Statute of the City of Sarajevo, 27 March 1997

Draft

Statute of the City of Sarajevo

CHAPTER I : COMMON PROVISIONS

Article 1
Principles

1. This Statute regulates the right and obligation to decide on the interests and needs of citizens of the City of Sarajevo and the City-Municipalities, the reflection of the multi-ethnic structure of Sarajevo within the bodies of the City of Sarajevo, the scope of the local self-government, the organisation, the inner structure and competence of the City of Sarajevo and City-Municipalities, the participation of citizens in affairs of local self-government, the financing of the City and the City-Municipalities, as well as other important issues, rights, obligations and responsibilities referring to the City of Sarajevo and the City-Municipalities.
2. In performing their tasks, the City of Sarajevo and the City-Municipalities are obliged to respect the basic rights of all people, as well as their fundamental freedoms according to Chapter II of the Constitution of the Federation of Bosnia and Herzegovina, to grant equal rights to all inhabitants taking into consideration their national; religious and cultural identity, and to foster their peaceful coexistence.

Article 2
Self-Government

The City of Sarajevo and the City-Municipalities foster the welfare of its inhabitants in free self-government through their organs elected by the citizens.

Article 3
Legal position

1. The City of Sarajevo (hereafter: the City) is a legal entity, formed in accordance with the provisions of Chapter VI.B of the Constitution of the Federation of Bosnia and Herzegovina. It can, on its own behalf, make commitments and take on commitments; charge and be charged in Court.
2. The City and the City-Municipalities have their own seals. Until the competent organs decide otherwise, the seal with the text “Bosnia and Herzegovina”, “Federation of Bosnia and Herzegovina”, “Sarajevo Canton” and the addition “The City of Sarajevo” is used. The City-Municipalities have the seal which apart from name “Federation of Bosnia and Herzegovina”, “Sarajevo Canton” and “The City of Sarajevo” carries the names of the City-Municipalities according to Article 5 of this Statute.

Article 4
Name

The name of the City is: “The City of Sarajevo”.

Article 5
Territory of the City

1. The City of Sarajevo encompasses the municipalities: Centar, Novi Grad, Novo Sarajevo and Stari Grad (hereafter: the city municipalities) with their territories.

Article 6
Tasks of the City

1. The City has the right and obligation to provide the necessary public institutions and facilities for its citizens, within its financial, personnel and material abilities.
2. The City is competent for:
    a. City finances ,
    b. Urban planning/local land use ,
    c. Public services/infrastructure (such as water, sewage, garbage collection, heating, gas, markets, public parks, fire-brigade, local health services, sports, installations, graveyards),
    d. Public transport,
    e. Culture,
    f. Primary and secondary education,
    g. Local business,
    h. Charitable organisations,
    i. Local radio and television,
    j. Local tourism,
    k. Executive aspects of housing policy (such as allocation of apartments, planning, building and maintenance of publicly owned buildings, decision on the level of rents)
    l. Other responsibilities assigned to the City by the Canton or municipalities

Article 7
Issues of vital national interest

1. Culture, education, religion and national monuments are issues of “vital national interest”. Legislative decisions in the City Council in an area of “vital national interest” are taken in accordance with Article 23. of this Statute.
2. There are no automatic “vital national interests” in

other fields. As an exceptional rule, in the fields of housing affairs, infrastructure/public services and local land use, a specific decision might affect the “vital national interests” of the Bosniacs, Croats and the group of the Others.

3. In such a case, the group concerned has to present convincing sustained evidence for its “vital national interest” being infringed upon. On the basis of such evidence, Article 23. shall apply in an analogous way.

Article 8
National and International Co-operation

The City has the right to join and to enter bilateral co-operation with national and international associations of cities and municipalities, as well as with cities and municipalities.

Article 9
Mechanisms of Local Self-Government

The City regulates the issue of the local self-government by means of decisions by its organs and its citizens.

CHAPTER II: ORGANS OF THE CITY

Article 10
Organs

Organs of the City and the City Council and the Mayor.
Part one: The Council

Article 11
Composition of the City Council

1. The City Council is composed of 28 members, who carry the title of “City Councillor”. The Municipal Councils of the four City-Municipalities shall each nominate 7 delegates to the City Council, from among the municipal councillors.

2. The duration of mandate of the City Councillors shall be the same as the mandate of the municipal councillors from the municipalities which form the City.
3. Bosniacs, Croats and the group of Others shall each be guaranteed a minimum of 20% of seats in the City Council, regardless of election results.

Article 12
Competences of the City Council

1. The City Council is the highest organ of the City, and according to Article 6 of this Statute, it is competent for all important issues of the City.
2. The City Council supervises the entire administration of the City. It is entitled to have an overview of the implementation of its resolutions, especially regarding the management of the City revenues and expenditures. For this purpose, it can, upon the request of a Party Group or a quarter of its members, form a Committee, which can examine documentation in the premises of the city administration. The Committee must submit a report on results of the examination.
3. Each City Councillor is entitles to put a motion on all affairs regarding the City and all the points on the agenda.
4. As for the rest, the regular supervision of the City Administration, running of the Mayor’s office and the City Government, is carried out by means of the exercise of the right to ask questions concerning the points on agenda at sessions, as well as by means of the written inquires. The Mayor is obliged to answer the inquires within one-month deadline at the latest. Apart from this, he must, on his own initiative , keep the City Council informed about important issues.

Article 13

Independence

The City Councillors perform their duty according to their free convictions directed only to the welfare of the City, its City-Municipalities and inhabitants. They are not bound to follow anybody’s orders, instructions or wishes.

Article 14
Conflict of Interest

1. No City Councillor can be involved in discussions or decisions on issues in which the decision could directly favour or harm him or his family.
2. The family in the sense of Paragraph 1 is:
    a. fiancé(e),
    b. spouse or former spouse
    c. relative and in-laws in the direct
    d. brothers and sisters
    e. children or brothers and sisters,
    f. husbands and wives of the brothers and sisters, as well as brothers and sisters of husband and wives,
    g. brothers and sisters of the parents.
3. According to Paragraph 1, a person hired, except on voluntary basis, or employed with a remuneration, by someone who in this matter has a special personal or economic interest, is also excluded from the participation.
4. Paragraphs 1 to 3 do not apply if the City Councillor concerned participates only as a member of a professional, religious and national community, whose common interests are related to the matter.
5. If there is a doubt whether there is conflict of interest in a particular case, the City Council decides by a simple majority. Every City Councillor must consider whether conflict of interests are present in his case. Before handling an issue, every City Councillor can put motion in the City Council for passing a decision on whether there is conflict of

interest concerning one or more other City Councillors. If the motion is not put, or if conflict or interest is not determined before discussions and voting on an affair, the decision remains valid also in the case it is later determined that there was conflict of interest.

Article 15
Secrecy

1. The City Councillors are obliged to keep secret in official matters, which, by their nature or upon explicit decision of the City Council, should be handled as confidential.
2. This is still applicable when they have withdrawn form the City Council.

Article 16
Determining of Quorum

The basis for determining the quorum is the member of the City Councillors.

Article 17
Convening the City Council

1. The City Council meets for the first time within a two-week period after the nomination of the City Councillors, and thereupon as often a necessary, however, at least once every month. It must be convened without delay whenever one third of the City Council members submit a written request including the agenda. The request is submitted to the Chairman of the City Council.
2. The City Council is convened for the first session after the nomination of the City Councillors by the oldest member.
3. When convening the session, the Chairman must propose an agenda.

Article 18
Chairman and Vice-Chairmen of the City Council

1. At the first session of a new legislative period, the City Council elects, by simple majority, Chairman among its members, who carries the title of “Chairman of the City Council”, and two Deputies, who carry the title of “Vice-Chairman of the City Council”. Until the Chairman is elected, the sessions in the City Council are chaired by the oldest member of the City Council.
2. Each Vice-Chairman is elected from a different group than the Chairman and the other Vice-Chairman.
3. The mandate of the Chairman or Vice-Chairman of the City Council terminates with the expire of the mandate of the City Councillors. The Chairman and Vice-Chairmen can be dismissed earlier by two-third majority of votes of the City Councillors. It this case, a by-election should follow.

Article 19
Tasks, Rights and Obligations of the Chairman

1. The Chairman of the City Council represents the City Council.
2. The Chairman convenes the City Council in writing with the announcements of the agenda which he proposes. At least 3 days must pass between submitting of invitations and the day of session. Issues which are not on the agenda can be discussed and decided upon only if the simple majority of the City Councillors agree to it. If this quorum is not achieved, the Chairman has to propose the point for the agenda of the next session.
3. The Chairman chairs the sessions of the City Council, gives the floor, takes care that the sessions are carried out in an orderly way and exercises domestic authority.
4. Personnel and material means necessary for performing

his duty shall be put at the disposal of the Chairman by the City of Sarajevo. The office is run by the Secretary of the City Council. The Secretary and the office associates are employees of the city administration, and they are subject to the instructions of the Chairman.

5. The Vice-Chairmen support the Chairman in exercising his duties and represent him in his absence on an alternate basis.

Article 20
Publicity of the Sessions

The sessions of the City Council shall be public and they shall be announced to the public timely in the proper form. Upon request, the city Council can exclude the public on particular matters. The request is discussed and decided upon at a session not open to the public. The result is announced at a public session. The details are specified by the Rules of Procedure.

Article 21
Participation of the Mayor and the City Government

1. The Mayor and the City Government participate in the sessions of the City Council, but are not eligible to vote. The Mayor has the right to speak at any time on any point of the agenda. After being requested, he is obliged to give the City Council information on all issues discussed.
2. On certain points, the Mayor can delegate his rights and obligations, according to Paragraph 1, to a competent member of the City Government.
3. In cases specified in Article 29, paragraphs 3 to 6, the Deputy Mayors have also the right to speak at any time.

Article 22
Quorum

1. The City Council can pass resolutions if more than half

of the elected City Councillors are present, or necessary two-thirds majority of elected City Councillors when the issues which according to this Statute demand two-thirds majority are discussed. The Chairman of the City Council must determine the quorum at the beginning of the session. It is assumed to exist until the opposite is determined upon the request.

2. If a certain issue has been deferred because of the quorum of the City Council, and if a session on the same issues is convened anew, it is considered that there is a quorum in the City Council, regardless of the number of the present City Councillors. This is not applied in case of the affairs for which a two-third majority is required according to this Statute or laws.

Article 23
Voting

1. The resolutions are passed by the majority of votes of present councillors. Voting is conducted by open ballot, unless the opposite is explicitly determined or if the City Council decides on voting by secret ballot upon request of one of its members.
2. If the issue which is being voted concerns an issue of “vital national interest” of one of the group of Bosniacs, Croats and the Others, a majority, including at least 4 City Councillors from the Bosniacs, Croats and the group of Others, respectively, shall be required.
3. If there is no agreement whether or not a decision is of “vital national interest” as defined in Articles 7, a commission of three eminent persons shall take a binding majority decision on the matter within 24 hours.
4. The commission shall be composed of one representative of each constituent people, to be elected by the Bosniac and Croat members, respectively, of the City Council at the beginning of each legislative period, and of an

eminent judge, jointly to be chosen by the two elected members within 48 hours after their election.

5. If, within this time frame, they cannot reach agreement on the election of the third member, the Constitutional Court of the Federation of Bosnia and Herzegovina shall, within a further period of 48 hours, choose the third member.

Article 24
Committees

1. The City Council forms Committees out of its members, which shall not be from the same political party, in order to prepare its resolutions.
2. The Committees are formed according to proportion of Party Groups' strength. They nominate as many members of the Committees as they are entitled and submit the names to the Chairman of the City Council in writing. If a member of a Committee withdraws from his office, the party Group concerned nominates a new member. The Committee members can authorise other City Councillors who belong to their Party Group to represent them in a particular case.
3. the Committees elect the Chairman and the deputy among its members.
4. The Chairman of the City Council, as well as the Vice-Chairmen, can participate in all Committee sessions without the right to vote, and other City Councillors can participate as listener even in the sessions closed for the public.
5. In principle, the mayor must participate in the sessions of the Committees. He can authorise a particular member of the City Government to represent him.
6. As for the rest, the provisions concerning the City Council are accordingly applied to the Committees.

Article 25
Minutes

1. The minutes of the essential contents of discussions and resolutions by the City Council and its Committees shall be taken. It should be evident from the minutes who was present at the session, which points were tackled, which resolutions were passed or which elections were carried out.
2. The minute-taker is the Head of the office of the Chairman of the City Council, in case he is prevented from attending, some other employee from the office or an associate of the City Administration, who must be appointed by the Mayor upon the request of the Chairman of the City Council or the Chairman of the Committee.
3. The minutes must be signed by the minute-taker and by the Chairman at sessions of the City Council, by the Chairman of the Committee at sessions of the Committees, and delivered to the Mayor, as well as to all participants in the sessions.

Article 26
Rules of Procedure

The City Council passes its own Rules of Procedure, which regulate its internal affairs, as well as affairs of the Committees. The Rules of Procedure particularly refer to the provisions maintaining the orderly course of the session, to the form of invitations, to the details on invitation periods, to the seating arrangements, to the formal procedures at voting and elections, as well as to the general course of the work. The provisions of the Rules of Procedure must not contradict this Statute.

Part two: The Mayor

Article 27
Representing the City

1. The Mayor represents the City.

2. The statement of the City are made by the Mayor. If the City is thereby bound by law, it is necessary to put them in writing with the official seal.

Article 28
Tasks of the Mayor

1. The Mayor is responsible for the orderly functioning of the city administration, within the limits of financial means earmarked by the City Council. He runs the city administration and is superior to all employees of the City. He appoints them, promotes them taking into consideration the staff plan and dismisses them from their office in accordance with laws in force.
2. When employing people, the Mayor must see to it that the distribution of posts will be done in an equitable manner, so as to secure the special multi-ethnic character of the City also in its administration.
3. The Mayor must organise the City Administration as economically and efficiently as possible, see to orderly functioning of the Administration, and divide it in individual departments, in accordance with Article 6 of this Statute. For this purpose, he must issue an organisational plan and general instructions on duty, in close consultation with two Deputy Mayors. Article 29, paragraph 4 of this Statute must be observed.
4. The Mayor can assign additional tasks to the individual departments according to paragraph 3. He has general policy making powers over departments.
5. The Mayor should in particular:
    a. prepare and implement the resolutions of the City Council;
    b. solve the issues which are incumbent on him according to this Statute;
    c. apply the laws and regulations, which should be implemented by the City;
    d. produce the Budget Plan and implement it according

to the resolutions of the City Council;

e. supervise public institutions and facilities, City enterprises, as well as the City assets;
f. make sure the rights of the inhabitants of Sarajevo, specified in Article 1 Paragraph 2, are respected;
g. ensure the co-operation between the city administration and the Ombudsmen according to Chapter II B of the Constitution of the Federation of Bosnia and Herzegovina;
h. foster the co-operation of the City-Municipalities. For this purpose, he has to convene a meeting at least once a month, at which the Chairmen of City-Municipalities should take part. The results of the meeting should be recorded in the Minutes on Results.

Article 29
Deputy Mayors

1. The Mayor has two Deputies. The two Deputies will represent the mayor in his absence on an alternate basis. They carry the title of “Deputy Mayor”.
2. The Mayor shall constantly inform his Deputies about all current issues.
3. The co-signatures of the Deputy Mayors are necessary on all proposals, which must be submitted to the City Council to decide upon. If they do not sign due to their divergent opinions, they are obliged to substantiate it in writing. The proposal together with the substantiated divergent opinion in writing must then be forwarded to the City Council for decision.
4. The consent of the Deputy Mayors is necessary for all important decisions, especially concerning the organisation of the Administration, issuing of the general instructions on duty, as well as employing and dismissing the staff. If the consent is not given, the

Deputy Mayors are obliged to substantiate their divergent opinion in writing, and the matter is presented to the City Council for decision. In such cases, the Deputy mayors have the right to speak in the City Council. The Deputy Mayors decide what an important decision is along the lines of this provision.

5. In case urgent decisions should be made due to the nature of the issue, which cannot wait, the mayor is entitled to reach a decision on his own, if it is not possible to obtain the consent of the Deputy Mayors in time. The Deputy Mayors have to be informed about the Mayor's decision as soon as possible.
6. In other case, if it is necessary to make an urgent decision, which cannot wait, the Mayor has exclusive right also in presence of the Deputy Mayors in the case of dissent to decide immediately. The City Council has to be informed about the decision and the divergent opinion of the Deputy Mayors.

Article 30
Election of the Mayor

1. Every citizen of Bosnia and Herzegovina eligible to vote, can be elected Mayor.
2. The election should be carried out at the first session of the City Council at the beginning of each new term of the office of the City Councillors.
3. Every City Councillor is entitled to nominate candidates.
4. Before the election, the nominees are obliged to declare in writing, that they are available as a candidate and will accept it.
5. A majority of more than half of votes from the elected City Councillors is required to be elected Mayor. If none of the nominees receives the necessary votes in the first ballot, a second ballot from a short list of two candidates who polled the largest number of votes is

carried out. If the two candidates on the second place polled the same number of votes, the decision who will take part in the second election is reached by drawing of lots, unless one of the candidates renounces. If this ballot ends in a tie, the Chairman of the City Council reaches the decision by the drawing of lots.

6. Immediately after the election, the elected should declare whether he accepts his election. If he does not accept it, the election is repeated among the remaining candidates.

Article 31
Term of Office

The mandate of the Mayor shall last 2 years.

Article 32
Removal from Office

The Mayor can be removed from his office before the expiration of his mandate by a City Council resolution. The motion should be supported by more than half of the elected City Councillors. The resolution on the Mayor’s removal from office must be passed at a special session of the City Council. A two-third majority out of the elected City Councillors is required.

Article 33
Election of the Deputy Mayors

1. Each Deputy Mayor must belong to a different group (Bosniacs, Croats, or the group of the Others, respectively) than the Mayor and the other Deputy Mayor. They are elected and removed from office according to the same procedure applied in the election and removal from office of the Mayor.
2. The mandate of Deputy Mayors shall last 2 years.

Article 34
Inauguration and taking the oath

1. After their election, the Mayor and Deputy Mayors are inaugurated in office at a public session, by taking the oath before the Chairman of the City Council.
2. They receive the Charter on their appointment signed by the Chairman of the City Council.

Article 35
Incompatibility

If a member of the City Council or one of the four City-Municipalities Councils is elected Mayor for Deputy Mayor, he must resign his seat before the inauguration of the office.

Article 36
City Government

1. The City Government consists of Mayor, Deputy Mayors and Heads of Departments. The City Government is an auxiliary organ of the Mayor. The Mayor is the Head of the City Government.
2. In the City Government, Bosniacs, Croats and the group of the Others shall each receive a guaranteed minimum of 15 to 20 % of positions.
3. The Heads of Department are appointed by the Mayor with the consent of the Deputy Mayors, and they can also be dismissed by him, with the consent of the Deputy Mayors and in accordance with the law.
4. When appointing Heads of Departments, the mayor must respect Paragraph 2 of this Article. Further on, he must check whether Heads of Departments are professionally suitable for the tasks they should fulfil.

Article 37

Tasks of the City Government

1. The City Government meets, as a rule, once a week at a session which must be convened by the Mayor, with an agenda enclosed. The members of the City Government jointly discuss all the tasks incumbent on the City Administration and give recommendations concerning preparations and implementation of the City Council's resolutions to the Mayor for him to decide upon. Minutes should be taken at the sessions. Details are specified by the Rules of Procedure produced by the Mayor.
2. On the basis of the discussions and in accordance with Paragraph 1, the Heads of Departments manage their departments independently within the framework of the Mayor's policy making powers.

Article 38
Compensation

Holders of an office in the City Government should be paid an appropriate monthly compensation for the time, work and the material means involved, which should be determined according to the responsibilities in the office. It is presumed that the office in the City Government is a full-time engagement. The City Council decides on the amount of the compensation.

Article 39
Secretary of the City

The Office of the City, run by a Secretary, co-ordinates all preparatory and executive activities and assists the Mayor. The Secretary, who is appointed by the Mayor, shall perform his function as full-time employee and for an unlimited period of time. Details are specified in instructions on duty issues by the Mayor.

CHAPTER III: CITY MUNICIPALITIES

Article 40
Organs

Organs of the City-Municipalities are the Municipal Council and the Head of the Municipality.

Article 41
Tasks

The Municipalities within the City are legal entities. They issue their own Statute. They are responsible for activities in the field of social affairs, and registry (cadastre), registry of births, marriages, as well as certain functions that may eventually be transferred from the Federation Ministry of the Interior, e.g. the registration of persons.

Article 42
Co-operation of the City-Municipalities

1. In accordance with the Constitution and the law, the City-Municipalities have the right to mutual cooperation when performing the tasks of mutual interest.
2. The City of Sarajevo has to be notified about the agreements according to paragraph 1.

Article 43
Participation of the mayor at the session of the City-Municipal Council

The Mayor of the City must be informed of the sessions of the City-Municipal Council. He can participate in the sessions or can authorise a member of the City Government to represent him. Upon the explicit request he is obliged to participate. He has the right to speak.

CHAPTER IV: OUTLYING MUNICIPALITIES

Article 44

Co-operation of the outlying Municipalities

1. In order to ensure the proper functioning of the City public services and enterprises, which compraise to a large extent objects situated in Ilidza and other Municipalities, outlying Municipalities shall be obliged by legislation not to hinder of to interfere with the operation of these services and enterprises by the City.
2. This shall pertain to public services dealing with water supply, sewage, public transport and other public services.
3. The City undertakes to supply neighbouring Municipalities with such services as agreed upon. The Municipalities will participate in the financing of these services to the extent that they profit from them.

CHAPTER V: TRANSITIONAL AND FINAL REGULATIONS

Article 45
Duration of Mandate in the Transitional Period

The Mayor and the City Councillors elected in the transitional period shall remain in office until the first local elections in the municipalities which form the City have been carried out.

Article 46
Adoption of the Statute

The Statute shall be adopted at the first session of the City Council by a two-thirds majority of elected councillors.

Article 47
Public Announcement

Public announcement of this Statute is made in the official gazette.

Article 48
Amendments to the City Statute

1. Amendments to Articles 3(1),5,6(2), 7,11,18(2),23(2)-(5), 28(2),33(1),36(2), 41, 44 and 48 shall be adopted a two-third majority of the City Councillors, including at least 4 City Councillors from the Bosniaks, Croats and the group of the Others respectively.
2. Amendments to other Articles of this Statute shall be adopted by a two-third majority of the elected City Councillors.
3. In light of the practical experience gained with the organisation of Sarajevo, provisions of the Articles referred to in paragraph 1. of this Article shall be reviewed by the Federation partners at the end of the current Cantonal legislative period.

Article 49
Entry into Force

This Statute comes into force by the day of its publication in the Official Gazette.

Office of the High Representative