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AMENDMENTS L TO LVII TO THE CONSTITUTION OF THE CANTON SARAJEVO

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Pursuant to Article V.2.6.a) of the Constitution of the Federation of Bosnia and Herzegovina and Article 42 of the Constitution of the Canton Sarajevo (“Official Gazette of the Canton Sarajevo” nos. 1/96, 2/96, 3/96, 16/97, 14/00, 4/01, 28/04 and 6/13), the Assembly of the Canton Sarajevo, at the session held on July 31, 2017, has adopted the

AMENDMENTS L TO LVII TO THE CONSTITUTION OF THE CANTON SARAJEVO

AMENDMENT L

In Article 4a of the Constitution of the Canton Sarajevo, which was added by Amendment I to the Constitution of the Canton Sarajevo, paragraphs (2) and (3) shall be amended to read:

“Article 4a

The City shall have the Statute, which must be in compliance with the Constitution of the Federation of Bosnia and Herzegovina, this Constitution and Law and principles established by these regulations.

The Statute shall also regulate the matters of vital national interest, in accordance with the principles established in the Constitution of the Federation and Constitution of the Canton.”

AMENDMENT LI

Article 4b, which was added by Amendment II to the Constitution of the Canton Sarajevo, shall be amended to read as follows:

“Article 4b

The City shall have a City Council which shall be comprised of equal number of councilors from each municipality, provided that it cannot have less than 15 or more than 31 councilors.

The number of councilors, election procedure and the term of office of city councilors shall be determined by the Statute of the City, pursuant to the law.

The Bosniaks, Croats and Serbs, as constituent peoples, shall each be guaranteed the minimum of 20% of seats in the City Council, and at least two seats to the Others, regardless of the election results.”

AMENDMENT LII

After Article 4b, new articles 4c, 4d and 4e shall be added to read as follows:

“Article 4c

Term of office of the city councilors shall be equal to the term of office of the municipal councilors delegated to the City Council.

The City Council shall:

1. Prepare and adopt the Statute of the City by a two-thirds majority;
2. Elect the Mayor and deputy mayors, pursuant to the law;
3. Adopt the Budget of the City;
4. Enact the regulations in execution of its exclusive competences and transferred authorizations;
5. Conduct other authorizations established by the Constitution, Law and Statute of the City.

The method of decision making of the City Council shall be determined by the Statute of the City.

The City shall have the Mayor and deputy mayors, which shall not be from the same constituent people and rank of Others.

The term of office of the Mayor and deputy mayors shall last same as the term of office of the city councilors.

The number of the deputy mayors, authorizations of the deputy mayors and relations of the deputy mayors with the mayor shall be determined by the Statute of the City.

The Mayor shall be authorized for:

1. Implementation of City policies and enforcement of City regulations, as well as of the transferred competencies;
2. Appointment and removal of the civil servants and employees;
3. Ensuring the cooperation of the civil servants and employees with the ombudsmen;
4. Submitting the report to the City Council and public on implementation of the City policies;
5. Conduct other authorizations established by the Law and Statute of the City.

City bodies shall be founded in accordance with the law regulating the organization of administration in the Federation of Bosnia and Herzegovina.

Article 4d

City's exclusive competencies shall be:

1. Ensuring and protection of human rights and fundamental freedoms in accordance with the Constitution;
2. Enactment of the Budget of the City and organization of an efficient city administration adapted to the needs of the City;
3. Enactment of the programs and plans of the development of the City and creating conditions for economic development and employment, operation of charity organizations and improvement of tourism;
4. Establishment and implementation of policy of planning and regulation of space and environment protection in the territory of the City and resolution finding in administrative procedure in the area of construction, pursuant to the law;
5. Establishment of the policy of usage and establishment of the level of compensations for usage of public property of interest for the City, management of natural resources of interest for the City and distribution of proceeds gained on the basis of their usage;
6. Management and disposal of the City property;
7. Management, financing and improvement of activities and structures of City's communal infrastructure:
 - a. City cemeteries;

- b. Bridges of special significance for the City;
 - c. City's street light;
 - d. City parks;
8. Deciding on disposal of the apartments owned by the City and level of rent for usage of the apartments owned by the City, prescribing the rules for keeping order in residential buildings in the territory of the City, ensuring funds for works on protection of structures of cultural and historical significance in the territory of the City, regulation of and ensuring the usage of office space managed by the City and conducting control over their usage;
 9. Naming streets and squares in the territory of the City;
 10. Enactment of the regulations on conditions, construction and maintenance of monuments, memorial and similar features in the territory of the City;
 11. Foundation, management, improvement and funding of institutions and construction of structures for satisfying the needs of the population in areas of culture and sport of significance or special interest for the City;
 12. Determining the bases of common policy of development of culture, physical culture, sport, rest and recreation of citizens in the territory of the City, and organizing or participation in organizing of cultural and sporting events and sporting matches of significance for the City;
 13. Analysis of the situation in area of public peace and order, security of persons and property, and proposing of measures towards the bodies competent for these matters;
 14. Enactment of regulations on taxes, fees, contributions and duties falling within the competence of the City;
 15. Establishment and conduct of inspection control over the enforcement of regulations falling within City's exclusive competencies;
 16. Calling a referendum for the territory of the City;
 17. Calling a voluntary tax, public loan and deciding on City's borrowing;
 18. Founding of and ensuring the working conditions for the City radio and television stations, printed media and other means of public information;
 19. Facilitating the development of civil society;
 20. Animal protection.

Conduct of certain activities referred to in paragraph (1) of this Article the City may, in accordance with the law, trust to institutions, commercial companies, other legal entities and tradesmen.

Article 4e

Municipalities that are not incorporated in the City and the City shall together manage, finance and improve the activities and structures of indivisible communal infrastructure, as follows:

1. Water supply, drainage and waste water treatment;
2. Maintenance of urban sanitation and solid waste management;
3. Natural gas supply;
4. District heating; and
5. Organization and improvement of the City public transport.

Municipalities that are not incorporated in the City and the City may trust the activities referred to in paragraph (1) of this Article to the Canton."

AMENDMENT LIII

After Article 5, new Article 5a shall be added to read as follows:

“Article 5a

Official languages in the Canton shall be: Bosnian language, Croatian language and Serbian language, and official scripts shall be Latin and Cyrillic.

Other languages may be used as means of communication and education.

Provisions of the Constitution shall equally apply to persons of both male and female genders, regardless of the grammatical gender case of the noun used in the text.”

AMENDMENT LIV

In Article 12, introductory sentence shall be amended to read as follows:

“The Canton shall have all the competencies which are not expressly trusted to the Federation authority or which do not fall within the exclusive competencies of the local self-government units, and shall be particularly competent for the:”.

AMENDMENT LV

In Article 38, paragraph (2) shall be amended to read as follows:

“Municipality and City shall be entitled to appropriate sources of financing they freely dispose of within their competences, as well as to funds for conducting delegated or transferred activities falling within the framework of rights and duties of the Canton.”

After paragraph (2), new paragraphs (3), (4) and (5) shall be added to read as follows:

“Municipality and City shall earn their revenues by taxation, borrowing and otherwise, in accordance with the law.

In line with the established fiscal policies, a cantonal law shall establish the types of taxes, fees, contributions and duties that fully or partially belong to the municipality or City as source revenues.

Municipality and City shall earn one part of the financial sources from local duties and fees whose rate they determine independently within the framework of the law.”

Current paragraph (3) shall become paragraph (6).

AMENDMENT LVI

After Article 39 of the Cantonal Constitution, new Article 39a – Property of the Self-government Units shall be added to read as follows:

“Article39a – Property of the Self-government Units

Municipality and City shall be entitled to movable and immovable property. Items, rights and financial means acquired by purchasing or on other way, in compliance with laws of Bosnia and Herzegovina, the Federation and Canton shall be considered as property. The property of a municipality i.e. City shall be managed by the municipal, i.e. City council, in manner established by the Statute.”

AMENDMENT LVII

After Article 51 of the Cantonal Constitution, new Article 52 shall be added to read as follows:

“Article 52

The Assembly of the Canton Sarajevo shall harmonize the cantonal laws regulating the local self-government and belonging of public revenues with these amendments and with them it shall regulate the issues of competence and responsibility of the City and municipalities, their interrelationships and method of financing.

Transfer and takin over the competencies and financial means for their implementation shall be carried out within two years these amendments enter into force at latest.”

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**SPEAKER
ASSEMBLY OF CANTON SARAJEVO**

Prof. Ana Babić