

# **Local Self-government and Local Administration Act**

Promulgated, State Gazette No. 77/17.09.1991, effective 17.09.1991, amended, SG No. 24/14.03.1995, amended and supplemented, SG No. 49/30.05.1995, SG No. 65/21.07.1995, amended, SG No. 90/24.10.1996, supplemented, SG No. 122/19.12.1997, amended, SG No. 33/24.03.1998, SG No. 130/5.11.1998, effective 6.12.1998, amended and supplemented, SG No. 154/28.12.1998, supplemented, SG No. 67/27.07.1999, amended and supplemented, SG No. 69/3.08.1999, effective 3.08.1999, amended, SG No. 26/29.03.2000, amended and supplemented, SG No. 85/17.10.2000, effective 17.10.2000, amended, SG No. 1/2.01.2001, effective 31.03.2001, supplemented, SG No. 28/19.03.2002, amended, SG No. 45/30.04.2002, SG No. 119/27.12.2002, effective 1.01.2003, amended and supplemented, SG No. 69/5.08.2003, effective 27.10.2003, SG No. 19/1.03.2005, amended, SG No. 34/19.04.2005, effective 1.06.2005, SG No. 30/11.04.2006, effective 1.03.2007, amended and supplemented, SG No. 69/25.08.2006, SG No. 61/27.07.2007, SG No. 63/3.08.2007, effective 3.08.2007, SG No. 54/13.06.2008, amended, SG No. 108/19.12.2008, supplemented, SG No. 6/23.01.2009, effective 1.05.2009, amended and supplemented, SG No. 14/20.02.2009, amended, SG No. 35/12.05.2009, effective 12.05.2009, supplemented, SG No. 42/5.06.2009, amended, SG No. 44/12.06.2009, supplemented, SG No. 15/23.02.2010, amended, SG No. 97/10.12.2010, effective 10.12.2010, amended and supplemented, SG No. 9/28.01.2011, SG No. 32/19.04.2011, effective 19.04.2011; Judgment No. 4/4.05.2011 of the Constitutional Court of the Republic of Bulgaria - SG No. 36/10.05.2011; supplemented, SG No. 57/26.07.2011, amended, SG No. 38/18.05.2012, effective 1.07.2012, amended and supplemented, SG No. 15/15.02.2013, effective 1.02.2013, SG No. 1/3.01.2014, effective 1.01.2014, SG No. 19/5.03.2014, effective 5.03.2014, amended, SG No. 53/27.06.2014, amended and supplemented, SG No. 39/26.05.2016, effective 26.05.2016, SG No. 43/7.06.2016, supplemented, SG No. 51/5.07.2016, effective 5.07.2016, SG No. 9/26.01.2017, amended and supplemented, SG No. 99/12.12.2017, effective 1.01.2018, supplemented, SG No. 103/28.12.2017, effective 1.01.2018, amended and supplemented, SG No. 7/19.01.2018, SG No. 21/9.03.2018, effective 23.01.2018, SG No. 24/16.03.2018, supplemented, SG No. 47/5.06.2018

Text in Bulgarian: Закон за местното самоуправление и местната администрация

## **Chapter One**

### **GENERAL PROVISIONS**

#### **Article 1**

This Act shall regulate the public relationships connected with local self-government and local administration.

#### **Article 2**

(1) (Amended and supplemented, SG No. 65/1995, amended, SG No. 69/2003) The municipality shall be the main administrative territorial unit, where local self-government is exercised.

(2) (Amended, SG No. 65/1995, SG No. 69/2006) Mayoralties and wards shall be component administrative and territorial units of municipalities. They shall be created under terms of reference as prescribed by law.

(3) (New, SG No. 65/1995) Municipal Councils and Mayors shall be elected in municipalities.

(4) (New, SG No. 65/1995, amended, SG No. 69/1999, supplemented, SG No. 69/2003) Mayors of mayoralties shall be elected in mayoralties.

(5) (New, SG No. 69/2003, supplemented, SG No. 69/2006) Mayors of wards shall be elected in the wards in the City of Sofia and in the cities divided into wards.

### **Article 3**

(Amended, SG No. 69/2003, repealed, SG No. 69/2003).

### **Article 4**

(1) (Amended, SG No. 69/2003, supplemented, SG No. 69/2006, amended, SG No. 9/2011, SG No. 19/2014, effective 5.03.2014) When a new municipality is formed, the elections for a Municipal Council and Mayor of the municipality shall be held within three months of the date of promulgation of the Decree of the President of the Republic on creating the new municipality.

(2) (Supplemented, SG No. 69/2003, amended, SG No. 69/2006) Within seven days after the decree under paragraph 1, the Regional Governor shall appoint an acting mayor of the municipality, whose powers shall be discontinued with the election of a mayor.

### **Article 5**

(Repealed, SG No. 69/2003).

### **Article 6**

(Repealed, SG No. 65/1995).

### **Article 7**

(Repealed, SG No. 69/2003).

### **Article 8**

(1) (Amended, SG No. 24/1995, SG No. 65/1995) Sofia Municipality shall be an administrative and territorial unit, with the status of a region. It shall combine the self-government of the community with the implementation of government policies for the development of the capital city.

(2) (Repealed, SG No. 65/1995).

### **Article 9**

(Amended, SG No. 65/1995)

(1) (Amended, SG No. 69/2003, SG No. 69/2006) Municipalities may form voluntary associations to solve common problems and achieve goals of mutual interest.

(2) To protect their common interests, and to promote and develop local self-government, municipalities may form a national association and regional associations.

(3) The National Association of Municipalities shall have the right to:

1. Act as its members' legal representative before government agencies.

2. Draft proposals for the amendment and improvement of local self-government regulations.

3. Draft opinions and proposals respecting the section of the Draft National Budget on municipalities.

4. Establish contacts and interaction with similar organisations in other countries, and become a member of international associations.

5. (Supplemented, SG No. 69/2003) Perform any other functions under the law and its Articles of Association.

(4) The rights under the foregoing paragraph may only be exercised if more than two-thirds of all the municipalities in the country are members of the Association.

## **Chapter Two**

# **MUNICIPALITY**

### **Article 10**

(Amended, SG No. 65/1995, SG No. 69/1999)

(1) The territory of a municipality shall be defined as the total of the territories of its component settlements.

(2) (Amended, SG No. 69/2003) Any disputes concerning boundaries between settlements shall be referred to the court.

### **Article 11**

(Amended, SG No. 65/1995, repealed, SG No. 69/2003).

### **Article 12**

(Supplemented, SG No. 69/2003, amended, SG No. 69/2006)

The name of the municipality shall be the name of the settlement which is its administrative centre, except for the cases of municipalities existing before the adoption of this act where the administrative centres are located outside their territory which are also centres of other municipalities.

### **Article 13**

(Amended, SG No. 69/2003, SG No. 69/2006)

The population of the municipality shall consist of all citizens who have their permanent address within its territory.

### **Article 14**

The municipality shall be a legal person and shall be entitled to hold property rights and dispose of an autonomous municipal budget.

### **Article 15**

(1) (New, SG No. 69/2006) The work of the municipal council, of the municipal mayor and the ward mayor shall be assisted by municipal administration

(2) (New, SG No. 69/2006) The municipal administration shall be organized in directorates, departments and sectors. Departments and sectors may be organized also as independent structural entities without being included in the structure of directorates or departments.

(3) (New, SG No. 7/2018) An inspectorate, directly subordinate to the municipality mayor, shall be established for the exercise of control and the conduct of checks under § 2 of the Transitional Provisions of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture

Act. Where the staff size of the municipal administration is insufficient for the establishment of an inspectorate as a separate entity, the functions thereof shall be performed by a commission of employees expressly empowered by the municipality mayor to implement these functions as well.

(4) (New, SG No. 69/2006, renumbered from Paragraph 3, SG No. 7/2018) The municipal administration in mayoralities may operate without being organized in structural entities pursuant to paragraph 2.

(5) (Amended, SG No. 65/1995, SG No. 69/2003, previous text of Article 15, SG No. 69/2006, renumbered from Paragraph 4, SG No. 7/2018) The Municipal Council may establish services of the municipal administration in individual wards, mayoralities and settlements or parts thereof, and define their functions.

### **Article 16**

Municipalities may institute their symbols and honorary titles in conformity with the law.

### **Article 17**

(Amended and supplemented, SG No. 65/1995, amended, SG No. 69/2003)

(1) Local self-government shall be expressed in the right and actual opportunity of citizens and their elective bodies to resolve on their own all issues of local importance that the law has empowered them to resolve in the fields of:

1. municipal properties, municipal enterprises, municipal finance, taxes and fees, and the municipal administration;

2. the planning and development of the territory of the municipality and the settlements therein;

3. education;

4. health;

5. culture;

6. public works and utilities;

7. social welfare services;

8. the protection of the environment and the reasonable use of natural resources;

9. the maintenance and conservation of cultural, historical and architectural monuments;

10. the development of sports, recreation and tourism;

11. (new, SG No. 51/2016, effective 5.07.2016) protection from disasters.

(2) Citizens shall participate in the government of the municipalities either through their elective bodies or directly by means of a referendum or a general assembly of the local community.

(3) Local referendums and general assemblies of the local community shall be convened and held under terms and procedures established by law.

(4) The costs of holding local referendums and general assemblies of the local community shall be funded from the municipal budget.

(5) (Repealed, SG No. 44/2009).

## **Chapter Three**

### **MUNICIPAL COUNCIL**

**(Title amended, SG No. 65/1995, SG No. 69/1999)**

### **Article 18**

(1) (Redesignated from Article 18, SG No. 65/1995, amended, SG No. 69/2006) The Municipal Council shall be a body of local self-government, and shall be elected by the population of the municipality under terms and procedures provided for by law.

(2) (New, SG No. 65/1995) The Municipal Council shall comprise the elected Municipal Councillors.

(3) (New, SG No. 65/1995, repealed, SG No. 69/1999).

#### **Article 19**

(Amended, SG No. 65/1995)

(1) The number of Municipal Councillors shall be determined as follows:

1. where the municipality has a population of up to 5,000, 11 councillors;

2. (amended, SG No. 69/1999) where the municipality has a population of up to 10,000, 13 councillors;

3. (amended, SG No. 69/1999) where the municipality has a population of up to 20,000, 17 councillors;

4. (amended, SG No. 69/1999) where the municipality has a population of up to 30,000, 21 councillors;

5. (amended, SG No. 69/1999, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria with respect to phrase "23 councillors" - SG No. 36/2011)

where the municipality has a population of up to 50,000, 23 councillors;

6. (new, SG No. 69/1999, amended, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria with respect to phrase "27 councillors" - SG No. 36/2011)

where the municipality has a population of up to 75,000, 27 councillors;

7. (renumbered from item 6, amended, SG No. 69/1999, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria with respect to phrase "29 councillors" - SG No. 36/2011)

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where the municipality has a population of up to 100,000, 29 councillors;

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8. (new, SG No. 69/1999, amended, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria with respect to phrase "33 councillors" - SG No. 36/2011)

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where the municipality has a population of up to 160,000, 33 councillors;

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9. (renumbered from item 7, amended, SG No. 69/1999, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria with respect to phrase "41 councillors" - SG No. 36/2011)

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where the municipality has a population of over 160,000 41 councillors;

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10. (renumbered from item 8, SG No. 69/1999, amended, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria with respect to phrase "49 councillors" - SG No. 36/2011)

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in Sofia Municipality, 49 councillors.

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(2) (Repealed, SG No. 69/1999).

(3) (Amended, SG No. 69/1999) The classification of municipalities under the categories provided in paragraph 1 above shall be based on the size of their respective population as recorded in population registers maintained by the municipal administration.

#### **Article 20**

(Amended, SG No. 65/1995, renumbered from Paragraph 1, SG No. 69/1999, amended, SG No. 69/2003)

The Municipal Council shall formulate the policy of the municipality's growth and development in connection with the activities under Article 17, as well as in connection with other activities provided for by law.

#### **Article 21**

(Amended, SG No. 65/1995)

(1) The Municipal Council shall:

1. set up standing and select committees, and elect their members;
2. (amended, SG No. 69/2003, supplemented, SG No. 69/2006) approve the total number and structure of the municipal administration in the municipality, the ward and the mayoralty at the proposal of the Mayor of the municipality;
3. elect and remove its Chairperson.
4. (supplemented, SG No. 69/1999, amended, SG No. 69/2003, repealed, SG No. 69/2006).
5. (supplemented, SG No. 69/2003) determine the remuneration of Mayors within the existing regulations and the wage bill from the municipal budget at the proposal of the Mayor of the municipality;
6. (supplemented, SG No. 69/2003) adopt and amend the budget of the municipality, exercise control over its implementation and approve the relevant report;
7. (amended, SG No. 119/2002) set the size of local fees;
8. (amended, SG No. 69/1999, SG No. 69/2003) make decisions on the acquisition, management, and disposal of municipal property, and define the Mayor's powers, and those of the Ward Mayors and other Mayors;
9. (amended, SG No. 69/2003, SG No. 69/2006) adopt decisions on the formation, reorganisation, and termination of commercial companies with municipal participation, and elect representatives of the municipality in their bodies;
10. (amended, SG No. 34/2005) pass resolutions on contracting of bank loans, on extending of interest-free loans, as well as resolutions on incurring of municipal debt through conclusion of loan contracts or issuance of municipal securities and on issuing of municipal guarantees under

terms and according to a procedure established by statute.

11. (amended, SG No. 1/2001) enact decisions concerning the design and approval of territorial development plans as well as any amendments thereto for the municipality or parts thereof under the terms and procedure of the Spatial Development Act;

12. (supplemented, SG No. 61/2007) adopt municipal development strategies, projections, programmes and plans; which reflect also the European policies for development of the local communities.

13. define such requirements governing the activities of natural and legal persons within municipal boundaries as arise from the environmental, historical, social, etc., characteristics of the settlements, and from the condition of the existing technical and social infrastructure;

14. make decisions on the establishment and termination of municipal foundations, and on the management of donated property;

15. (amended, SG No. 69/2003) make decisions on the municipality's participation in local authority associations in this country and abroad, as well as in other not-for-profit legal entities, and designate the representatives of the municipality;

16. create wards and mayoralties under terms and procedure provided for by law;

17. make proposals respecting changes in the administrative and territorial division, such as affect the territory and the boundaries of the municipality;

18. make decisions to name or rename streets, squares, parks, engineering facilities, zones, recreation areas, etc., of local importance;

19. (amended, SG No. 69/1999) consider and adopt decisions on the advice of Mayors of Wards and mayoralties within its competencies;

20. make decisions on the holding of referendums and general meetings on issues within its terms of reference;

21. approve the municipality's coat of arms and seal;

22. confer honorary citizenship on Bulgarian and foreign citizens.

23. (new, SG No. 69/2006, supplemented, SG No. 15/2010) resolve other issues of local importance that do not fall within the exclusive competence of other bodies, including issues pertaining to the announcement of a given day as a holiday and non-working day within the municipality, ward, mayoralty, city, town or village, upon proposal by the mayor of the relevant municipality following coordination with the regional governor;

24. (new, SG No. 69/2006) exercise current and follow-up control over the implementation of the acts adopted by it;

25. (new, SG No. 9/2017) determine the terms and procedure of travel along the routes of the urban transit services in the territory of the respective municipality.

(2) (Amended, SG No. 69/2003, SG No. 69/2006) Pursuant to exercising its powers under paragraph 1 the municipal council shall adopt regulations, instructions, resolutions, declarations and appeals.

(3) (Amended, SG No. 69/1999, SG No. 69/2003) The Municipal Council shall adopt Rules of Organisation and Activity for the Council, its Committees and the interaction with the municipal administration.

#### **Article 21a**

(New, SG No. 65/1995, repealed, SG No. 69/1999, new, SG No. 69/2003)

(1) The Municipal Council may elect a public intermediary.

(2) The public intermediary shall promote the observance of the rights and legitimate interests of citizens before the local self-government bodies and the local administration.

(3) The organisation and activities of the local intermediary shall be governed by rules as adopted by the Municipal Council.

(4) The public intermediary shall be elected and removed from offices by a two-thirds majority vote of the total number of municipal councillors.

## **Article 22**

(1) (Supplemented, SG No. 65/1995, SG No. 85/2000, amended, SG No. 69/2003, SG No. 69/2006) The Municipal Council acts shall be sent to the Mayor of the municipality and to the Regional Governor within seven days of their adoption.

(2) (New, SG No. 69/2006) The acts of the Municipal Council shall be made public to the population of the municipality within the time-frame under paragraph 1 through the media, the municipality web page and in another appropriate way specified in the rules under article 21, paragraph 3. The contestation, suspension, revocation and confirmation of the acts of the Municipal Council shall be made public under the same procedure. The acts of the Municipal Council shall be promulgated in the State Gazette when this is provided for by law.

(3) (New, SG No. 69/2003, renumbered from Paragraph 2, SG No. 69/2006) The Mayor of the municipality shall designate appropriate premises within the city hall to store hard copies of the acts of the Municipal Council from the last ten years and to provide access of the citizens willing to read them within eight working hours on each working day. Each citizen willing to obtain a copy of an act of the Municipal Council shall be provided the opportunity to do so against consideration.

(4) (Repealed, renumbered from Paragraph 3, amended, SG No. 65/1995, SG No. 33/1998, renumbered from Paragraph 2, SG No. 69/2003, renumbered from Paragraph 3 and amended, SG No. 69/2006) In case of offences against the regulations, fines of up to BGN 5 000 may be imposed and for sole proprietors and legal persons property sanctions of up to BGN 50 000, or a temporary divestment of the right to practice a certain profession or to carry out a certain activity in the case of a repeated offence.

(5) (Renumbered from Paragraph 4, SG No. 65/1995, renumbered from Paragraph 3, SG No. 69/2003, renumbered from Paragraph 4, SG No. 69/2006) Penal orders shall be issued by the mayor of the municipality, or by a deputy thereof on the basis of a statement drawn by such officials as are designated by the regulations.

(6) (Renumbered from Paragraph 5, SG No. 65/1995, renumbered from Paragraph 4, SG No. 69/2003, renumbered from Paragraph 5, SG No. 69/2006) The administrative penal proceedings shall be instituted under the terms and procedures of the Administrative Violations and Sanctions Act.

## **Article 23**

(Amended, SG No. 65/1995)

(1) (Amended, SG No. 69/1999, SG No. 69/2003) The first meeting of the Municipal Council shall be convened by the Regional Governor and shall be held within 14 days of the announcement of the outcome of the elections.

(2) (New, SG No. 69/2006) Before the first meeting the newly elected municipal councillors and mayors shall take the oath of office under article 32, paragraph 1. The oath shall be taken in the attendance of citizens of the municipality, the Regional Governor or his representative and the Chairperson or a member of the Municipal Election Commission. When a municipal councillor or a mayor is prevented to attend the taking of the oath he/she shall take the oath at the next meeting of the Municipal Council.



(3) (Repealed, SG No. 69/1999, new, SG No. 69/2006) The first meeting of the newly elected Municipal Council shall be opened and chaired by the eldest municipal councillor. A Chairperson shall be elected at the first meeting of the Municipal Council.

(4) (Previous Paragraph 2, SG No. 69/2006) The Municipal Council shall be convened to a meeting by its Chairperson:

1. upon his/her initiative;
2. upon the request of one-third of the Municipal Councillors;
3. upon the request of one-fifth of the local constituency;
4. upon the request of the Regional Governor.

(5) (Amended, SG No. 69/1999, SG No. 69/2003, repealed, previous Paragraph 4 and amended, SG No. 69/2006) In the cases under Items 2, 3 and 4 of paragraph 4 above, the Chairperson of the Municipal Council shall convene a meeting to be held within seven days of the request. After the expiry of this time-limit, failing that, the meeting shall be convened by the requesting party and held within seven days of the date of its convocation.

(6) (New, SG No. 69/1999, supplemented, SG No. 69/2006) The Municipal Council shall continue to perform its duties until the composition of the newly elected Municipal Council. When the court has suspended the implementation of the decision of the Municipal Election Commission on the municipal councillors' election results or has declared the election result null and void the term of the powers of the Municipal Council whose mandate has expired shall be renewed until the newly elected Municipal Council has taken an oath of office.

#### **Article 24**

(Amended, SG No. 65/1995)

(1) (Amended, SG No. 69/1999) The Municipal Council shall elect a Chairperson from among its members. The election shall be held by secret ballot. The candidate who has obtained more than half of the votes of all the Councillors shall be deemed elect.

(2) (New, SG No. 69/2003) The Municipal Council may elect one or more Vice Chairpersons of the Council. The terms and procedures for the election of Vice Chairpersons and their powers shall be governed by the Rules under Article 21, paragraph 3.

(3) (New, SG No. 69/2003) Early termination of the powers of the Chairperson of the Municipal Council may take place in any of the following cases:

1. resignation;
2. permanent inability or recurrent non-performance of the obligations of a Chairperson for more than three months at a decision of the Municipal Council made in accordance with the provisions of paragraph 1;
3. (new, SG No. 42/2009, amended, SG No. 7/2018) entry into force of an act ascertaining conflict of interest under the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act.

(4) (Renumbered from Paragraph 2, supplemented, SG No. 69/2003) Where the Chairperson's powers are terminated earlier than the expiry of his term, or in the Chairperson's absence, or where the matter at hand concerns the Chairperson's conduct, the sitting shall be chaired by another Councillor elected for the purpose or the Vice Chairperson, if any.

(5) (New, SG No. 24/2018) A Chairperson of a municipal council who, before being elected as chairperson of the municipal council, has worked in a state or municipal undertaking or enterprise, in a commercial company with over 50 percent state or municipal participation in the capital or in a budgetary organisation, shall have the right, after the termination of the his/her powers as chairperson of the municipal council, to occupy his/her previous position and, in the cases where this position is closed, another equivalent position in the same or, with his/her

consent, in another state or municipal undertaking or enterprise, another commercial company with over 50 percent state or municipal participation in the capital, or another budgetary organisation.

(6) (New, SG No. 24/2018) Where the previous position referred to in paragraph 5 is occupied by another person, the legal relationship with such other person shall be terminated without notice.

(7) (New, SG No. 24/2018) The provisions of paragraphs 5 and 6 shall not apply where, before being elected as a chairperson of the council, the Chairperson of the municipal council has occupied another position as an elected official or official with a specified term of office.

#### **Article 25**

(Amended, SG No. 65/1995)

The Chairperson of the Council shall:

1. convene the Council to sittings;
2. guide preparations for sittings;
3. chair the sittings;
4. coordinate the work of standing committees;
5. assist the Councillors with their activities;
6. represent the Council before outside persons and organisations.

#### **Article 26**

(1) (Amended, SG No. 65/1995, SG No. 69/1999, redesignated from Article 26, SG No. 69/2003, amended, SG No. 69/2006, SG No. 14/2009, SG No. 1/2014, effective 1.01.2014) The Municipal Council shall determine the amount of the remuneration of its Chairperson, depending on the set duration of the Chairperson's business hours. The amount of the part-time service remuneration shall be determined pro rata, accounting for the relevant duration set by the Municipal Council. The amount of the remuneration of the Chairperson of the Municipal Council shall not be higher than 90 per cent of the remuneration of the municipality mayor.

(2) (New, SG No. 69/2003) The Chairperson of the Municipal Council shall enjoy all rights ensuing from employment contracts, except for those that contradict or are incompatible with the legal status of a Chairperson.

(3) (New, SG No. 14/2009) The Chairperson of the Municipal Council shall be entitled to:

1. public insurance and supplementary social insurance as per the conditions and the procedure of the Social Insurance Code, as well as health insurance as per the conditions and the procedure of the Health Insurance Act;
2. leave days and compensation for unused annual leave; employment bonuses and other payments as per the conditions and the procedure of the Labour Code.

#### **Article 27**

(Amended, SG No. 65/1995)

(1) (Supplemented, SG No. 69/2003, amended, SG No. 69/2006) The Municipal Council shall be convened at least six times per year. Failing to hold a meeting for more than three months, the Municipal Council shall have its powers terminated at a decision of the Municipal Elections Commission and new elections for a Municipal Council shall be held within three months.

(2) (Amended, SG No. 69/1999, supplemented, SG No. 47/2018) The Municipal Council's sittings shall be valid, if more than half of all the Councillors are present. More than half of the

total number of councilors is present when the number of councilors present at the meeting is larger than the rest of the total number of councilors.

(3) (Amended, SG No. 69/1999, supplemented, SG No. 47/2018) The Municipal Council's decisions shall be adopted by a majority of more than half of the Councillors present, in an open ballot. The decisions are adopted by a majority of more than half of the total number of councilors when the number of municipal councilors voted higher than the rest of the total number of municipal councilors. The Council may opt for a secret ballot.

(4) (Supplemented, SG No. 69/1999, amended and supplemented, SG No. 69/2003, amended, SG No. 69/2006, supplemented, SG No. 47/2018) The Council's resolutions in pursuance of Article 21, paragraph 1, items 1, 2, 3, 6, 7, 8, 9, 10, 16, 17 and 20 and Article 21a, paragraph 3 shall be adopted by a majority of more than half of the total number of Councillors. The decisions are adopted by a majority of more than half of the total number of councilors when the number of municipal councilors voted higher than the rest of the total number of municipal councilors.

(5) (Repealed, SG No. 69/2003, new, SG No. 69/2006) The Council's resolutions in pursuance of Article 21, paragraph 1, items 6, 7, 8, 9, 10, 14 and 15 shall be taken by a roll call which shall be recoded in the minutes of the meeting.

(6) (New, SG No. 69/2006) The Chairperson of the Municipal Council shall draw up and submit for consideration twice a year a report on the work of the Council and its committees which shall be debated in an open sitting and shall be made public to the population of the municipality under a procedure specified in the rules under article 21, paragraph 3.

#### **Article 28**

(Supplemented, SG No. 65/1995, amended, SG No. 69/1999, SG No. 69/2003)

(1) The Municipal Council's meetings shall be public. The council may decide to hold some of the meetings in camera by way of exception.

(2) Citizens may attend the meetings of the Municipal Council and its Committees by occupying the seats specially designated for this purpose.

(3) Citizens may take the floor, ask questions, express opinions and make proposals concerning issues within the purview of the Municipal Council, the Mayor or the municipal administration, which are of public interest, and obtain answers under the terms and procedures set out in the Rules under Article 21, paragraph 3.

#### **Article 29**

(Amended, SG No. 65/1995, SG No. 69/1999)

Minutes shall be taken of each Municipal Council's sitting. Within seven days after the date of the sitting, The Councillors shall have the right to examine the minutes and to request corrections to them. In the case of a dispute, the issue shall be settled by the Council at its next sitting.

#### **Article 29a**

(New, SG No. 65/1995, supplemented, SG No. 69/2003, amended, SG No. 24/2018)

(1) The structure of the municipal administration shall include a separate unit to support the work of the Municipal Council and the commissions thereto and to provide organisational, technical and administrative services for their activity. This unit shall report directly to the Chairperson of the municipal council.

(2) The number of staff in the unit shall be included in the total number of staff in the

municipal administration and, together with its establishment plan, shall be approved in accordance with the procedure set out in item 2 of Article 21(1) herein on a motion by the Chairperson of the municipal council.

(3) The employees in the unit shall support the activities of the Chairperson of the municipal council in exercising his/her powers relating to the preparation, convening and holding the meetings of the municipal council and the commissions thereto.

(4) The Chairperson of the municipal council shall approve the job descriptions of the employees in the unit and shall manage and control their work. The performance assessment of the employees in the unit shall be carried out by the Chairperson of the Municipal Council.

(5) The organisation of the activity and functions of the unit shall be determined in the Rules referred to in Article 21, paragraph 3.

(6) The staff of the unit shall be appointed and removed by the Mayor of the municipality at the proposal of the Chairperson of the Municipal Council. The Mayor of the municipality cannot appoint or remove employees in the unit for which no written proposal has been made by the Chairperson of the Municipal Council.

## **Chapter Four**

# **MUNICIPAL COUNCILLOR**

### **Article 30**

(1) (Amended, SG No. 69/1999) The Municipal Councillor's powers shall arise as of the day of taking the oath of office under paragraph 1 of Article 32 above.

(2) (New, SG No. 69/1999, repealed, SG No. 69/2006).

(3) (Renumbered from Paragraph 2, SG No. 69/1999, amended, SG No. 30/2006, repealed, SG No. 69/2006).

(4) (Renumbered from Paragraph 3, SG No. 69/1999) The Municipal Councillor's powers shall be terminated ahead of term in the event:

1. of legal incapacity;

2. (supplemented, SG No. 85/2000, amended and supplemented, SG No. 39/2016, effective 26.05.2016) if after he was elected he would be sentenced to imprisonment for a premeditated crime of a general nature or stripped of the right to hold public office and the sentence has come into force;

3. (amended, SG No. 65/1995, SG No. 69/2006) of resignation handed to the Council;

4. (amended, SG No. 65/1995, amended and supplemented, SG No. 69/1999, amended, SG No. 69/2003) of his election to the National Assembly, as cabinet minister, regional governor or mayor, or appointment as deputy minister, deputy regional governor, deputy mayor or mayor deputy or as an officer in the municipal administration;

5. (amended, SG No. 65/1995, SG No. 85/2000, SG No. 69/2003, SG No. 69/2006) of having failed to attend three consecutive or a total of five sittings of the Council during the year without having notified in writing the Chairperson of the Municipal Council of his/her failure to participate in a Council meeting due to good reasons - official commitment, absence from the country, illness, etc.;

6. (amended, SG No. 69/2006, SG No. 32/2011, effective 19.04.2011) in case of permanent physical inability to perform his/her functions for more than six months.

7. (new, SG No. 154/1998, amended, SG No. 69/2006) of entry into force of administrative and territorial changes, leading to a change of his/her permanent address outside the municipal

territory;

8. (new, SG No. 154/1998) of entry into force of administrative and territorial changes, leading to dissolution of the municipality;

9. (new, SG No. 69/2006, supplemented, SG No. 63/2007) of his/her election or appointment as a member of a managing, supervisory or control board, board of directors, comptroller, manager, procurator, commercial agent, trustee of bankruptcy or liquidator of commercial companies with municipal participation or a manager of a municipal company under the Municipal Property Act, as well as when occupying the position of a municipal counselor or a similar one in another EU member State;

10. (new, SG No. 69/2006) of a failure to comply with the obligation under Article 34, paragraph 6;

11. (new, SG No. 42/2009, amended, SG No. 7/2018) of entry into force of an act ascertaining conflict of interest under the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act;

12. (new, SG No. 9/2011) upon ascertainment of illegibility;

13. (new, SG No. 32/2011, effective 19.04.2011) of demise.

(5) (Amended, SG No. 65/1995, renumbered from Paragraph 4, amended, SG No. 69/1999, SG No. 30/2006, SG No. 69/2006, supplemented, SG No. 32/2011, effective 19.04.2011, SG No. 103/2017, effective 1.01.2018) The circumstances under paragraph 4 shall be ascertained by official channels by the municipal administration with regard to the previous conviction status of persons and with the relevant other documents issued by the competent authorities, which shall be sent to the Municipal Election Commission within three days of their issuing. In the cases under paragraph 4, within three days of the submission of the resignation the Chairperson of the Municipal Council shall refer it to the Municipal Election Commission.

(6) (New, SG No. 65/1995, amended, SG No. 154/1998, renumbered from Paragraph 5, SG No. 69/1999, SG No. 69/2006, SG No. 9/2011, SG No. 32/2011, effective 19.04.2011, SG No. 39/2016, effective 26.05.2016) Within three days after receiving the documents, ascertaining the circumstances under paragraph 4, sub-paragraphs 5, 6 and 10, the Municipal Election Commission shall notify the municipal councillor who may enter an objection in writing to the Commission within three days after the notification. Within three days after the expiry of the term for the objection the Municipal Election Commission shall adopt a decision. Where it has established that the circumstances for terminating the powers exist, the Municipal Election Commission shall terminate the powers of the municipal councillor and shall declare the next candidate in the list as elected municipal councillor.

(7) (New, SG No. 32/2011, effective 19.04.2011, supplemented, SG No. 39/2016, effective 26.05.2016, SG No. 103/2017, effective 1.01.2018) Within three days of receiving the information and documents, ascertaining the circumstances under paragraph 4, sub-paragraphs 1, 2, 3, 4, 7, 8, 9, 11, 12 and 13, the Municipal Election Commission shall declare the next candidate in the list as elected municipal councillor.

(8) (New, SG No. 32/2011, effective 19.04.2011, amended, SG No. 19/2014, effective 5.03.2014) The decisions and rejections of the Municipal Election Commission under paragraph 6, as well as the rejections under paragraph 7, can be contested before the corresponding administrative court by the interested persons or the central governing bodies of the parties, competent under their statutes, and the governing bodies of the coalitions, competent according to the decision for forming the coalitions, represented in the Municipal Council, or by a person authorised thereof, in accordance with the procedure of Article 459 of the Election Code. A copy of the decision of the Municipal Election Commission shall be sent to the Chairperson of the

Municipal Council within three days after its entry into force.

(9) (New, SG No. 69/2006, renumbered from Paragraph 7, amended and supplemented, SG No. 32/2011, effective 19.04.2011) Before the beginning of the first meeting of the Municipal Council which shall be held within one month after the entry into force of the decision of the Municipal Election Commission under paragraph 6, respectively after the declaring the decision referred to in paragraph 7, the newly elected municipal councillor shall take the oath of office under article 32, paragraph 1.

(10) (New, SG No. 69/2006, renumbered from Paragraph 8, amended, SG No. 32/2011, effective 19.04.2011) Should the Chairperson of the Municipal Council fail to convene a meeting of the Council within the time-frame under paragraph 9 or the meeting is not held it shall be convened by the Regional Governor within seven days after the expiry of the term under paragraph 9. In case of absence of quorum for holding the meeting the newly elected councillor shall take the oath of office before the Regional Governor in the attendance of a representative of the Municipal Election Commission, municipal councillors and citizens.

### **Article 31**

(Repealed, SG No. 65/1995).

### **Article 32**

(1) (Amended, SG No. 69/2006) The Municipal Councillor and the mayors shall take the following oath of office:

"I swear, in the name of the Republic of Bulgaria, to abide by the Constitution and the laws of this country, and to be guided, in all my actions, by the interests of the inhabitants of the municipality, and to work for their prosperity."

(2) (Amended, SG No. 65/1995, SG No. 69/2003, SG No. 69/2006) The taking of the oath of office shall be ascertained by signing an oath of office paper.

(3) (New, SG No. 65/1995, amended, SG No. 30/2006, repealed, SG No. 69/2006).

### **Article 33**

(1) (Previous text of Article 33, amended, SG No. 65/1995) The Municipal Councillor shall have the right to:

1. be elected to standing and interim committees of the council;
2. propose issues within the council's competence to be included in the agenda of the Municipal Council sittings, and submit draft decisions;
3. participate in the deliberations and settlement of all issues within the council's competence;
4. (amended, SG No. 65/1995) address queries to the mayor. The query gets an oral or written answer at the next sitting, unless the council decides otherwise;
5. (repealed, SG No. 65/1995).

(2) (New, SG No. 65/1995, amended, SG No. 45/2002) Government agencies, business and public entities shall co-operate with the Municipal Councillor and provide him with information and documents, such as are necessary in connection with his activities of a Councillor, except those which are classified information, constituting state or official secrets.

### **Article 34**

(1) (New, SG No. 69/1999, amended, SG No. 69/2003, SG No. 14/2009, SG No. 15/2013, effective 1.02.2013) Municipal councillors shall be remunerated for their participation in sessions

of the Municipal Council and its commissions. The remuneration amount shall be determined by a Judgement of the Municipal Council adopted by a majority of more than half of the total number of councillors.

(2) (Renumbered from Paragraph 1, SG No. 69/1999, amended, SG No. 69/2003, SG No. 69/2006, effective 1.01.2008, SG No. 14/2009, SG No. 38/2012, effective 1.07.2012, SG No. 1/2014, effective 1.01.2014) The total amount of the remuneration of any municipal councillor per month may not exceed more than 70 per cent of:

1. the gross wage of the Chairperson of the Municipal Council for the relevant month - in the municipalities with population over 100,000 persons;

2. the average gross wage of the municipal administration for the relevant month - in the municipalities with population up to 100,000 persons.

(3) (Supplemented, SG No. 65/1995, renumbered from Paragraph 2, amended, SG No. 69/1999, SG No. 69/2003, SG No. 14/2009) Municipal councillors shall be granted unpaid leave for the time needed to perform their obligations, which shall be recognised as length of service. The period for which a municipal councillor held the position of a Chairperson of the Municipal Council shall be recognised as length of service.

(4) (Renumbered from Paragraph 3, SG No. 69/1999) Travel and other expenses incurred by the Municipal Councillor in connection with his work on the council, shall be covered by the municipal budget.

(5) (New, SG No. 69/1999, amended, SG No. 69/2003, SG No. 69/2006, supplemented, SG No. 63/2007, amended, SG No. 7/2018, effective 1.12.2019 - SG No. 21/2018) A Municipal Councillor may not:

1. be a member of a management, supervisory or monitoring board, a board of directors, a controller, managing director, managerial agent, business attorney, trustee in bankruptcy or liquidator of any commercial corporations wherein a municipality holds a participating interest or a director of a municipal-owned enterprise;

2. hold office as municipal councillor or any similar office in another Member State of the European Union;

3. be a sole trader, partner, shareholder, member of a management, supervisory or monitoring board of any commercial corporation which has concluded contracts with the municipality wherein he or she is a Municipal Councillor, as well as with any commercial corporations wherein a municipality holds a participating interest or with any municipal-owned enterprises.

(6) (New, SG No. 69/2006) Within one month after the announcement of the election results a person who on his/her election as municipal councillor occupied a position under paragraph 5 shall submit an application to be relieved of the position occupied and shall notify in writing the Chairperson of the Municipal Council and the Municipal Election Commission thereof.

(7) (New, SG No. 42/2009) Municipal Councillors may represent the State on the management or supervisory bodies of any commercial corporations wherein the State holds an interest in the capital or of any legal entities established by a law, for which they shall not receive any remuneration.

(8) (New, SG No. 15/2013, effective 1.02.2013) The remuneration referred to in Paragraph 2 shall not include the remuneration that Municipal councillors may receive for their participation in specialised bodies of the Municipal Council.

(9) (New, SG No. 43/2016) If the time-limit under Article 94, Paragraph 2 of the Public Finance Act has not been observed the Chairperson of the Municipal council and the Municipal

Councillors shall not be remunerated for the period after the respective term expiry until the municipal budget has been adopted. The owed remunerations for this period shall be paid after the Municipal Council has adopted the municipal budget.

**Article 35**

(Amended, SG No. 65/1995, SG No. 69/1999)

The Municipal Councillor's employment shall not be terminated for the term of his mandate in the cases under Article 328 (1) items 2, 3 and 4 of the Labour Code.

**Article 36**

(1) (Redesignated from Article 36, SG No. 69/2003) The Municipal Councillor shall:

1. (amended, SG No. 69/2006) attend the sittings of the Municipal Council and the standing committees to which he has been elected, and take part in the settlement of the issues under consideration;

2. keep in touch with the constituency and inform them of the activities and decisions of the Municipal Council.

(2) (New, SG No. 69/2003, amended, SG No. 69/2006) In case of failure to comply with the obligations under paragraph 1, item 1 an amount specified in the rules under article 21, paragraph 3 shall be deducted from the municipal councillor's remuneration.

**Article 37**

(Amended, SG No. 85/2000, supplemented, SG No. 69/2003)

The Municipal Councillor shall not participate in making decisions referring to his property interests or to the interests of his spouse and relatives in direct or collateral lineage, up to four times removed or in-laws up to twice removed.

**Article 37a**

(New, SG No. 65/1995, repealed, SG No. 69/1999, new, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 36/2011)

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(1) Upon withdrawal or expulsion from a group, the municipal councillor shall forfeit the seat thereof on the committees as a representative of the respective group and other elective office in the Municipal Council.

(2) Any municipal councillor, who has withdrawn or has been expelled from a group, shall become an independent municipal councillor and may not be admitted as a member of another group.

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**Article 37b**

(New, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 36/2011)

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Groups may not be formed by independent municipal councillors, nor can existing groups be merged or divided.



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### **Article 37c**

(New, SG No. 65/1995, redesignated from Article 37b, SG No. 9/2011)

Subject to a resolution of the general meeting of the local population, Mayoral Councillors may be elected in Mayoralties under the terms and procedure provided in the Rules adopted in pursuance of Article 21(3). Such Councillors shall assist the Mayor with the performance of his functions in pursuance of Article 46.

## **Chapter Five**

# **MAYORS AND MUNICIPAL ADMINISTRATION**

### **Article 38**

(1) (Amended, SG No. 65/1995, supplemented, SG No. 69/2006) The Mayor shall be a body of the executive branch of government in the municipality. The bodies of the executive in the ward and the mayoralty shall be the ward mayor and the mayoralty mayor respectively.

(2) (New, SG No. 65/1995, amended, SG No. 69/1999, supplemented, SG No. 69/2006, supplemented, SG No. 63/2007, amended, SG No. 9/2011, amended and supplemented, SG No. 19/2014, effective 5.03.2014) The Mayor of the Municipality and the mayors of boroughs and mayoralties shall be elected directly by the community for a four year term under terms and procedures provided for the Election Code.

(3) (New, SG No. 69/1999, amended, SG No. 69/2003, repealed, SG No. 69/2006).

(4) (Renumbered from Paragraph 2, SG No. 65/1995, renumbered from Paragraph 3, amended, SG No. 69/1999, supplemented, SG No. 69/2003, amended, SG No. 69/2006) The powers of the mayors of municipalities, wards and mayoralties shall commence as of the day of taking the oath of office under of Article 32, paragraph 1.

(5) (New, SG No. 69/1999, amended, SG No. 69/2006, supplemented, SG No. 63/2007, amended, SG No. 9/2011, supplemented, SG No. 19/2014, effective 5.03.2014) When by-elections for mayor of municipality, for mayor of a borough, or mayor of mayoralty are held the newly elected mayor shall take the oath of office under article 32, paragraph 1 before the start of the first meeting of the Municipal Council after the election which shall be convened by the Council Chairperson and shall be held within 14 days after the announcement of the election results.

(6) (New, SG No. 69/2003, amended, SG No. 69/2006) If the Chairperson of the Municipal council fails to convene a meeting within the term under paragraph 5 or the meeting is not held it shall be convened by the Regional Governor and shall be held within seven days after the expiry of the term under paragraph 5. In case of absence of quorum to hold the meeting the newly elected mayor shall take an oath of office before the Regional Governor in the attendance of a representative of the Municipal Election Commission, municipal councillors and citizens.

(7) (New, SG No. 69/2003) Mayors of municipalities, wards and mayoralties shall enjoy all rights ensuing from employment contracts, except for those that contradict or are incompatible with their legal status.

### **Article 38a**

(New, SG No. 69/1999, repealed, SG No. 69/2006)

## **Article 39**

(Amended and supplemented, SG No. 65/1995, amended, SG No. 69/1999, SG No. 69/2003, SG No. 69/2006)

(1) (Amended, SG No. 9/2011, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 36/2011)

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The municipality or, respectively, the borough mayor shall appoint deputy mayors and shall specify their functions as follows:

1. where the population has a population of up to 10,000 persons: up to two deputy mayors;
  2. where the municipality has a population of up to 100,000 persons: up to three deputy mayors;
  3. where the municipality has a population of up to 160,000 people: up to four deputy mayors;
  4. where the municipality has a population of over 160,000 persons: up to five deputy mayors;
  5. in Sofia Municipality: up to seven deputy mayors.
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(2) The Mayor of the Municipality, the ward mayor respectively, shall appoint with an order a Deputy Mayor who shall act for him/her in his/her absence from the municipality, the ward respectively.

(3) (New, SG No. 32/2011, effective 19.04.2011) In the cases under paragraph 2, where the Mayor of the Municipality, the ward mayor respectively has not issued an order, the Municipal Council shall appoint the Deputy Mayor who shall act for the Mayor of the Municipality, the ward mayor respectively, during their absence.

(4) (Renumbered from Paragraph 3, SG No. 32/2011, effective 19.04.2011) The Mayor of the Municipality and the ward mayor may authorise deputy mayors to perform their powers in cases when this is provided for by law.

(5) (Renumbered from Paragraph 4, SG No. 32/2011, effective 19.04.2011) A deputy mayor may be dismissed without notification by order of the municipality mayor, the ward mayor respectively.

## **Article 39a**

(New, SG No. 69/1999, amended, SG No. 69/2006, repealed, SG No. 63/2007, new, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, repealed, SG No. 19/2014, effective 5.03.2014)

## **Article 39b**

(New, SG No. 69/1999, repealed, SG No. 69/2003).

## **Article 40**

(Amended, SG No. 65/1995, repealed, SG No. 69/2006).

## **Article 41**

(Amended and supplemented, SG No. 65/1995, SG No. 69/1999, SG No. 69/2003,

amended, SG No. 69/2006)

(1) (Amended, SG No. 108/2008) The mayors of municipalities, wards and mayoralities, the deputy mayors of municipalities and wards and municipal secretaries may not be engaged in any business activity within the meaning of the Commerce Act, serve as comptrollers, managers or procurators in commercial companies, be commercial agents, commercial representatives commercial brokers, trustees in bankruptcy, liquidators or participate in supervisory, managerial or control bodies of commercial companies and cooperatives for the duration of their term of office.

(2) (Repealed, SG No. 61/2007).

(3) Within one month after the announcement of the election results, the adoption of the decision of the Municipal Council respectively, the person who at his/her election occupies a position or engages in activities under paragraph 1 shall take the necessary steps to terminate the activity and/or be relieved from the position occupied and shall notify in writing the Chairperson of the Municipal Council and the Municipal Election Commission thereof.

(4) On their appointment to the respective position the deputy mayors of municipalities and wards, mayors of mayoralities and municipal secretaries shall submit an affidavit ascertaining the requirements under paragraph 2.

#### **Article 42**

(1) (Amended, SG No. 65/1995, supplemented, SG No. 69/1999, amended, SG No. 63/2007, supplemented, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, amended, SG No. 19/2014, effective 5.03.2014) The powers of the mayors shall be terminated ahead of term in case:

1. (amended, SG No. 69/2006) of submitting a resignation through the Chairperson of the Municipal Council to the Municipal Election Commission;

2. (amended, SG No. 65/1995, SG No. 90/1996, SG No. 69/1999, SG No. 85/2000, SG No. 69/2003, SG No. 69/2006, SG No. 39/2016, effective 26.05.2016) of permanent actual inability to perform his/her obligations for more than six months due to illness;

3. (new, SG No. 39/2016, effective 26.05.2016) of placement under judicial disability;

4. (supplemented, SG No. 85/2000, renumbered from Item 3, amended, SG No. 39/2016, effective 26.05.2016) if after he was elected he would be sentenced to imprisonment for a premeditated crime of a general nature or stripped of the right to hold public office, which has become effective;

5. (amended, SG No. 69/2006, renumbered from Item 4, SG No. 39/2016, effective 26.05.2016) failure to comply with the obligation under Article 41, Paragraph 3;

6. (new, SG No. 154/1998, amended, SG No. 69/2003, renumbered from Item 5, SG No. 39/2016, effective 26.05.2016) of entry into force of administrative and territorial changes, leading to a change of the permanent address in the municipality or mayoralty;

7. (new, SG No. 154/1998, amended, SG No. 69/1999, supplemented, SG No. 63/2007, amended, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, supplemented, SG No. 19/2014, effective 5.03.2014, renumbered from Item 6, SG No. 39/2016, effective 26.05.2016) of entry into force of administrative and territorial changes, leading to a dissolution of the municipality, the borough, or mayoralty;

8. (new, SG No. 69/2003, renumbered from Item 7, SG No. 39/2016, effective 26.05.2016) of election to the National Assembly or as cabinet minister or regional governor or of appointment as deputy minister or deputy regional governor or of occupying another job or

official position;

9. (new, SG No. 69/2003, amended, SG No. 69/2006, renumbered from Item 8, SG No. 39/2016, effective 26.05.2016) of violation of the prohibitions under Article 41, Paragraph 1;

10. (new, SG No. 14/2009, renumbered from Item 9, SG No. 39/2016, effective 26.05.2016) of unjustifiable absence from work for more than one month;

11. (new, SG No. 42/2009, renumbered from Item 10, SG No. 39/2016, effective 26.05.2016, amended, SG No. 7/2018) of entry into force of an act ascertaining conflict of interest under Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act;

12. (new, SG No. 9/20110, renumbered from Item 11, SG No. 39/2016, effective 26.05.2016) upon ascertainment of ineligibility;

13. (new, SG No. 39/2016, effective 26.05.2016) of demise.

(2) (New, SG No. 69/2006, supplemented, SG No. 103/2017, effective 1.01.2018) The circumstances under paragraph 1 shall be ascertained by official channels by the municipal administration with regard to the previous conviction status of persons and with the relevant other documents issued by the competent authorities. In the cases under paragraph 1, item 1 within three days of submitting the resignation the Chairperson of the Municipal Council shall refer it to the Municipal Election Commission.

(3) (Amended, SG No. 65/1995, repealed, SG No. 69/1999, new, SG No. 69/2006, amended, SG No. 9/2011, SG No. 19/2014, effective 5.03.2014, SG No. 39/2016, effective 26.05.2016, SG No. 99/2017, effective 1.01.2018) Within three days after receiving the documents certifying the circumstances under paragraph 1, items 2, 5 and 10 the Municipal Election Commission shall notify the mayor who is entitled to lodge a written objection within three days after the notification. Within three days after the expiry of the term for the objection the Municipal Election Commission shall adopt a decision. If found that the circumstances for terminating the powers are in place the Municipal Election Commission May shall terminate the powers of the mayor.

(4) (New, SG No. 39/2016, effective 26.05.2016, amended, SG No. 99/2017, effective 1.01.2018, supplemented, SG No. 103/2017, effective 1.01.2018) Within three days after receiving the information and documents certifying the circumstances under paragraph 1, items 1, 3, 4, 6, 7, 8, 9, 11, 12 and 13 the Municipal Election Commission shall announce the termination of the powers of the mayor.

(5) (New, SG No. 39/2016, effective 26.05.2016) Any decisions and refusals of the Municipal Election Commission under paragraph 3 and any refusals under paragraph 4 may be challenged before the respective administrative court by the persons concerned or by the central leaderships of the parties, competent in accordance with their statutes and the leaderships of the coalitions competent in accordance with the coalition agreements that are represented in the Municipal Council or authorised by such persons under the procedure of Article 459 of the Election Code. The transcript of such decision shall be transmitted to the Central Election Committee by the Chairman of the Municipal Council within three days of its entry into force.

(6) (Amended, SG No. 65/1995, supplemented, SG No. 69/1999, renumbered from Paragraph 2, amended, SG No. 69/2006, amended and supplemented, SG No. 63/2007, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, amended and supplemented, SG No. 19/2014, effective 5.03.2014, renumbered from Paragraph 4, SG No. 39/2016, effective 26.05.2016) When the powers of a mayor are terminated ahead of term the Municipal Council shall elect an acting mayor for a term until the new mayor takes an oath of office. One of the deputy mayors of the municipality or mayor of the borough shall be elected to the position of acting mayor of the

municipality or mayor of the borough. In case no deputy mayor has been appointed, an acting mayor of the municipality or mayor of the borough shall be elected upon a motion of a municipal councillor.

(7) (New, SG No. 69/2006, amended and supplemented, SG No. 63/2007, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, amended and supplemented, SG No. 19/2014, effective 5.03.2014, renumbered from Paragraph 5, SG No. 39/2016, effective 26.05.2016) When less than a year remains to the end of the term of office after the termination of the powers of a mayor no by-elections shall be held. In these cases the Municipal Council shall elect a mayor of the municipality, a mayor of the borough, or a mayor of the mayoralty and a deputy mayor or a councillor shall be elected as mayor of the municipality.

(8) (New, SG No. 69/2006, supplemented, SG No. 63/2007, amended, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, supplemented, SG No. 19/2014, effective 5.03.2014, renumbered from Paragraph 6, amended, SG No. 39/2016, effective 26.05.2016) When a mayor of municipality, a mayor of a borough, or a mayor of mayoralty is registered as a candidate for municipal councillor or mayor within seven days before the end of the term of office the Municipal Council shall elect an acting mayor of the municipality, a mayor of the borough, or a mayor of the ward for a term until the new mayor has taken the oath of office. The acting mayor of the municipality or mayor of the borough shall be elected in compliance with the terms of Paragraph 6, second and third sentences.

(9) (New, SG No. 69/2006, supplemented, SG No. 63/2007, amended, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, supplemented, SG No. 19/2014, effective 5.03.2014, renumbered from Paragraph 7, SG No. 39/2016, effective 26.05.2016) When a mayor of municipality, mayor of a borough, or a mayor of mayoralty is not registered as a candidate for municipal councillor or mayor he/she shall continue to perform his/her duties until the newly elected mayor has taken the oath of office.

(10) (New, SG No. 69/2006, supplemented, SG No. 63/2007, amended, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, supplemented, SG No. 19/2014, effective 5.03.2014, renumbered from Paragraph 8, amended, SG No. 39/2016, effective 26.05.2016) An acting mayor of municipality, mayor of a borough, or a mayor of mayoralty shall be appointed by the Regional Governor when the Municipal Council has failed to adopt the decision under Paragraph 8.

(11) (New, SG No. 69/2006, renumbered from Paragraph 9, amended, SG No. 39/2016, effective 26.05.2016) The decisions of the Municipal Council under Paragraphs 6, 7 and 8 shall be adopted by a majority of more than one half of the total number of councillors.

#### **Article 42a**

(New, SG No. 69/1999, amended and supplemented, SG No. 85/2000, SG No. 69/2006, repealed, SG No. 63/2007, new, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, repealed, SG No. 19/2014, effective 5.03.2014).

#### **Article 42b**

(New, SG No. 69/1999, repealed, SG No. 69/2003).

## **Article 42c**

(New, SG No. 69/1999, supplemented, SG No. 85/2000, repealed, SG No. 69/2003).

## **Article 43**

(1) The mayor of the municipality appoints a secretary of the municipality for an unlimited term.

(2) (Amended, SG No. 65/1995, SG No. 69/1999, SG No. 69/2006) The Municipal Secretary must be a university graduate.

(3) (Amended, SG No. 65/1995, SG No. 69/2006) The Municipal Secretary shall organise and be responsible for:

1. the work of the municipal administration, work conditions of the municipal staff and for the organisational and technical set-up of the offices and for the information and technical provision of their work;

2. book-keeping, document flows and municipal archives;

3. the work of the offices for civil registration and administrative services;

4. announcing and publication of the acts of the Municipal Council and the Municipal Mayor;

5. work on applications, complaints, signals and suggestions of citizens and legal persons;

6. maintaining in an updated state the election lists in the municipality, the organisational and technical preparation and the conduct of elections and local referenda.

(4) (New, SG No. 69/2006) The municipal secretary shall perform also other functions assigned to him/her by the mayor of the municipality, by law or by another normative act.

## **Article 44**

(1) The mayor of the municipality shall:

1. manage the entire executive activities of the municipality;

2. guide and coordinate the activities of the specialised executive bodies;

3. (amended, SG No. 65/1995, supplemented, SG No. 69/2003) appoint and remove from office the deputy mayors of the municipality, the mayor deputies, the head of the budget-supported units, the senior management and the staff of the municipal administration, except for those under Article 46(1.4); impose the disciplinary penalties provided for by law;

4. (amended, SG No. 65/1995, SG No. 53/2014) be responsible for the keeping of public order, and in order to ensure it, issue ordinances binding the chiefs of the respective structures of the Ministry of Interior;

5. organise the implementation of the municipal budget;

6. organise the implementation of long-term programmes;

7. (supplemented, SG No. 65/1995, SG No. 69/2003, amended, SG No. 69/2006) organise the implementation of the acts of the Municipal Council and submit to the Municipal Council a report on their implementation twice a year;

8. organise the performance of tasks deriving from Acts of Parliament, decrees of the President of the Republic, and of the Council of Ministers;

9. (amended, SG No. 65/1995, supplemented, SG No. 85/2000, amended, SG No. 14/2009) delegate his functions to mayoral and ward mayors; coordinates and exercises control over the lawfulness and appropriateness of actions taken for that purpose; exercise control over the lawfulness of the acts and actions of mayors in pursuance of their powers and impose the stipulated administrative sanctions;

10. keep contacts with political parties, public organisations and movements, as well as with other bodies of local self-government in this country and abroad;

11. (new, SG No. 65/1995, amended, SG No. 19/2005, repealed, SG No. 35/2009, effective 12.05.2009);

12. (new, SG No. 19/2005, amended, SG No. 35/2009, effective 12.05.2009) chair the Security Board;

13. (new, SG No. 65/1995, amended, SG No. 1/2001, renumbered from item 12, SG No. 19/2005) commission or authorise the elaboration of territorial urban planning projects and any amendments thereto for the municipality or any parts thereof and sanctions certain urban planning projects under the terms and procedure of the Spatial Development Act and, organises their implementation;

14. (new, SG No. 65/1995, supplemented, SG No. 67/1999, SG No. 85/2000, renumbered from item 13, SG No. 19/2005) perform the functions of civil registrar; or delegates such functions by a written order to the mayors of mayoralties, which maintain civil status files, deputy-mayors or to other officials of the municipal administration;

15. (new, SG No. 65/1995, renumbered from item 14, SG No. 19/2005) represent the municipality before natural and legal persons, and the courts;

16. (new, SG No. 65/1995, renumbered from item 15, SG No. 19/2005, supplemented, SG No. 69/2006) ensure the technical support of the Municipal Council and participate in its meetings in non-voting capacity;

17. (new, SG No. 69/2003, renumbered from item 16, SG No. 19/2005) approve the Rules of the municipal administration;

18. (new, SG No. 69/2006) send to the Municipal Council the administrative acts as well as contracts and their amendments issued in compliance with the acts adopted by the Council within three days after their issuing or signing;

19. (new, SG No. 6/2009, effective 1.05.2009) assist condominium ownerships and their managing bodies pursuant to the conditions and as per the procedure of the Condominium Management Act.

(2) Exercising his powers, the mayor of the municipality issues ordinances.

(3) (Amended, SG No. 65/1995, SG No. 53/2014) The ordinances under paragraph 1(4) may be appealed by the chiefs of the respective structures of the Ministry of Interior before the Regional Governor within three days, such appeal not suspending the effect of such ordinances. The ruling of the Regional Governor shall be made in consultation with the Minister of Internal Affairs and shall be final.

(4) (New, SG No. 65/1995) In the cases provided for by law, the municipal mayor shall perform such functions as may be assigned to him by central government authorities.

(5) (New, SG No. 69/2006) The municipal mayor shall present to the Municipal Council a management programme for the term of office within three months after taking the oath of office. The programme shall contain the main objectives, priorities, activities, implementation schedule and the expected results, The municipal mayor shall present to the Municipal Council an annual report on the implementation of the programme until 31 January.

#### **Article 45**

(Supplemented, SG No. 65/1995, amended and supplemented, SG No. 69/2003, amended, SG No. 69/2006)

(1) The acts of the municipal mayor may be contested under an administrative procedure before the Regional Governor unless the law provides otherwise.

(2) The Municipal Council shall rescind administrative acts issued by the mayor of the municipality which contradict the acts adopted by the Council within 14 days after their receipt. Within the same time-frame the Council may contest illegal administrative acts issued by the mayor of the municipality before the respective administrative court.

(3) The acts of the Municipal Council may be contested before the respective administrative court.

(4) The Regional Governor shall exercise control from the point of view of legality over the acts of municipal councils unless provided otherwise by law. He/she may refer back illegal acts for new consideration by the Municipal Council or contest them before the respective administrative court. The contestation shall suspend the implementation of the individual and general administrative acts and the action of second level normative acts unless the court rules otherwise.

(5) The mayor of the municipality may refer back illegal or inexpedient acts of the Municipal Council for new consideration or contest illegal acts before the respective administrative court and request suspension of the implementation of general administrative acts and the action of second level normative acts. The mayor of the municipality shall not be entitled to refer back for new consideration on the grounds of expediency internal acts related to the organisation and work of the Municipal Council and its committees.

(6) The act referred back for new consideration shall be sent together with the motives thereof to the Chairperson of the Municipal Council within seven days after its receipt.

(7) The act referred back for new consideration shall not enter into force and shall be considered by the Municipal Council within 14 days after its receipt.

(8) The act referred back for new consideration may be contested before the respective administrative court by the municipal mayor, the Regional Governor respectively within seven days after the expiry of the term under paragraph 7 if the Municipal Council fails to act on it within this time-frame.

(9) The Municipal Council may rescind, amend or adopt the act referred back for a second consideration.

(10) The act referred back for new consideration shall be adopted again with a majority specified by law but not less than one half of the total number of municipal councillors.

(11) The amended or adopted for a second time administrative act may be contested before the respective administrative court under the procedure of the Administrative Procedure Code.

(12) The regulations for administrative procedure established by law shall apply to issues not regulated herein related to issuing, contesting and implementing the acts of municipal councils and mayors.

#### **Article 46**

(Amended, SG No. 65/1995)

(1) The Mayor of a ward or mayoralty shall:

1. implement of the municipal budget in the section referring to the ward or mayoralty;
2. organise public works and other undertakings;
3. assume responsibility for the management of such municipal property as determined by the Municipal Council;
4. (amended, SG No. 69/2003, supplemented, SG No. 69/2006) appoint and dismiss municipal staff in the ward or the mayoralty which shall assist him/her with his activities in accordance with the approved number and organisational structure;
5. take measures to improve and rehabilitate the environment, and organise the policing of



fields;

6. (supplemented, SG No. 67/1999) maintain population and civil registers and submit updates to the Unified System for Civil and Administrative Services to the Public;

7. organise the provision of administrative services to the community;

8. (supplemented, SG No. 122/1997, amended, SG No. 69/2006, SG No. 53/2014) ensure the preservation of public order; have the powers as per Articles 70, 72, 80, 81, 83, 85 and 87 of the Ministry of Interior Act in the respective territory until the arrival of the police authority;

9. organise and manage defence from disasters and accidents;

10. represent the ward or mayoralty before the public, public and political organisations, other wards and mayoralties;

11. (new, SG No. 63/2007) organise the implementation of the acts of the Municipal Council and the Mayor of the municipality pertaining to the territory and the citizens of the ward or mayoralty;

12. (new, SG No. 63/2007) executed functions assigned by the Mayor of the municipality.

(2) (New, SG No. 69/1999, amended, SG No. 69/2006) The powers of a mayor of mayoralty in a locality which is the administrative centre of the municipality shall be performed by the mayor of the municipality.

(3) (New, SG No. 69/2006) The mayor of the ward and the mayor of the mayoralty may attend meetings of the Municipal Council in a non-voting capacity. They shall be heard mandatorily when issues related to the mayoralty or the ward are being debated.

(4) (Renumbered from Paragraph 2, SG No. 69/1999, amended, SG No. 69/2003, renumbered from Paragraph 3, SG No. 69/2006) Ward and mayoral mayors may be assigned such other functions as provided for by an act of Parliament or by another type of legislation, or by the Rules adopted in pursuance of Article 20(3), in accordance with the specifics of the municipality, the wards or mayoralties.

#### **Article 46a**

(New, SG No. 69/1999, amended, SG No. 69/2006)

(1) (Supplemented, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011, amended, SG No. 19/2014, effective 5.03.2014) For a locality which is not an administrative centre of a mayoralty the municipal mayor may appoint for the term of office a mayor delegate in compliance with the approved numbers and structure of the municipal administration. The lieutenant mayor must satisfy the conditions referred to in Article 397(1) of the Election Code by the date of the appointment.

(2) The mayor delegates shall continue to perform their functions also after the expiry of the term under paragraph 1 until their release by the newly elected mayor of the municipality.

(3) The mayor delegates shall be bodies of the executive in the locality. They may be dismissed ahead of term without notification by the mayor of the municipality.

(4) The powers of the mayor delegates shall be determined by the Municipal Council. The mayor of the municipality may assign to mayor delegates the performance of his/her functions. Mayor delegates may be assigned additional functions by law or another normative act.

(5) Mayor delegates may attend meeting of the Municipal Council in a non-voting capacity. They shall be heard mandatorily when issues related to the respective locality are being debated.

#### **Article 47**

(Repealed, SG No. 69/2003, new, SG No. 69/2006)

The courts shall be obliged to complete the proceedings instituted before them under chapters Four and Five within two months.

## **Chapter Six**

### **COMMITTEES OF THE MUNICIPAL COUNCIL**

**(Title amended, SG No. 69/2006)**

#### **Article 48**

(1) (Redesignated from Article 48, amended, SG No. 69/2003, supplemented, SG No. 1/2014, effective 1.01.2014) The Municipal Council shall elect from among its members standing and ad hoc committees. Each Municipal Councillor is member of at least one standing committee. The Chairperson of the Municipal Council may not be elected for member of a standing committee.

(2) (New, SG No. 69/2003) Municipal Councillors may not sit in more than three standing committees.

#### **Article 49**

(1) (Supplemented, SG No. 69/2003) The standing and ad hoc committees shall have the task of:

1. studying the community's needs in the relevant field, and making proposals as to how the problems are to be settled;
2. assisting the Municipal Council in preparing decisions on issues submitted for deliberation and settlement;
3. exercising control on the execution of the Municipal Council decisions.

(2) (Supplemented, SG No. 69/2003) In the course of their proceedings, the standing and ad hoc committees may involve outside experts and consultants.

(3) (New, SG No. 69/2006) Citizens and legal persons shall be entitled to submit written proposals and positions to the committees of the Municipal Council.

#### **Article 50**

(Amended and supplemented, SG No. 69/2006)

The committees shall adopt reports, positions, proposals and recommendations which shall be transmitted to the Municipal Council and the respective persons concerned.

## **Chapter Seven**

### **PROPERTY AND FINANCE OF THE MUNICIPALITY**

#### **Article 51**

(1) The municipality shall have the right to ownership, the scope and manner of acquisition of which shall be regulated by law.

(2) (Amended, SG No. 65/1995, repealed, SG No. 33/1998).

(3) (Amended, SG No. 65/1995, repealed, SG No. 54/2008).

(4) (Amended, SG No. 65/1995, repealed, SG No. 54/2008).

(5) (Amended, SG No. 65/1995, repealed, SG No. 54/2008).

## **Article 52**

(1) (Amended, SG No. 69/2006, SG No. 43/2016) The Municipal Council shall adopt an autonomous municipal budget, separate from the State Budget, on the basis of its own sources of revenue and subsidies from the state, allocated between municipalities by criteria determined by law.

(2) (Repealed, SG No. 33/1998).

(3) (Repealed, SG No. 33/1998).

(4) The municipality has the right to issue bonds.

(5) (Repealed, SG No. 69/2003).

(6) (Repealed, SG No. 69/2003).

## **Article 53**

(Repealed, SG No. 33/1998)

## **Article 54**

(1) The expenditures of the municipality are made to cover local needs, as well as for such needs which may arise in the performance of state functions.

(2) (Amended, SG No. 43/2016) The costs for the performance of state functions are covered by the State Budget.

(3) (Amended and supplemented, SG No. 69/2003) The Municipal Council may give financial assistance to municipal enterprises and companies with municipal interest whose operations are related to meeting the needs of the community.

## **Article 55**

(Amended, SG No. 65/1995, repealed, SG No. 33/1998).

## **Article 56**

(Amended, SG No. 65/1995, repealed, SG No. 33/1998).

## **Article 57**

(Amended, SG No. 65/1995, repealed, SG No. 33/1998).

## **Article 58**

(Repealed, SG No. 33/1998).

## **Article 58a**

(New, SG No. 28/2002)

(1) By resolution of the Municipal Council, a municipal guarantee fund for small and medium-sized enterprises may be established in the municipality.

(2) The resources in the municipal guarantee funds for small and medium-sized enterprises referred to in § 3 of the Transitional and Final Provisions of the Privatisation and Post-privatisation Control Act shall be used to cover part of the credit risk to an amount not exceeding 50 per cent of the value of the loans. The municipal councils shall adopt and publish regulations establishing terms and a procedure for appropriation of the resources in the said funds.

## **Article 58b**

(New, SG No. 57/2011)

(1) A municipal fund for renovation of multiple-dwelling housing developments may be established in the municipality by decision of the municipal council.

(2) The decision under Paragraph 1 shall regulate the fund management and supervisory bodies, the rules for mobilisation of funds and for cofinancing of renovation activities.

## **Chapter Eight**

### **(Repealed, SG No. 65/1995, new, SG No. 69/2006)**

## **MUNICIPAL COOPERATION**

### **Article 59**

(Repealed, SG No. 65/1995, new, SG No. 69/2006)

(1) (Amended and supplemented, SG No. 99/2017, effective 1.01.2018) Municipalities may cooperate with each other, with bodies of the executive, with legal or natural persons and establish associations through which to achieve objectives of mutual interest and to which to assign the implementation of activities ensuing from their powers. Cooperation may furthermore be carried out among budget spending units within the budget of a single municipality.

(2) (Amended, SG No. 99/2017, effective 1.01.2018) Municipal cooperation shall aim at:

1. improving the quality of provided services of common interest;
2. achieving more efficient spending of the financial and administrative resources of the municipality;
3. optimizing the expenses of the municipality and improving its financial condition;
4. standardizing and optimizing work processes by deriving economic benefits based on economies of scale and/or division of labour;
5. improving financial control and transparency;
6. implementing projects that help address significant problems at regional and local level.

### **Article 60**

(Repealed, SG No. 65/1995, new, SG No. 69/2006)

The main principles for implementing municipal cooperation shall be:

1. voluntary participation;
2. mutual interest;
3. proactive choice;
4. flexibility and dynamism;
5. transparency and responsibility.

### **Article 61**

(Repealed, SG No. 65/1995, new, SG No. 69/2006)

(1) (Amended, SG No. 99/2017, effective 1.01.2018) Municipal cooperation shall take place on the basis of a signed cooperation agreement which shall be approved by the relevant municipal councils and first level budget spending units, where a party thereto is a second level national budget spending unit.

(2) The following shall be specified in the cooperation agreement:

1. the parties to the agreement;

2. the scope and subject matter of the cooperation
  3. the objective of the cooperation
  4. the forms of cooperation and/or the type of the legal person:
    - a) (amended, SG No. 99/2017, effective 1.01.2018) for the implementation of a specific project or activity between two or more municipalities or between one or more municipalities and a body of the executive as well as between budget spending units of a single municipality;
    - b) for the establishment of a non-profit legal person between municipalities;
    - c) for the establishment of a commercial legal person between two or more municipalities;
    - d) for the implementation of a specific project or activity or for the establishment of a non-profit or a commercial legal person between two or more municipalities and legal and/or natural persons.
  5. the rights and obligation of the parties
  6. the participation share of each party with financial resources, property and/or other forms of participation for achieving the common objective;
  7. regulations for constituting, decision-making and terminating the inter-municipal councils and/or committees when municipalities have reached agreement on establishing such bodies;
  8. (new, SG No. 99/2017, effective 1.01.2018) the allocation of risks and responsibilities between the parties, guarantees for fulfillment of the conditions under the agreement and liabilities for non-fulfillment, including penalties, the term of the agreement and the procedures for its termination, where applicable;
  9. (renumbered from Item 8, SG No. 99/2017, effective 1.01.2018) other issued important to the parties including the requirements to each of them ensuing from the normative framework.
- (3) (New, SG No. 54/2008) Non-profit associations, to which the municipality is a party, carry out activities in public interest. Upon their institution, the limitations with regard to the number of their members, set by Article 19 of the Non-profit Legal Persons Act, are not applicable.

## **Article 62**

(Repealed, SG No. 65/1995, new, SG No. 99/2017, effective 1.01.2018) Municipalities may cooperate with each other, with bodies of the executive, with budget spending units of a single municipality in the provision of shared services, such as IT services management, financial, accounting and legal activities, human resources management, as well as in the construction and/or management and/or maintenance of:

1. objects of the technical infrastructure:
  - a) in urbanized areas – parking sites, garages, urban transport facilities, surveillance and security systems, street lighting systems, green spaces, parks and gardens;
  - b) parking sites, garages, parks and gardens in single land properties outside urbanized areas;
2. objects of the social infrastructure designated for
  - a) health care;
  - b) education;
  - c) culture;
  - d) sports, recreation and tourism;
  - e) social assistance.

## **Article 63**

(Repealed, SG No. 65/1995, new, SG No. 99/2017, effective 1.01.2018) (1) Annually, by 10th of March, the mayor of the municipality shall analyze the activities and the financial condition of the municipality, incl. compliance with fiscal rules under the Public Finance Act, as applicable to local authorities.

(2) Based on the analysis under paragraph 1 and in order to achieve the aims under Article 59 (2) the mayor of the municipality may, by 31st of March of the current budgetary year, table a proposal for cooperation in the implementation of shared services and/or activities under Article 62 to one or several first level budget spending units – mayors of other municipalities and/or bodies of the executive.

(3) Within one month, the persons under paragraph 2 shall notify the mayor of the respective municipality with a reasoned opinion on cooperation acceptance or refusal. The mayor who has received a proposal under paragraph 2 shall make the analysis under paragraph 1 and may propose to the municipal council to accept the cooperation and in this case paragraphs 4 – 8 shall apply mutatis mutandis.

(4) In the event of agreement among the persons under paragraph 2, within 14 days of receipt thereof, the mayor of the municipality shall propose to the municipal council to take steps for cooperation in the implementation of shared services and/or activities and shall propose to the municipal council a draft decision, accompanied by motives, analysis of the impact on the municipality's budget and a schedule of implementation of the cooperation.

(5) Within 14 days of receipt of the proposal under paragraph 4, the municipal council shall adopt a decision on implementation of the cooperation. A condition for the adoption of the decision shall be the presence of agreement under paragraph 3.

(6) The decision under paragraph 5 shall define the shared services and/or activities to be performed, the aims to be achieved, the form of cooperation, the term for signing the agreement, the stages and deadlines for implementation of the shared services and/or activities, the financial effects on the municipality and the sources of finance.

(7) The decision of the municipal council under paragraph 5 shall be adopted by a majority of two thirds of the total number of municipal councillors.

(8) The municipal council may adopt decisions for pursuing a policy on implementation of shared services until the lapse of 39 months from election thereof.

(9) The mayor of the municipality shall inform the minister of finance, within one month, of the signed agreement.

(10) In the event of implementation of shared services and/or activities within a single municipality among budget spending units of the municipality's budget the mayor of the municipality shall, based on the analysis under paragraph 1, propose to the municipal council to adopt a decision without applying the procedure referred to in paragraphs 2 – 4. The mayor of the municipality shall inform the minister of finance of the decision of the municipal council within one month.

#### **Article 64**

(Repealed, SG No. 65/1995, new, SG No. 99/2017, effective 1.01.2018) (1) Every quarter, after signing the agreements under Article 63, the mayors of respective municipalities shall submit to respective municipal councils reports on their implementation within the time limits under Articles 133 and 167 of the Public Finance Act. The reports shall furthermore include the financial effects achieved for the municipality in pursuance of the aims set in the decision under Article 63 (5).

(2) The municipal council shall adopt with a decision the quarterly reports under paragraph

1 within 14 days of submission thereof.

(3) The mayor of the municipality shall inform annually, by 31st of March, the Ministry of Finance of the implementation of shared services and/or activities under Article 62 in the past year and shall make assessment of the achieved aims set and the financial effects.

**Article 65**

(Repealed, SG No. 65/1995).

**Article 66**

(Repealed, SG No. 65/1995).

**Article 67**

(Repealed, SG No. 65/1995).

**Chapter Nine**  
**(Repealed, SG No. 130/1998)**  
**REGION**

**Article 68**

(Repealed, SG No. 130/1998).

**Article 69**

(Amended, SG No. 65/1995, repealed, SG No. 130/1998).

**Article 70**

(Repealed, SG No. 24/1995).

**Article 71**

(Amended, SG No. 65/1995, repealed, SG No. 130/1998).

**Article 72**

(Amended, SG No. 65/1995, repealed, SG No. 130/1998).

**Article 73**

(Repealed, SG No. 130/1998).

**Chapter Ten**  
**(Repealed, SG No. 65/1995)**  
**ADMINISTRATIVE AND TERRITORIAL CHANGES**

**Article 74**

(Repealed, SG No. 65/1995).

**Article 75**

(Repealed, SG No. 65/1995).

## **Chapter Eleven**

# **TRANSITIONAL AND CONCLUDING PROVISIONS**

§ 1. This Act shall come into force as of the date of its promulgation in the State Gazette.

§ 2. (Repealed, SG No. 65/1995).

§ 3. (Repealed, SG No. 65/1995).

§ 4. (Repealed, SG No. 65/1995).

§ 5. This Act repeals:

1. The People's Councils Act (promulgated, "Izvestiya", No. 95/1951, amended, SG No. 60/1953, 68/1953, 100/1955, 3/1956, 37/1956, 54/1956, 30/1957, 71/1957, 74/1957, 90/1958, 22/1959, 47/1964, 54/1969, 35/1972, 32/1977, 97/1978, 52/1980, 65/1980, 97/1987, 72/1990, 88/1990).

2. The Rules for the ordinances under Article 12 a of the People's Councils Act (promulgated, SG No. 3/1965, amended, SG No. 39/1978).

3. The Regulations for the enforcement of Article 41 of the People's Councils Act, providing for the payment of labour remuneration and travelling allowances to councillors and members of standing committees (promulgated, SG No. 64/1966, amended, SG No. 60/1980).

4. The Formation of the Regions as New Administrative and Territorial Units Act (promulgated, SG No. 65/1987, amended, SG No. 45/1989).

5. The Members of Parliament and the People's Councillors Act as to the legal status of Municipal Councillors in the section on Municipal Councillors (promulgated, SG No. 32/1977, amended, No. 72/1981, 27/1986, 87/1986).

6. The Decree on the constituency assignments (SG No. 12/1978).

7. Decree No. 296 on the powers of the ward people's councils under Article 5, paragraph 4 of the People's Councils Act (SG No. 19/1979).

§ 6. Amendments to other acts:

1. The Ownership Act (promulgated, "Izvestiya", No. 92/1951, amended, No. 12/1958, 90/1960, SG No. 99/1963, 26/1973, 27/1973, 54/1974, 87/1974, 55/1978, 36/1979, 19/1985, 14/1988, 91/1988, 38/1989, 31/1990) Article 6 is amended as follows:

"6. State ownership covers the property declared by the Constitution and the laws to be exclusive property of the state, as well as the property it acquires.

Municipal ownership covers the following property:

1. ceded by law as property of municipalities, and included in the authorized capital of municipal companies;

2. acquired against funds from the municipal budget, or out of an off-budget account of the municipality;

3. built by the voluntary labour and contributions of the community;

4. acquired through loans, obtained and redeemed by the municipality;

5. bestowed or bequeathed to the Municipal Council or to the individual settlements;

6. restored through restitution;

7. ceded gratuitously by the state;

8. transferred as property of the municipality pursuant to the preceding provisions of this Act."

2. To the Ministry of Internal Affairs Act (SG No. 57/1991, the following new Article 13a is added:



"Article 13a. The interrelations between the Metropolitan and the Regional Directorates of the Ministry of Internal Affairs, the ward police departments, on the one hand, and the Regional Governors, Regional Governors, and mayors, on the other hand, are regulated by the Local Self-government and Local Administration Act, and the Police Act."

§ 7. (1) (Previous text of § 7, SG No. 49/1995) When this Act comes into force, the following state property is also transferred to the ownership of municipalities:

1. water reservoirs, ground waters and mineral springs included, which are used by the respective municipality only, along with the water-pumping equipment and the transporting pipelines;

2. dams, lakes and adjacent beaches, inert and other materials quarries of local importance;

3. vacant lots and estates within settlements, intended for housing construction, public, urbanisation or public utilities undertakings, acquired through alienation proceedings, with the exception of such lots which are to be returned to their former owners;

4. (amended, SG No. 49/1995, SG No. 26/2000) the municipal roads, streets, boulevards, squares, public parking lots in settlements, and public green lawns;

5. houses built under the terms and procedures of Article 117 of the Town Planning Act for rented flats or for social welfare measures, including renting to socially vulnerable families;

6. sites of the municipal infrastructure of local importance, intended for the administrative needs of municipalities, as well as for health, educational, cultural, commercial, household, sports, and public utilities services;

7. the networks and the equipment of the technical infrastructure of the transport, energy, water supply, sewerage, communications, and engineering protection network which service only the territory of the respective municipality and are not included in the authorized capital of commercial companies.

(2) (New, SG No. 49/1995) The property under paragraph 1 is not transferred to the ownership of municipalities if it is included in the capital or in the fixed funds, or is kept under the balance-sheet of a partnership company or enterprise with state property.

§ 8. (Amended, SG No. 69/1999) The enforcement of this Act is hereby assigned to the Council of Ministers.

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#### TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act Amending and Supplementing the Local

Self-government and Local Administration Act

(Promulgated, SG No. 65/1995)

§ 56. Any staff positions at Municipal Councils, existing at the time of this Act's entry into force, shall be eliminated upon the expiry of the term of such Councils', elected on 13th October 1991.

#### TRANSITIONAL AND FINAL PROVISIONS

TO THE LEV RE-DENOMINATION ACT

(SG No. 20/1999, supplemented,

SG No. 65/1999, effective 5.07.1999)

§ 4. (1) (Supplemented, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or

will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

.....  
§ 7. This Act shall enter into force on the 5th day of July 1999.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act Amending and Supplementing the  
Local Self-government and Local Administration Act  
(Promulgated, SG No. 69/1995, effective 3.08.1999)

§ 45. Within three months after the entry into force of this Act, the Municipal Councils shall adopt decisions, regarding the alignment of the administrative and territorial structure of the respective municipalities with the requirements of this Act. Until the adoption of such decisions of the municipal councils in mayoralties, which do not conform to the requirements of paragraph 1 of Article 16 of the Territorial Administration of the Republic of Bulgaria Act as of the date of entry into force of this Act, elections for mayors of these mayoralties shall not be held.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act Amending and Supplementing the  
Local Self-government and Local Administration Act  
(Promulgated, SG No. 69/2003)

§ 43. This Act shall enter into force on the date following the day of the local elections held in 2003.

ACT amending and supplementing  
the Local Self-government and Local  
Administration Act  
(SG No. 69/2006)

§ 39. § 15, item 1 shall enter into force as of 1 January 2008.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act Amending and Supplementing the  
Conflict of Interest Prevention and Disclosure Act  
(SG No. 97/2010, effective 10.12.2010)

.....  
§ 44. In the Local Self-government and Local Administration Act (promulgated, State Gazette, SG No. 77/1991, amended, SG No. 24/1995, amended and supplemented, SG No. 49/1995, SG No. 65/1995, amended, SG No. 90/1996, supplemented, SG No. 122/1997, amended, SG No. 33/1998, SG No. 130/1998, amended and supplemented, SG No. 154/1998, supplemented, SG No. 67/1999, amended and supplemented, SG No. 69/1999, amended, SG No. 26/2000, amended and supplemented, SG No. 85/2000, amended, SG No. 1/2001, supplemented, SG No. 28/2002, amended, SG No. 45/2002, SG No. 119/2002, amended and supplemented, SG No. 69/2003, SG No. 19/2005, amended, SG No. 34/2005, SG No. 30/2006, amended and supplemented, SG No. 69/2006, SG No. 61/2007, SG No. 63/2007, SG No. 54/2008, amended, SG No. 108/2008, supplemented, SG No. 6/2009, amended and supplemented, SG No. 14/2009, amended, SG No. 35/2009, SG No. 42/2009, amended, SG No. 44/2009, supplemented, SG No. 15/2010) throughout the text the phrase "Conflict of Interest Prevention and Disclosure Act" shall be replaced by "Conflict of Interest Prevention and Ascertainment Act".

.....

TRANSITIONAL AND FINAL PROVISIONS  
to the Election Code  
(SG No. 9/2011)

.....  
§ 19. The Local Self-government and Local Administration Act (promulgated in the State Gazette No. 77 of 1991; amended in No. 24, 49 and 65 of 1995, No. 90 of 1996, No. 122 of 1997, Nos. 33, 130 and 154 of 1998, Nos. 67 and 69 of 1999, Nos. 26 and 85 of 2000, No. 1 of 2001, Nos. 28, 45 and 119 of 2002, No. 69 of 2003, Nos. 19 and 34 of 2005, Nos. 30 and 69 of 2006, Nos. 61 and 63 of 2007, Nos. 54 and 108 of 2008, Nos. 6, 14, 35, 42 and 44 of 2009 and Nos. 15 and 97 of 2010) shall be amendeded and supplemented as follows:

.....  
§ 24. (Supplemented, SG No. 9/2011, effective as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011) Until the 31st day of December 2011, the right to be elected borough mayors by the Municipal Council or, respectively, to be appointed lieutenant mayors, shall vest in the Bulgarian citizens who, according to Article 4 (5) herein, have resided in the respective nucleated settlement at least during the last six months preceding the date of the election or, respectively, appointment.

§ 25. Item 8, Item 9 (a) (aa) and (bb), (c), (d), (e), (f) and (g), Items 10 and 11 of § 8 and § 24 herein shall enter into force as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011.

FINAL PROVISIONS  
to the Act Amending and Supplementing the  
Local Self-government and Local Administration Act  
(SG No. 32/2011, effective 19.04.2011)

§ 3. In the cases where, as of the date of entry into force of this Act, the circumstances under Article 30, paragraph 4, sub-paragraphs 1, 2, 4, 7, 8, 9, 11, 12 and 13 have occurred, and for them there is no enacted decision of the Municipal Election Commission for termination of the powers, within one month of the entry into force of this Act the Municipal Election Commission shall vote a decision under Article 30, Paragraph 7.

§ 4. This Act shall enter into force as of the date of its promulgation in the "State Gazette".

TRANSITIONAL AND FINAL PROVISIONS  
to the Act to Amend and Supplement the Civil Servants Act  
(Promulgated, SG No. 38/2012, effective 1.07.2012)

.....  
§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under

the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;

2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS to the Public Finance Act  
(SG No. 15/2013, effective 1.01.2014)

.....  
§ 120. (Effective 1.02.2013 - SG No. 15/2013) The Law on Local Self-Government and Local Administration Act (promulgated, SG No. 77/1991, amended, SG No. 24, 49 and 65/1995, SG No. 90/1996, SG No. 122/1997, SG No. 33, 130 and 154/1998, SG No. 67 and 69/1999, SG No. 26 and 85/2000, SG No. 1/2001, SG No. 28, 45 and 119/2002, SG No. 69/2003, SG No. 19 and 34/2005, SG No. 30 and 69/2006, SG No. 61 and 63/2007, SG No. 54 and 108/2008, SG No. 6, 14, 35, 42 and 44/2009, SG No. 15 and 97/2010, SG No. 9 and 32/2011, Decision No. 4 of the Constitutional Court of 2011 - SG No. 36 of 2011, SG No. 57/2011, SG No. 38/2012) Article 34 make the following amendments:

.....  
§ 121. (Effective 1.02.2013 - SG No. 15/2013) The provision of Article 34, para. 8 of the Law on Local Self-Government and Local Administration Act applies only to fees for participation in the specialized agencies of the City Council created the day of promulgation of this law in the "Official Gazette".

§ 122. (Effective 1.02.2013 - SG No. 15/2013) The budgetary procedure for the preparation

of budgets and estimates accounts for funds from the European Union in 2014 is held under the rules of this law.

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which came into force on 1 January 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February 2013.

TRANSITIONAL AND FINAL PROVISIONS to the Election Code  
(SG No. 19/2014, effective 5.03.2014)

.....  
§ 19. (1) The borough mayors, who have been elected by the Municipal Councils, shall continue to execute the powers thereof until the conduct of general elections of municipal councillors and of mayors.

(2) Upon pre-term termination of the credentials of a borough mayor, until general elections of municipal councillors and of mayors are conducted and the newly elected borough mayor takes the oath of office, the provisions of Article 39a and Article 42a as repealed of the Local Self-government and Local Administration Act shall apply.

.....  
TRANSITIONAL AND FINAL PROVISIONS  
to the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act  
(SG No. 7/2018, supplemented, SG No. 21/2018, effective 23.01.2018)

.....  
§ 19. The Local Self-government and Local Administration Act (promulgated in the State Gazette No. 77 of 1991; amended in Nos. 24, 49 and 65 of 1995, No. 90 of 1996, No. 122 of 1997, Nos. 33, 130 and 154 of 1998, Nos. 67 and 69 of 1999, Nos. 26 and 85 of 2000, No. 1 of 2001, Nos. 28, 45 and 119 of 2002, No. 69 of 2003, Nos. 19 and 34 of 2005, Nos. 30 and 69 of 2006, Nos. 61 and 63 of 2007, Nos. 54 and 108 of 2008, Nos. 6, 14, 35, 42 and 44 of 2009, Nos. 15 and 97 of 2010, Nos. 9 and 32 of 2011; [modified by] Judgment No. 4 of 2011 of the Constitutional Court, [promulgated in] No. 36 of 2011; amended in No. 57 of 2011; No. 38 of 2012, No. 15 of 2013, Nos. 1, 19 and 53 of 2014, Nos. 39, 43 and 51 of 2016 and No. 9 of 2017) shall be amended and supplemented as follows:

.....  
3. In the Act, the words "the Conflict of Interest Prevention and Ascertainment Act" shall be replaced passim by "the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act".

.....  
§ 68. (New, SG No. 21/2018, effective 23.01.2018) Paragraph 4(1) with regard to Municipal Councillors and § 19(2) shall enter into force as of 1 December 2019.

TRANSITIONAL PROVISION  
to the Act to Amend and Supplement the Local Self-Government  
and Local Administration Act.  
(SG No. 47/2018)

§ 2. The court proceedings, which have not been concluded before the entry into force of this Act, on contested decisions of the municipal councils under [Article 27, paragraphs 2, 3 and 4](#) shall be terminated in accordance with the provisions of this Act.