need, at least (twice) 2 a year.

#### **Article 45**

The mayor manages with the municipality as a good host. In managing the municipality he is obliged to undertake different measures and to ensure property utilization according to the Law.

#### **Article 46**

If there is a situation mayor to be absent six months, he is replaced by the council member appointed by the mayor.

In term of thirty (30) days from taking over the function, the mayor is obliged to appoint the Council member with a decree that would replace him.

The chairman of the council cannot replace the mayor.

The decree from subsection 2 in this article is announced in the “Official herald of the municipality of Pehchevo”. When the mayor announces his absence he also informs the chairmen of the council.

The function of the Council member who replaces the mayor is still.

### **3. The Consumers Protection committee**

#### **Article 47**

The municipality council establishes The Consumers protection committee in order to deal with the public services qualities matters.

#### **Article 48**

The consumer's protection committee consists of 7 members, three of who are selected from the juridical persons and four members from the private persons as well as holders of the services given by the public companies.

Members of the consumer's protection committee are selected as a suggestion of the mandate matters, selection and appointing committee.

The mandate of the members lasts two years with possibility to be chosen again.

#### **Article 49**

The consumer's protection committee inspects the quality of the services given by the public companies, gives opinions and suggestions for improving the service qualities, organizes public discussions, and cooperates with the public companies and municipal administration.

### **4. Participatory authority in the field of urban planning**

#### **Article 50**

The municipality set up a participatory body in the field of urban planning (Council Board), for conveying the views and opinions of citizens and legal persons in the process of urban planning and to monitor the situation and providing guidance and suggestions and initiatives in the planning process and development planning solutions for the municipality.

Participative body of the urban area consists of 5 members.

#### **Article 51**

Decision on the establishment of participatory body in the field of urban planning is adopting by the Council on the proposal of the Commission for verification, elections and appointments.

Members of the Participatory authority in the field of urban development are selected:

- From among the Council members
- On a proposal of the forms of local government
- On a proposal of associations
- From associations of professionals in the field of urban planning and
- From the municipal administration.

#### **Article 52**

Participatory authority in the field of urban development elects president from its members by a majority vote of all members of the participative body, with a public vote.

#### **Article 53**

Participatory authorities in the field of urban affairs are working on meetings.

The sessions are public by default.

The meetings are convened and chaired by the President of the Participatory authority in the field of urban planning.

Participatory authority in the field of urban planning can work if the session attended by majority of members.

Participatory authority in the field of urban planning are make decisions by majority of members.

The sessions can attend and participate in the Mayor and President of the Council without the right to vote.

## **5. Committee on Inter-Ethnic Relations**

### **Article 54**

The municipality set up a Committee on Relations between the communities (hereinafter: Commission).

The Commission shall be composed of (1) one representative of the communities represented in the Council for a term of (4) four years.

Commission members cannot be selected from among the members of the Council.

### **Article 55**

Decision on establishing the Commission is adopted by the Council, the Commission proposal for mandatory issues, selection and appointment.

Commission for mandate issues, selection and appointment shall draw up a proposal under paragraph 1 of this article after having received proposals of political parties represented in the Council.

### **Article 56**

Commission elect President from its member's by a majority vote of all members of the Commission, with public voting.

### **Article 57**

Commission is working on sessions.

The meetings are convened and chaired by the President.

Commission may work if the sessions attend the majority of the members of the Commission.

The Commission shall decide by a majority of the members of the Commission.

Mayor and President of the Council may attend and participate in the work on the sessions of the Commission, without right to vote.

## **6. Acts of Municipality Organs**

### **a) General acts**

### **Article 58**

The statute is a basic municipality act that ratifies the basic matters concerning the municipality authorization and organization as well as other important matters.

The council passes the municipality statute with the majority votes of the total number of the Council municipality members.

### **Article 59**

The municipality council passes the working schedule of the council, decisions plans and programs, solutions, conclusions and other acts, gives opinion and ratifies directions.

#### **Article 60**

With the Council working schedule is regulated the work of the council, its committees and relationship with other organs .The majority votes from the total number of the Municipality Council members pass the working schedule of the municipality Council.

#### **Article 61**

The affairs of local importance which are in the competence of the Municipality are arranged by a decision made by the Council.

By a decision made by the Municipal Council, a municipal administration is found and the way of its operation is established and the public services are found as well.

The Municipal Council establishes other questions from its competence, too, according to a decision.

#### **Article 62**

The Council brings in conclusions when considering different reports, information and analysis.

The Council gives its opinion and establishes the directions for realisation of the regulations and other acts made by the Municipal Council.

#### **Article 63**

The procedure of bringing in common acts is arranged by the Operational Act of the Municipal Council.

The common and other acts come through the "Gazette" of the Municipality of Pehchevo.

The common acts come into force the 8 (eighth) day from the day of announcement, exceptionally, established by the Municipal Council, the on-coming day from the day of announcement.

For all of the published regulations the Municipality conducts a collection which is accessible for general insight.

### **b) Respective acts**

#### **Article 64**

The Council and the Mayor within their responsibility bring in respective acts.

The Council brings decisions for election and appointment.

The Mayor of the Municipality brings in decisions.

## **5. INFORMING THE PUBLIC**

#### **Article 65**

The Municipality enables the citizens an access to the basic information for the services it provides, through their:

- Announcement in the Municipality Gazette;
- Announcement in the local means for public information;
- Announcement on the WEB site of the Municipality;
- Puts into insight in the Citizens Information Canter;
- Other means.

## **6. FORMS OF DIRECT PARTICIPATION OF THE CITIZENS IN DETERMINATION WITHIN THE MUNICIPALITY**

### **a) Civil initiative**

#### **Article 66**

The citizens have the right to propose the Municipal Council to bring in a certain act or to resolve a specific question under their responsibility.

The Council is obliged within 90 days after despatching the initiative to discuss upon it if it's supported by at least 10% of the electorate in the Municipality, that is to say the local self-government to whom the specific question refers.

The support from the item 2 of this article is ensured with the citizen's signatures.

The Council informs the citizens about the decision made upon the submitted initiative.

Civil initiative can't be submitted for personnel and financial matters.

### **b) Citizen assembly**

#### **Article 67**

The Mayor convokes the citizen assembly on his initiative upon the Council demand or upon the demand of at least 10% of the electorate of the Municipality or of the local self-government to whom the specific matter refers. Citizen initiative for personnel and financial matters can't be submitted.

The citizen assembly can be convoked for the whole territory of the Municipality or for the territory of the local self-government. The Mayor is responsible to convoke the citizen assembly within 30 days if the request comes from at least 10% of the electorate in the Municipality or the local self-government to whom this matter concerns.

The request for citizen assembly with the appropriate signatures of the concerned citizens is submitted to the Mayor.

The act for convoking the citizen assembly is published in the local informative mediums and is emphasized on public places as usual.

From the day of announcement i.e. emphasizing the act for convoking the citizen assembly till the day of its execution must pass off at least 5 days.

#### **Article 68**

During the citizen assembly the citizens who have the electoral right participate in bringing the decision.

The Mayor or a person authorized by him conducts the citizen assembly.

The Mayor, and if necessary, some other authorized representatives of the Municipality bodies report on matters discussed on the citizen assembly.

#### **Article 69**

The bodies of the Municipality are obliged to examine the conclusions brought in at the citizen assembly within 90 days and to take them into consideration when determining and bringing in measures upon the questions they concern to, as well as to inform the citizens about their decisions.

### **c) Referendum**

#### **Article 70**

The Municipal Council can announce the Referendum on its initiative for subjects of its responsibility.

The Council is obliged to announce a referendum upon the request of at least 20% of the electorate in the Municipality.

The request for announcement a referendum is sent to the Municipal Council along with the signatures of all the concerned electors and is given to the authorized body who conducts the evidence for the electoral rights of the citizens in the Municipality.

#### **Article 71**

After the request for referendum announcement, within 60 days from the day of its placing, the Municipal Council brings in a decision to announce the referendum.

The act of referendum announcement contains the subject of the referendum and the day of its execution.

#### **Article 72**

The act for announcing the referendum is published in the Municipal "Official Gazette" and other informative means in the Municipality.

The period between the days of notification the decision for announcing the referendum till the day of its execution cannot be less than 15 days or more than 60 days.

#### **Article 73**

Those who can vote on the referendum are the citizens who have the electoral ability.

The referendum is performed by a Committee for carrying out the referendum.

The President and the members of the Committee are appointed by the Municipal Council.

#### **Article 74**

The Committee for carrying out the referendum:

- assigns the time for voting;
- makes technical preparations for carrying out the referendum;
- defines the polling stations;
- determines the results from the voting;
- Cares about the law for carrying out the referendum.

#### **Article 75**

As to effectuate the voting the Committee forms Boards for carrying out the voting on the referendum.

The Boards care about the regularity and the secrecy of voting on the referendum.

#### **Article 76**

The time for voting must be defined so as to allow to all of the citizens with electoral right to participate on the referendum.

On the polling station where all of the citizens, recorded in the electoral roll, have voted, the voting can end even before the expiring time anticipated for voting.

#### **Article 77**

The question i.e. the Act which is the subject of the referendum must be appropriately displayed on the polling station.

The members of the Board are obliged to give an explanation concerning the subject of the referendum and the way of voting to the citizen that approaches to vote.

#### **Article 78**

Each of the citizens coming to the referendum has the right to vote only once. The citizen can vote only personally.

#### **Article 79**

The voting on the referendum is by a voting paper.

The content of the voting paper is prescribed by the Committee for carrying out the referendum.

The question printed on the voting paper must be precisely formulated and unambiguous so that the citizen can answer on the referendum with "YEA" or "AGAINST".

#### **Article 80**

The citizen declares on the referendum by encircling the word "YEA" or "AGAINST" which are written on the voting paper.

When there are more alternatives on the referendum, the citizen declares on that way that he encircles the word "YEA" or "AGAINST" from the alternative he is voting for.

#### **Article 81**

After the end of the voting the Board establishes the results from the voting on the polling station and makes a protocol.

The form and the content of the protocol are signed by the Committee for carrying out the referendum.

Immediately after making the protocol, the Board sends a report to the Committee for carrying out the referendum.

#### **Article 82**

The Committee for carrying out the referendum establishes the results from the referendum on the basis of the voting material received from all polling stations.

The decision brought by the referendum is supplied with plurality of votes from the electors who has given their vote, if the number of votes is higher than the half of the electorate.

The decision brought on the referendum is obligatory for the Council. The Committee for carrying out the referendum submits a Report for the performed referendum to the Municipal Council.

#### **Article 83**

The question or the Act which is not accepted on the referendum by the citizens cannot be brought up again on the referendum before expiry of 6(six) months from the day of carrying out the referendum.

## **g) Petitions and suggestions**

### **Article 84**

As concerns the work of the organs of the Municipality and the municipal administration, the citizens have the right, individually or collectively with the others to send petitions and suggestions.

### **Article 85**

The petitions and the suggestions are pleaded to the Mayor in written form or orally on a protocol, individually or in groups, through the Municipality archive.

The petitions and the suggestions are tax free.

### **Article 86**

The mover must not bear with harmful consequences because of pleading a petition nor can bear any responsibility.

### **Article 87**

The proceeding upon the petitions and the suggestions comprises obtaining information, notifications and opinions for the circumstances that are of a great importance for correct judgement of the petition as well as taking the necessary measures for elimination of the injury of mover's rights or public interests offence.

### **Article 88**

The Mayor of the Municipality is obliged to give to the mover an explained reply but not later than 60 days from the day of receiving the petition, i.e. suggestion.

If the petition or the suggestion does not refer to the work of the Municipal bodies, the Mayor sends them to the appropriate competent body, and informs the mover about that.

## **c) public discussions, questionnaires, suggestions and community forums**

### **Article 89**

Prior to bring down regulations within their responsibility, the Municipal Bodies can organize public discussion, to make questionnaires or to ask for suggestions from the citizens.

Public discussions are organized when bringing regulations for questions from the local economic development, communal necessities (water supply, public cleanness maintenance, and local roads and streets maintenance) and some other questions from widely local importance.

The questionnaires are organized for bringing down some urban plans and other questions from local importance.

Gathering some suggestions from the citizens for resolving the questions from local importance is going to be done through announcement of a notice by which the citizens would be appealed to give their own suggestions.

The procedure, the way and the time of undertaking one of the mentioned activities from the item 1 of this article, will be arranged with a regulation brought by the Body who organises it.

Mayor and Council of the unit of local government Pehchevo on its own initiative organize community forums as a form of public participation of all citizens of the local government, for public discussion about problems and solutions and



establish priorities, proposing and selecting or developing projects of community interest.

The organization of the forums described in the preceding paragraph of this article may be filed at the initiative of interested legal and private persons who are ready financially and materials to support projects in the interest of local government.

The application of paragraph 7 of this Article shall be submitted to the Mayor of the local government, which on the basis of strategic documents and development objectives of local government decides whether the request would be accepted or rejected.

The manner and procedure of the operation of community forums are governed by the Rules adopted by the Council of Local Government Unit at the proposal of the mayor.

## **7. OWNERSHIP OF THE MUNICIPALITY**

### **Article 90**

The ownership of the Municipality comprises immovable and movable things, monetary resources and rights.

The Municipality achieves the ownership from its own sources of income, by citizen financing or by their participation in other way, by gifts and on other basis.

### **Article 91**

As concerns buying, alienation and encumbrance of the Municipality ownership the decision is on the Municipal Council.

Alienation of the Municipality ownership can be done only by auction, according to the Law.

The selling price of the things mustn't be lower than the marketing value.

The recourses obtained from the selling of the things can be used for investments but only in obtaining new or in reconstruction the existing ones which are property of the municipality.

### **Article 92**

The Municipality registers the ownership and its value is expressed in the annual account.

### **Article 93**

The things which are property of the Municipality can be given for utilization to other subjects by the way of auction, according to the Law.

### **Article 94**

The financing of the Municipality is from its own income sources (local incomes, bounties and taxes established by law), subventions from the state and other sources of income established by Law.

The Municipality, within its responsibilities, independently deposits of its own income sources.

#### **Article 95**

The income and the expenses of the Municipality are determined by the Municipal budget.

The Budget contains a balance of incomes and expenses of the budget and refers to a fiscal year of 12 (twelve) months starting from 1st January till 31st December for each calendar year.

#### **Article 96**

The proposal of the Municipal budget is determined by the Mayor and he sends it to the Municipal Council so as to be brought not later than the middle of November.

#### **Article 97**

The Municipal Council decides for each Municipal budget change, for additionally espoused expenses followed by measures that will increase the suggested income or will decrease other expenses in proportional amount.

#### **Article 98**

As to cover some unforeseen demands for expenses which can appear during the budget year, a budget reserve of an amount determined by Law is separated from the total current and main expenses.

The decision for using the amount of the budget reserve decides the Municipal Council upon the Mayor proposal.

The Municipal Council can authorize the Mayor with a Decree about the way of using the budget reserve.

#### **Article 99**

If the Municipal budget for the next year is not brought till 31st December in the current year then they will proceed according to the budget Law and will impose temporary financing for not longer than 6 (six) months.

#### **Article 100**

At the end of each fiscal year a final (year) is prepared account of the Municipal budget.

The final account of the budget has to be approved by the Municipal Council not later than 31st March in the current year, and for the last year.

#### **Article 101**

The accomplishment of the Municipal budget is done by the Mayor, and is more concretely arranged by a decree for accomplishment of the Municipal budget.

### **8. LOCAL-GOVERNMENT IN THE MUNICIPALITY**

#### **Article 102**

The citizens in the Municipality decide for the things of direct and everyday importance in their own lives and work and through some forms of local-government which can be founded according to this Statute.

### **Article 103**

In the Municipality can be founded urban communities in the town and local communities in other inhabited places as forms of local self-government.

### **Article 104**

The form of local self-government is founded, in the town of urban unit, according to the urban plan, and for the rest of the inhabited places, in the cadastral municipality of the inhabited place.

### **Article 105**

At least 10% of the citizens, inhabitants of that area, can put forward an initiative for foundation a form of local self-government if there is an interest for foundation a local self-government on that area.

### **Article 106**

The initiative for foundation contains: the mover, description of the area which is requested to be a place where a form of a local self-government is going to be founded, explanation of the needs for foundation and signatures of the interested citizens.

### **Article 107**

The decision for a form of local self-government is brought on a Citizen Assembly from the corresponding area by public voting with the plurality of votes from the present citizens.

### **Article 108**

The citizens, through these forms of local self-government, in accordance with this Statute and the decisions for foundation, take care about:

- solving problems from the communal infrastructure for the corresponding area;
- Building and maintenance of objects of public interest (waterworks, streets, cultural houses, sport objects etc.);
- protection of the life environment and the nature;
- trimming and maintenance of the graveyards in the country settlements;
- putting forward an initiative for trimming the surrounding area;
- organizing cultural, sport, amusing and other manifestations and
- Other things from direct everyday importance for the citizens' life and work.

The Council of the form of local self-government gives initiative and suggestions to the authorities in the Municipality for questions concerning education, medical care, welfare work and other questions of citizen interest.

### **Article 109**

The things mentioned in the Article 108 of this Statute are financed from:

- resources assigned by the Municipality to the forms of local self-government in accordance with the plans and programmes for their development;
- resources directly united by the citizens;
- resources obtained by some interested legal and physical persons;
- resources from reimbursing for services and
- Gifts and other resources.

#### **Article 110**

The Body of the forms of local self-government is the Council.

The Council is elected by the citizens of the form of the local self-government, on a citizen assembly by public voting, unless the Assembly decides secret voting.

The Council is composed of 3(three) to 7(seven) members.

The mandate of the members of the Council is 4(four) years.

#### **Article 111**

The decree to announce election of members for the Council is legislating by the Council in the old constitution not later than 30 days before mandate expiry.

If the decree from the item 1 of this Article has not been carried out within the defined term, the decree to announce elections of members for the Council should bring the Mayor of the Municipality within 15 days.

#### **Article 112**

Nomination and establishment of nominates for Council members is performed at an Assembly of Citizens.

Nominates who obtained the majority, i.e. the biggest number of votes from the present citizens at the Assembly are considered as established.

#### **Article 113**

A procedure for nomination, establishment and election of Council members is regulated by the Conformation Work Rules of the Municipal Authority.

#### **Article 114**

Nominates who obtained the majority i.e. the biggest number of votes from the voters, are considered as established.

#### **Article 115**

The president is elected by the Council members and he represents the Municipal Authority.

Rules and Work Programme which regulate the work the Municipal Autonomy are legislated from the Council, in accordance with the prior view of the City Council.

#### **Article 116**

The Major of the municipality, with a decision can appoint pursuant of specific task with imminent interest and everyday significance for life and work of citizens and the President of the Council of the local autonomy.

The necessary means for accomplishment of tasks from line 1 of this Article are established in the decision for duty appointment.

The association and method for surveillance of work accomplishment are stated by the decision.

#### **Article 117**

The municipal administrations accomplish the professional, administrative – technical and accounting- financial tasks in the organ of Local Autonomy.

The municipal administration controls the expenses for the appointed duties.

## **9. METHOD AND PROCEDURE FOR ESTABLISHMENT AND APPLICATION OF MUNICIPAL COAT OF ARMS AND FLAG**

### **Article 118**

The Coat of Arms and Flag of the Municipality are established by Decree of the Municipal Council.

In order to establish the Municipal Coat of Arms and the Flag, the Council announce an open competition and establish a commission.

### **Article 119**

The commission confirm a suggestions from the mature works for the Coat of Arms i.e. Flag of the municipality and supply it to the Council for acquisition.

### **Article 120**

The Municipal Council resolve on the commission's suggestion by the majority of votes from the total number of Council members.

### **Article 121**

The Municipal Coat of Arms is used as part of municipality's seal.

The Municipal Coat of Arms can also be used on official initiations, greeting cards and similar acts that are used by the Council and the Major.

The Council can permit application of the Coat of Arms by physical and legal people if it is for municipality's interest.

### **Article 122**

The Municipal Flag is placed at the Municipal building and at respectable places in the municipality.

The Municipal Flag can also be used during mutual meetings, competitions and other gatherings where the municipality takes part or it is presented.

### **Article 123**

The Municipal Coat of Arms and Flag cannot be used if they are damaged or if they are inappropriate with their appearance.

## **10. PROTECTION OF THE MUNICIPALITY**

### **Article 124**

An initiative for evaluation of laws' constitution and legality of general acts of the ministries and other organs of state autonomy that can derange the constitutional position and the municipal laws confirmed by the Constitution and laws, can be taken by the Council i.e. the Major to the Constitutional Court of Republic of Macedonia.

### **Article 125**

The Major is authorised to require a court protection of the magisterial courts when the municipality is prevented from pursuance of authorized acts by Constitution and Law, with acts and activities of the organs of the state autonomy and the Government of Republic of Macedonia.

## **11. PROCEDURE FOR CHANGES AND AMENDMENTS OF THE MUNICIPALITY'S STATUTE**

### **Article 126**

The changes and amendments of the Municipal Statute can be suggested at least ½ from the members of the Council, the Major or at least 10% of the electors of the Municipality.

### **Article 127**

A decision for access to changes of the Municipal Statute is legislated by the majority of votes from the total number of Council members.

### **Article 128**

The changes of the Municipal Statute are legislated if the majority of Council's members vote for them.

## **12. TRANSITIONAL AND FINAL REGULATIONS**

### **Article 129**

When this Statute comes into effect, the Statute of Municipality of Pehchevo becomes invalid ("Official gazette of Municipality of Pehchevo" number 04/05

### **Article 130**

This Statute comes into effect the eight day since the day of its notification in "Official gazette of Municipality of Pehchevo"

Number \_\_\_\_\_  
30.09.2009  
Pehchevo

Chairman of the Council of  
Municipality of Pehchevo

**Igor Popovski**

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