



PARLIAMENTARY DEVELOPMENT PROJECT

A Program funded by the U.S. Agency of International Development

PDP/ІНІ ' 23â

LAW OF UKRAINE ON LOCAL SELF-GOVERNMENT IN UKRAINE [MAY 21, 1997]

This Law, in accordance with the Constitution of Ukraine, determines the system and guarantees of local self-government of Ukraine, provisions of organization and activity, the legal status and responsibilities of bodies and officials of local self-government.

PART I. GENERAL PROVISIONS

Article 1. Main Terms Used in this Law

The main terms used in this Law are defined as follows:

territorial community -- citizens who permanently reside within the boundaries of a village, settlement, or city, which are independent administrative-territorial units, or voluntary associations of citizens of several villages with one administrative center;

administrative-territorial unit -- oblast, raion, city, submunicipality, settlement, and village;

local referendum -- the accepted form whereby a territorial community adopts, by direct vote, decisions which belong to the competence of local self-government;

general assembly -- assembly of all or some citizens of a village (villages), settlement, or city, for resolving issues of local significance;

representative local self-government body -- an elected body (council) consisting of deputies and which is granted, in accordance with the law, the right to represent the interests of the territorial community and to adopt decisions on its behalf;

raion and oblast councils -- local self-government councils which represent the common interests of territorial communities, settlements, and cities;

general composition of council -- the number of council deputies, as defined by the council in accordance with the law;

council composition -- the number of deputies elected to the corresponding council, whose powers are defined and not suspended in the procedure established by law;

competent council composition -- the number of deputies elected to the corresponding council, whose powers are defined and not suspended in the procedure established by law and which constitutes no less than two-thirds of the general council composition of elected deputies;

executive bodies of councils -- bodies which are formed, in accordance with the Constitution of Ukraine and this Law, by village, settlement, city, and submunicipal (in the event they are formed) councils, in order to exercise the executive and organizational functions and powers of local self-government, within the limits defined by this and other laws;

self-organized bodies of population -- representative bodies formed by part of the population which temporary or permanently resides on the corresponding territory within a village, settlement, or city;

local self-government official -- a person who works in bodies of local self-government and who bears the corresponding official duties in the exercise of organizational and managerial, consultative and advisory functions, and who is remunerated at the expense of the local budget;

delegated powers -- powers of executive bodies, vested by law in the local self-government bodies, as well as powers of local self-government bodies which are delegated to the corresponding local state administrations, on the decision of raion and oblast councils;

communal property right - the right of a territorial community to use and manage its property in a purposeful, economical and effective manner, at its own discretion and in its own interests, both directly and through local self-government bodies;

local self-government budget (local budget) -- plan of formation and utilization of financial resources which are necessary in ensuring the functions and powers of local self-government;

raion budget -- plan of formation and utilization of financial resources which are necessary in ensuring the common interests of territorial communities of villages, settlements and towns of raion significance, implementing local programs, and executing budget leveling;

oblast budget -- plan of formation and utilization of financial resources which are necessary for ensuring the common interests of territorial communities, implementing local programs, and executing budget leveling;

current budget -- local budget revenues and expenditures, formed and utilized to cover current expenses;

development budget -- local budget revenues and expenditures, formed and utilized to implement socio-economic development programs and to strengthen the financial base;

minimum local self-government budget -- the calculated amount of local budget funds required to exercise the powers of local self-government, at the minimum level of social needs guaranteed by the State;

minimum level of social needs -- the minimum level of per capita social services guaranteed by the State, within the boundaries of the entire territory of Ukraine;

self-taxation -- a form of raising money among the population of the corresponding territory, on a voluntary basis and in compliance with the decision of the general assembly of citizens at their place of residence, with the aim of financing single-target measures of social character.

Article 2. The Notion of Local Self-Government

1. Local self-government in Ukraine is the true capacity and right, guaranteed by the State, of a territorial community -- residents of a village or several villages voluntarily united into a village community, of a settlement, or a city -- to make decisions on issues of local significance, either independently or as part of the responsibility of local self-government bodies and officials, within the limits of the Constitution and laws of Ukraine.

2. Local self-government shall be executed by the territorial communities of villages, settlements, and cities, both directly and through village, settlement, and city councils and their executive bodies, and also through raion and oblast councils which represent the common interests of territorial communities of villages, settlements, and cities.

Article 3. The Right of Citizens to Participation in Local Self-Government

1. Citizens of Ukraine shall realize their right to participate in local self-government, according to their referral to the corresponding community.

2. Any infringement on the right of citizens of Ukraine to participate in local self-government on the basis of race, skin color, political, religious and other convictions, sex, ethnic and social origin, property status, term of residence on the corresponding territory, or on the basis of language or other characteristics, is prohibited.

Article 4. Fundamental Principles of Local Self-Government

Local self-government in Ukraine is exercised on the following principles:

- power of the people;
- lawfulness;
- openness;
- collegiality;
- combination of local and national interests;
- election;
- legal, organizational, material and financial autonomy, within the limits of powers defined by this and other laws;
- accountability and responsibility of bodies and officials before territorial communities;
- state support and guarantees of local self-government;
- judicial protection of local self-government rights.

Article 5. The System of Local Self-Government

The system of local self-government includes:

- territorial communities;
- village, settlement, and city councils;
- village, settlement, and city heads;
- executive bodies of village, settlement, and city councils;
- raion and oblast councils which represent the common interests of territorial communities of villages, settlements, and cities;
- self-organized bodies of population.

2. Submunicipal councils may be formed in cities with submunicipal division, in accordance with the decision of a city territorial community or a city council, and in compliance with this Law. Submunicipal councils shall form their own executive bodies and elect a council head, who shall simultaneously act as head of the council's executive committee.

Article 6. Territorial Communities

1. The territorial community of a village, settlement, or city is the primary subject of local self-government and the principal bearer of its functions and powers.

2. Territorial communities of neighboring villages may be united into a single territorial community, form single self-government bodies, and elect one village head.

3. The voluntary unification of territorial communities shall take place on the decision of local referenda of the corresponding territorial communities of villages. Such a decision shall serve as the approval for the creation of joint bodies of local self-government, drafting of a joint budget, and unification of communal property.

4. Secession from a village community shall be exercised on the decision of a referendum of the corresponding community.

5. In cities with submunicipal division, submunicipal territorial communities shall act as subjects of the property right.

Article 7. Local Referendum.

1. The local referendum is a form of resolving issues of local significance by a territorial community, directly through the will of the people.

2. Any issue may become the subject of a local referendum, provided it belongs to the competence of local self-government, in accordance with the Constitution of Ukraine, this and other laws.

3. Issues ascribed, by law, to the competence of state power bodies, may not be raised at a local referendum.

4. Decisions adopted at a local referendum shall be binding for execution on the corresponding territory.

5. The procedure for scheduling and conducting a local referendum, and also the list of issues to be decided exclusively at the referendum, shall be defined by the law on referenda.

Article 8. General Assemblies of Citizens

1. The general assembly of citizens is a form of their direct participation in resolving issues of local significance, at their place of residence.
2. Decisions adopted by general assemblies of citizens shall be considered by local self-government bodies in their activities.
3. The procedure for conducting general assemblies of citizens at their place of residence, shall be defined by the law and the statute of the territorial community.

Article 9. Local Initiatives

1. Members of a territorial community shall have the right to initiate the consideration by the council (in the procedure of local initiative) of any issue which belongs to the competence of local self-government.
2. The procedure for submitting a local initiative for consideration by the council, shall be determined by the representative local self-government body, or by the statute of the territorial community.
3. A local initiative submitted for consideration by the council in the established procedure, shall be subject to mandatory consideration at a public meeting of the council, with the participation of members of the local initiative group.
4. The decision adopted by the council on an issue submitted for its consideration by way of local initiative, shall be promulgated in the procedure established by the representative local self-government body, or by the statute of the territorial community.

Article 10. Councils as Representative Bodies of Local Self-Government

1. Village, settlement, and city councils are bodies of local self-government which represent the corresponding territorial communities and which execute, on behalf of and in the interests of these communities, the functions and powers of local government as defined by the Constitution of Ukraine, this and other laws.
2. Oblast and raion councils are bodies of local self-government which represent the common interests of territorial communities of villages, settlements, and cities, within the limits of powers defined by the Constitution of Ukraine, this and other laws, and also powers delegated to them by village, settlement, and city councils.
3. Representative bodies of local self-government, village, settlement, and city heads, and executive bodies of local self-government, shall act according to the principle of power division, in the procedure and within the limits defined by this and other laws.

4. The procedure for the formation and organization of a council's activity shall be defined by the Constitution of Ukraine, this and other laws, and also by the statutes of territorial communities.

Article 11. Executive Bodies of Councils

1. The executive bodies of village, settlement, city, and submunicipal (in the event they are formed) councils, shall be their committees, departments, administration, and other executive bodies formed by the councils.

2. Executive bodies of village, settlement, city, and submunicipal councils are subordinated and accountable to the corresponding councils; in regard to executive powers delegated to them, they are subordinated to the corresponding bodies of executive power.

3. Village councils which represent territorial communities with up to 500 inhabitants, may opt not to form the council's executive body, in accordance with a decision of the corresponding territorial community or village council. In this case, the functions of the council's executive body (with the exception of land and natural resources utilization) shall be exercised single-handedly by the village head.

Article 12. Village, Settlement, and City Head

1. The village, settlement, and city head is the chief official of the territorial community, in accordance with the village (citizens of several villages voluntarily united into one territorial community), settlement, or city.

2. The village, settlement, and city head shall be elected by the territorial community, on the basis of universal, equal and direct suffrage and by secret ballot, to a four-year term, in accordance with the procedure established by law, and shall exercise his or her powers on a permanent basis.

3. The village, settlement, and city head shall chair the executive committee of the corresponding village, settlement, and city council, and also chair its meetings.

4. The village, settlement, and city head may not be a deputy of any council, may not combine his or her official activity with other positions, including on a voluntarily basis (with the exception of teaching, research and creative work, outside office hours), and may not undertake entrepreneurial activity and receive profit from it.

5. The powers and guarantees of council deputies also extend to village, settlement, and city heads, as envisaged by the law on the status of council deputies, unless otherwise established by law.

Article 13. Public Hearings

1. A territorial community shall have the right to conduct public hearings -- meeting with deputies of the corresponding council and officials of local self-government --, during which the members of the territorial community may listen, raise issues and voice proposals, in regard to matters of local significance which belong to the competence of local self-government.

2. Public hearings shall be conducted no less than once per year.
3. Proposals resulting from public hearings are subject to mandatory consideration by local self-government bodies.
4. The procedure for organizing public hearings shall be determined by the statute of the territorial community.

Article 14. Self-Organized Bodies of Population

1. Village, settlement, city, and submunicipal (in the event they are formed) councils, on the initiative of residents, may grant permission to form self-organized bodies of population which represent buildings, streets, blocks, and others, and may ascribe to them part of their own competence, finances, and property.
2. The legal status, procedure of organization and activity of self-organized bodies of population at their place of residence, shall be determined by law.

Article 15. Forms of Voluntary Unification of Local Self-Government Bodies

1. Local self-government bodies, with the aim of exercising their powers more effectively as well as protecting the rights and interests of territorial communities, may unite into an association or other forms of voluntary unification, subject to registration at the bodies of the Ministry of Justice of Ukraine, in accordance with the law.
2. Local self-government bodies and their associations may enter the corresponding international associations, or other voluntary associations of local self-government.
3. Powers of local self-government bodies may not be delegated to associations and other voluntary associations of local self-government bodies.

Article 16. Organizational and Legal, Material and Financial Bases of Local Self-Government

1. Local self-government bodies are legal entities which act independently within the limits of their exclusive powers, as envisaged by this and other laws, and which bear responsibility for their activity in accordance with the law.
2. Local self-government bodies may be ascribed, by law, certain powers of executive bodies, in the exercise whereof they shall be under the control of the corresponding bodies of executive power.
3. Movable and immovable property, revenues from local budgets, off-budget target funds (including hard currency) and other funds, land, natural resources which are the communal property of territorial communities of villages, settlements, cities, and submunicipalities, as well as objects of their common property which is managed by raion and oblast councils, shall serve as the material and financial basis of local self-government.

4. The decision to provide city councils with the right to manage property and financial resources owned by submunicipal territorial communities, shall be adopted at a local referendum of the corresponding submunicipal communities. In the event that the submunicipal territorial community fails, as a result of the referendum, to adopt a decision on delegating the right to the corresponding city council to manage property and finances, and if the city territorial community or city council fail to adopt a decision on forming submunicipal local self-government bodies, the city council shall manage the property and financial resources owned by submunicipal territorial communities, and shall bear responsibility before the community of the corresponding submunicipality.

5. The corresponding councils shall exercise the right of communal property, on behalf and in interest of territorial communities.

6. Local budgets are independent and shall not be included in the State Budget of Ukraine, the Budget of the Autonomous Republic of Crimea, or other local budgets.

7. Local self-government bodies may share, on a contractual basis, certain powers and budget funds, taking into account the local conditions and particularities.

8. Village, settlement, city, and submunicipal (in the event they are formed) councils, may delegate some of their powers to self-organized bodies of population, transfer relevant funds to them as well as material, technical and other resources which are essential for the exercise of their powers, and may monitor this execution.

9. Village, settlement, city, submunicipal, raion, and oblast councils shall have their own seal bearing the Great State Coat of Arms of Ukraine and their own name, and shall hold accounts in Ukrainian banking institutions.

Article 17. Relations of Local Self-Government Bodies with Enterprises, Institutions and Organizations Which Are the Communal Property of the Corresponding Territorial Communities

1. Relations of local self-government bodies with enterprises, institutions and organizations which are the communal property of the corresponding territorial communities, shall be based on principles of their subordination, accountability and controllability to local self-government bodies.

Article 18. Relations of Local Self-Government Bodies with Enterprises, Institutions and Organizations Which Are Not the Communal Property of the Corresponding Territorial Communities

1. Relations of local self-government bodies with enterprises, institutions and organizations which are not the communal property of the corresponding territorial communities, shall be built on a contractual and tax basis, and on principles of controllability within the limits of powers ascribed by law to local self-government bodies.

2. Upon the request of local self-government bodies, in regard to issues which belong to the competence of local self-government, the enterprises, institutions and organizations which are not the communal property of the corresponding territorial communities, shall present the relevant information.

3. Local self-government bodies may initiate inspections, and may also make arrangements to conduct inspections at non-communal enterprises, institutions and organizations, on issues of exercising the executive powers delegated to them.

Article 19. Statute of the Village, Settlement, and City Territorial Community

1. With the aim of considering the historical, national and cultural, socio-economic, and other characteristics of exercising local self-government, the representative local self-government body may adopt the statute of a village, settlement, and city territorial community, on the basis of the Constitution of Ukraine and within the limits of this Law.

2. The statute of a territorial community shall be subject to registration at the bodies of the Ministry of Justice of Ukraine.

3. State registration of the statute of a territorial community may be rejected on the grounds that the statute does not conform with the Constitution and laws of Ukraine. The rejection to register the statute of a territorial community may be appealed in court.

Article 20. State Oversight of the Activities of Local Self-Government Bodies and Officials

State oversight of the activities of local self-government bodies and officials may be exercised only on the grounds, within the limits of powers and in the procedure envisaged by the Constitution and laws of Ukraine, and shall not lead to the interference of state power bodies or their officials in the exercise by local self-government bodies of the exclusive powers delegated to them.

Article 21. Restriction of Rights of Territorial Communities to Local Self-Government

The rights of territorial communities to local self-government may be restricted solely in a time of war or a state of emergency, in accordance with the Constitution and laws of Ukraine.

Article 22. Symbols of Territorial Communities of Villages, Settlements, Cities, Raions, and Oblasts

1. Territorial communities of villages, settlements, and cities may have their own symbols (emblem, flag, and others) which reflect the historical, cultural, socio-economic, and other local characteristics and traditions.

2. Taking into account the proposals of local self-government bodies of villages, settlements, and cities, the raion and oblast councils may approve the symbols of the corresponding raion or oblast.

3. The content, description and procedure for use of symbols of territorial communities of villages, settlements, cities, raions and oblasts, shall be determined by the corresponding council, in accordance with the law.

Article 23. Raising of the State Flag of Ukraine

The State Flag of Ukraine shall be raised over buildings where councils and their executive committees work.

Article 24. Legislation on Local Self-Government

1. The legal status of local self-government in Ukraine shall be determined by the Constitution of Ukraine, this Law, and other laws which do not contradict the provisions of this Law.

2. The legal status of local self-government in the cities of Kyiv and Sevastopol as well as in the Autonomous Republic of Crimea, shall be determined by the Constitution of Ukraine and this Law, taking into account the particularities envisaged by the laws on the cities of Kyiv and Sevastopol.

3. Local self-government bodies and their officials shall act solely on the basis, within the limits of powers and in the procedure envisaged by the Constitution and laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, and in the Autonomous Republic of Crimea -- the normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea and the Council of Ministers of the Autonomous Republic of Crimea, adopted within the limits of their competence.

PART II.

ORGANIZATIONAL AND LEGAL BASIS OF LOCAL SELF-GOVERNMENT

Chapter 1. Powers of Village, Settlement, and City Councils

Article 25. General Competence of Village, Settlement, and City Councils

Village, settlement, and city councils shall be authorized to consider and decide on issues which belong to their competence, in accordance with the Constitution of Ukraine, this and other laws.

Article 26. Exclusive Competence of Village, Settlement, and City Councils

1. The following issues shall be resolved exclusively at the plenary meetings of village, settlement, and city councils:

- 1) to approve council regulations;
- 2) to form and liquidate standing and other commissions of the council, confirm changes in their membership, and appoint the commission head;
- 3) to form the council's executive committee, determine its membership number, approve the personnel composition; introduce changes into the executive committee's composition and its dissolution;
- 4) to appoint, on the proposal of the village, settlement, or city head, the council secretary, and to dismiss the latter;

5) to approve, on the proposal of the village, settlement, or city head, the structure of the council's executive bodies, the general number of the council's personnel and executive bodies, and also expenditures for their maintenance;

6) to form other executive bodies of the council, on the proposal of the village, settlement, or city head;

7) to approve the council's work plan and hear reports on its implementation;

8) to create mass media for the corresponding council, and to appoint and dismiss their managers;

9) to hear reports by the village, settlement, or city head on the activity of the council's executive bodies;

10) to express no-confidence in a village, settlement, or city head;

11) to hear reports by standing commissions, heads of the council's executive bodies, and officials who are appointed or approved by the council;

12) to hear deputies' reports on the activity of the council, and on their execution of the council's orders;

13) to consider deputies' inquiries, and to adopt decisions on these inquiries;

14) to adopt decisions on early termination of powers of a council deputy, in the procedure established by law;

15) to cancel those acts of the council's executive bodies which fail to conform to the Constitution or laws of Ukraine, to other acts of legislation and to the decisions of the corresponding council, adopted within the limits of its powers;

16) to adopt decisions on early termination of powers of the village, settlement, or city head, in cases envisaged by this Law;

17) to determine the number of council members, in accordance with the law;

18) to adopt decisions on holding a local referendum;

19) to adopt decisions, in accordance with legislation, on organizing referenda and elections to bodies of state power, local self-government, and also elections of village, settlement, and city heads;

20) to adopt decisions on delegating certain exclusive powers of local self-government to self-organized bodies of population, and also on the transference of funds, material, technical, and other resources which are necessary for their implementation;

21) to adopt decisions on the formation of associations or entry into associations, other forms of voluntary associations of local self-government, and on secession from them;

22) to approve programs of socio-economic and cultural development of the corresponding administrative-territorial units, and target programs on other local self-government issues;

23) to approve and amend the local budget; to approve the report on the implementation of the corresponding budget;

24) to establish local taxes and fees, and their amounts, within the limits determined by law;

25) to create off-budget target funds (including hard currency), to approve the provisions on these funds; to approve reports on the utilization of the foregoing funds;

26) to adopt decisions on issuing local loans;

27) to adopt decisions on receiving loans from other local budgets and sources, and also on the transfer of funds from the corresponding local budget;

28) to adopt decisions on providing local tax and fee privileges, in accordance with the effective legislation;

29) to determine for enterprises, institutions and organizations which are the communal property of the corresponding territorial communities, the amount of profit which is subject to inclusion in the local budget;

30) to adopt decisions on the alienation of communal property, in accordance with the law; to approve local privatization programs, and the list of communal property objects not subject to privatization; to determine the expediency, procedure and conditions for privatization of objects of the communal property right; to resolve issues on acquiring privatized property, in the procedure established by law, on the inclusion of objects of communal property which was expropriated¹ in the privatization process, agreement of purchase and sale which was breached or deemed invalid, in the established procedure, on the creation, liquidation, reorganization and changing the specialty of enterprises, institutions and organizations which are the communal property of the corresponding territorial community;

31) to adopt decisions on delegating certain powers to other bodies to manage the communal property of the corresponding territorial community, and to determine the limits of these powers and the conditions of their implementation;

32) to form, in the event of necessity, bodies and services for ensuring the implementation of joint projects with other communal property subjects, or joint financing (maintenance) of communal enterprises, institutions and organizations, and to determine the powers of these bodies (services);

33) to resolve issues, in accordance with the law, on the creation of communal property enterprises of joint ventures, including those with foreign investment;

34) to resolve issues, in accordance with the law, on regulating land relations;

¹ Translator's note: the Ukrainian term connotes "expropriation, confiscation or withdrawal."

35) to approve, in accordance with the law, land tax rates and fee amounts for the use of natural resources which are the property of the corresponding territorial communities;

36) to resolve issues, in accordance with the law, on granting permission for the special use of local natural resources, and on the cancellation of such permission;

37) to adopt decisions on the organization of territories and local objects of the natural preserve fund, as well as other territories which are subject to special protection; to submit proposals to the relevant state bodies regarding the official announcement of natural and other objects of ecological, historical, cultural or scientific value as memorials of nature, history or culture, which are protected by the law;

38) to approve, in accordance with legislation, placement on the territory of the village, settlement, or city, of new objects with an ecological influence which includes the corresponding territory, in accordance with effective normative acts;

39) to form police units, in accordance with the law, supported by the corresponding local budget; to approve and dismiss the heads and division inspectors of the police;

40) to hear reports by heads of internal affairs bodies on protecting public order on the corresponding territory, and to raise the issue of dismissing these heads at the corresponding bodies of a higher level, in the event their activity is deemed inadequate;

41) to adopt decisions on issues of administrative-territorial division, within the limits and in the procedure established by this and other laws;

42) to approve, in the established procedure, local city construction programs, general construction plans of corresponding settlements, and other city construction documentation;

43) to approve agreements concluded by the village, settlement, or city head on behalf of the council, on issues which belong to its exclusive competence;

44) to establish regulations, in accordance with legislation, on improving the settlement, ensuring cleanliness and order, trade at markets, and keeping silence in public places, the violation whereof shall entail administrative liability;

45) to adopt decisions, within the limits determined by law, on preventive measures against natural calamities, epidemics and epizootic, the violation whereof shall entail administrative liability;

46) to adopt decisions on the formation of special free and other zones, changes in the status of these zones, and to submit proposals to the corresponding bodies on these issues; to grant consent to the creation of such zones, on the initiative of the President of Ukraine or the Cabinet of Ministers of Ukraine;

47) to adopt decisions on early termination of powers of self-organized bodies of population, in cases envisaged by this Law;

48) to approve the statute of the territorial community;

49) to approve, in accordance with the law, of the Provision on content, description and procedure of use of a territorial community's symbols;

50) to resolve issues, in accordance with the law, of the language (languages) used by the council and its executive body in their work, and in official announcements.

2. The following issues, apart from the issues outlined in part 1 of this article, shall be resolved exclusively at the plenary meetings of city (submunicipal) councils:

1) to determine the scope and limits of powers exercised by submunicipal (in the event they are formed) councils and their executive bodies, in the interests of submunicipal territorial communities;

2) to establish norms on centralized funding from land tax, in special budgetary accounts of submunicipalities.

Chapter 2. Powers of the Executive Bodies of Village, Settlement, and City Councils

Article 27. Powers in the Area of Socio-Economic and Cultural Development, Planning and Accounting

The following belong to the competence of village, settlement, and city councils:

a) exclusive (self-governing) powers:

1) to prepare socio-economic and cultural development programs of villages, settlements, and cities, and also target programs on other issues of self-government, to submit these programs for the council's approval, and to organize their implementation; to submit to the council reports on the course and results of implementing these programs;

2) to ensure a balanced economic and social development on the corresponding territory, and the effective use of natural, labor and financial resources;

3) to ensure the balance of financial and labor resources, monetary revenues and expenditures necessary for managing the socio-economic and cultural development of the corresponding territory, and also to determine local needs for construction materials and fuel;

4) to examine draft projects of enterprises and institutions which are the communal property of the corresponding territorial communities, including comments and proposals to them, and to exercise control over their implementation;

5) to conduct preliminary review of plans for use of local natural resources on the corresponding territory, proposals regarding the placement, specialization and development of enterprises and organizations, regardless of property form, and in the event of necessity, to submit proposals on these issues to the relevant bodies of executive power;

6) to submit to raion and oblast councils the necessary indicators and proposals on programs of socio-economic and cultural development of the corresponding raions and

oblasts, and to submit proposals on the plans of enterprises, institutions and organizations, regardless of property form, which are located on the corresponding territory, on issues of socio-economic and cultural development of the territory, and meeting the needs of the population;

7) to involve, on a contractual basis, enterprises, institutions and organizations, regardless of property form, in the participation of the comprehensive socio-economic development of villages, settlements, and cities, and to coordinate this work on the corresponding territory;

8) to place orders, on a contractual basis, for the production output and performance of work (services) necessary for the territorial community, at enterprises, institutions and organizations;

b) delegated powers:

1) to examine and grant consent to plans of non-communal enterprises, institutions and organizations of the corresponding territorial community, the fulfillment whereof may result in negative social, demographic, environmental and other consequences, and to prepare conclusions and proposals on these issues to the relevant bodies;

2) to keep statistics on citizens who reside either permanently or temporarily on the corresponding territory.

Article 28. Powers in the Area of Budget, Finances and Prices

The following shall belong to the competence of executive bodies of village, settlement, and city councils:

a) exclusive (self-governing) powers:

1) to draft the local budget, submit the draft to the corresponding council for approval, and ensure the implementation of the budget; to submit to the council, on a quarterly basis and in written form, reports on the course and results of the budget's implementation; to prepare and submit to raion and oblast councils, respectively, the necessary financial indicators and proposals on drafting raion and oblast budgets;

2) to establish, in the procedure and within the limits determined by legislation, fees for household, communal, transportation and other services provided by enterprises and organizations which are the communal property of the corresponding territorial community; to agree these issues with non-communal enterprises, institutions and organizations, in the established procedure;

3) to establish, on the approved decision of the corresponding councils, the procedure for use of funds and other property which is the common property of territorial communities;

4) to execute, in the established procedure, the financing of local budget expenditures;

5) to involve, on a contractual basis, funds of enterprises, institutions and organizations, regardless of property form, located on the corresponding territory, as well as funds of the population and budget funds, for the construction, expansion, renovation and

maintenance, on a share basis, of objects of social and industrial infrastructure, and for environmental protection measures;

6) to combine funds, on a contractual basis, of the corresponding local budget and other local budgets for the implementation of joint projects, or for the joint financing of communal enterprises, institutions and organizations, and for the resolution of others issues concerning the common interests of territorial communities;

b) delegated powers:

1) to exercise control, in accordance with the law, over the adherence to obligations of enterprises and organizations, regardless of property form, on payments to the local budget;

2) to exercise control, in accordance with the law, over the compliance with prices and rates;

3) to promote investment activity on the corresponding territory.

Article 29. Powers in the Management of Communal Property

The following shall belong to the competence of executive bodies of village, settlement, and city councils:

a) exclusive (self-governing) powers:

1) to manage, within the limits determined by the council, the communal property of the corresponding territorial communities;

2) to establish the procedure and exercise control over the use of revenues of enterprises, institutions and organizations which are the communal property of the corresponding territorial communities;

3) to hear reports on the work of directors of enterprises, institutions and organizations which are the communal property of the corresponding territorial communities;

4) to prepare and submit for consideration proposals on the procedure and conditions for the expropriation of communal property, projects of local privatization programs and the list of objects of communal property not subject to privatization; to organize the implementation of these programs; to submit written reports to the council on the course and results of the expropriation of communal property;

b) delegated powers: to approve candidates, in the established procedure, for the position of directors of enterprises, institutions and organizations which are part of state property, located on the corresponding territory.

Article 30. Powers in the Area of Housing Utility Services, Consumer and Trade Services, Public Catering Services, Transportation and Communications

The following shall belong to the competence of executive bodies of village, settlement, and city councils:

a) exclusive (self-governing) powers:

1) to manage objects of housing utility services, consumer and trade services, transportation and communications, which are the communal property of the corresponding territorial communities, to ensure their proper maintenance and efficient use, and to provide residents with the necessary level and quality of services;

2) to register citizens who, in accordance with legislation, are in need of improved housing conditions; to distribute and provide housing, in accordance with legislation, which are communal property; and to resolve issues on the use of non-residential premises, houses and buildings which are communal property;

3) to promote the expansion of housing construction, to provide assistance to citizens who are in need of housing, by constructing homes, granting loans, including preferential ones, and subsidies for housing construction or purchase; to assist owners of apartments (houses) in maintenance and renovation; to promote the establishment of associations of apartment owners, and to register such associations;

4) to register residential buildings and garage cooperatives; to adopt decisions on the organization of parking lots for automobiles, and to exercise control over their activity, in accordance with the law;

5) to provide socio-cultural establishments which are the communal property of the corresponding territorial communities as well as the population, with fuel, electricity, gas, and other sources of energy; to resolve issues of water supply, drainage and purification of the sewage system; and to exercise control over the quality of drinking water;

6) to resolve issues of collection, transportation, utilization of domestic waste and rendering it harmless, and also the burial of animal carcasses and rendering them harmless;

7) to organize the improvement of settlements, to involve for this purpose, on a contractual basis, funds, labor, material and technical resources of enterprises, institutions and organizations, regardless of property form, and also the population; to exercise control over the improvement of industrial territories, planting greenery, the protection of greenery and reservoirs, and the construction of recreation areas for citizens;

8) to organize local market places and trade fairs, and to promote the development of all forms of trade;

9) to establish convenient work hours for the population at communal enterprises, trade and public catering units, and public utility services, which are the communal property of the corresponding territorial communities;

10) to confirm the routes and schedules of local passenger transportation, regardless of property form, and to resolve issues of transit passenger transportation, in cases envisaged by legislation;

11) to ensure proper maintenance and protection of cemeteries and other burial places;

12) to involve, on a contractual basis, non-communal enterprises, institutions and organizations of the corresponding territorial community, in providing transportation and communication services to the population;

13) to grant permission, in the procedure established by legislation, for the placement of advertisements;

b) delegated powers:

1) to fulfill measures of expansion and improvement of the network of housing utility enterprises, trade and public catering outlets, public utility services, and the development of transportation and communication;

2) to exercise control, in accordance with legislation, over the proper use and organization of public services by housing utility enterprises, trade and public catering outlets, public utility services, transportation and communication, control over the technical condition, utilization and maintenance of other objects of real estate of all property forms; and to adopt decisions on canceling permission to use such objects, if they violate ecological and sanitary rules, and other legislative requirements;

3) to exercise control over the adherence to legislation on the protection of consumer rights;

4) to establish convenient work hours for public utility services, on agreement with the owners of enterprises, institutions and organizations, regardless of property form, located on the corresponding territory;

5) to register state housing, in accordance with the law, and to exercise control over its utilization;

6) to provide, in accordance with the law, housing which is free or accessible in price, to citizens who are in need of social protection;

7) to exercise control over the housing record situation and compliance with legislation on housing, at enterprises, institutions and organizations, regardless of property form, located on the corresponding territory;

8) to issue orders for living in buildings of state and communal organizations;

9) to keep a list of non-residential premises, regardless of property form, on the corresponding territory, and to submit proposals to their owners on the use of such premises for meeting the needs of the territorial community;

10) to keep a list and to register real estate, regardless of property form, in accordance with the law.

Article 31. Powers in the Area of Construction

The following shall belong to the competence of executive bodies of village, settlement, and city councils;

a) exclusive (self-governing) powers:

- 1) to organize, at their own expense or on a share basis, the construction, reconstruction and renovation of communal and socio-cultural objects, residential buildings, and local roads;
- 2) to execute or delegate, on a competitive basis, to a general construction organization (contractor) the functions of construction, reconstruction and renovation of housing, and other objects of social and industrial infrastructure of communal property;
- 3) to consider and submit proposals to the corresponding executive bodies on the construction and reconstruction of objects on the corresponding territory;
- 4) to involve, on a contractual basis, enterprises, institutions and organizations, regardless of property form, in the development of the capacities of the construction and building materials industry, and in the creation, development and reconstruction of objects of engineering maintenance and transportation services;
- 5) to determine, in the procedure established by legislation and in accordance with decisions of the territorial council, the selection, expropriation and giving away of land for city construction needs, as determined by documentation on city construction;
- 6) to prepare and submit for the council's approval the corresponding local city construction programs, general plans of construction of settlements, and other city construction documentation;
- 7) to establish, on the corresponding territory, the utilization and building regime of land with perspective city construction activity;
- 8) to coordinate, on the corresponding territory, the operation of city construction entities regarding the building of the settlement complex;
- 9) to grant permission, in accordance with legislation, for the construction of objects of city construction, regardless of property form;

b) delegated powers:

- 1) to accept completed objects for utilization, in the procedure established by legislation;
- 2) to organize work connected with the creation and operation of the land registers of settlement city building;
- 3) to exercise, in the established procedure, state control over compliance with legislation and the approved city construction documents in the planning and construction on the corresponding territories; to terminate, in cases envisaged by law, construction which violates city construction documentation, and also individual projects which may cause harm to the environment;
- 4) to exercise control over the reliability and safety of houses and buildings, regardless of property form, in districts with dangerous natural and technological phenomena and processes;

5) to organize the protection, restoration and use of historical and cultural memorials, architecture and city construction, palace parks, park and orchard complexes, and other distinguished historical and cultural landscapes as well as natural preserves;

6) to resolve disputes on city construction issues, in accordance with the law.

2. The following shall also belong to the competence of the executive bodies of city councils (with the exception of cities with submunicipal division), in addition to the powers outlined in point b) of part 1 of this article: to set up architectural planning tasks for builders, technical assignments for houses and building planning, construction and reconstruction, improvement of territories, and to grant permission for the performance of these works.

Article 32. Powers in the Areas of Education, Health Care, Culture, Physical Culture and Sports

The following shall belong to the competence of the executive bodies of village, settlement, and city councils:

a) exclusive (self-governing) powers:

1) to manage establishments for education, health care, culture, physical culture and sports, and health improvement, which belong to the territorial communities or which were transferred to them, and also youth establishments, according to place of residence, and to organize their material, technical and financial assistance;

2) to ensure that minors obtain complete general secondary education; to create the necessary conditions for raising children and youth, development of their skills, labor training, professional orientation, and productive student work; to promote the advancement of preschool and extracurricular educational establishments in their activity, and also child, youth and scientific organizations;

3) to set up a fund of general compulsory education at general educational establishments of communal property, at the expense of local budget funds, and funds allotted for this purpose, on a contractual basis, from enterprises, institutions and organizations, regardless of property form, funds of the population, and other sources; to exercise control over the use of these funds, according to designation;

4) to provide regular free transportation of pupils to schools and back home;

5) to resolve the issue of providing professional art teachers on a privileged basis, in using the premises for workshops, studios and laboratories which are necessary for their creative work;

6) to arrange medical services and food catering at establishments for education, culture, physical culture and sports, and health improvement, which belong to territorial communities or which were transferred to them;

7) to create conditions for the development of culture, to promote the revival of traditional folk art centers, national and cultural traditions of the population, and artistic crafts and trades;

8) to promote the activities of artistic unions, national and cultural societies, funds, associations, and other civic and non-profit organizations acting in the areas of health care, culture, physical culture and sports, and youth work;

9) to create conditions for physical culture and sports activities at the corresponding place of residence and in recreation areas.

b) delegated powers:

1) to provide, within the limits of delegated powers, accessible and free education and medical services on the corresponding territory, access to education in schools which use the state or native language, and the opportunity to learn the native language in state and communal educational establishments, or through national cultural societies;

2) to ensure, in accordance with the law, the development of all types of education and medical care, the development and improvement of the network of educational and medical establishments of all property forms, physical culture and sports, to determine the needs and compile requests for workers at these establishments, to conclude agreements on training specialists, and to organize work on skills upgrading of personnel;

3) to provide, in accordance with legislation, the privileged strata of the population with medicine and medical products;

4) to organize the registration of school and preschool children;

5) to assist in the employment of high school graduates;

6) to provide schoolchildren who study in state and communal education establishments with free textbooks, and to create conditions for self-education;

7) to organize work on preventing the lack of care of minors;

8) to resolve, in accordance with legislation, issues on full state support of orphans and children left with no parental care, at boarding schools, child homes, including foster homes, vocational educational establishments, and to support, at the expense of the State, persons with physical or mental disabilities, who cannot attend regular educational establishments and who are in special educational establishments, and issues of providing citizens with privileges of supporting children in boarding schools, boarding homes at school, and also paying for food catering in schools (for groups with extended days);

9) to resolve issues of granting minors, students, pensioners and the disabled, the right to free and privileged use of centers for culture, physical culture and sports, and also to define the procedure for compensation by these establishments of the value of services provided free of charge or on privileged terms;

10) to provide protection of historical and cultural monuments, and to preserve and use cultural treasures;

11) to register, in accordance with legislation, statutes (provisions) of establishments for health care, education and upbringing, culture, physical culture, and health improvement,

located on the corresponding territory, regardless of their property form; to submit proposals to the relevant bodies on licensing individual entrepreneurial activity in the area of health care.

Article 33. Powers in the Fields of Regulating Land Relations and Environmental Protection

The following shall belong to the competence of executive bodies of village, settlement, and city councils:

a) exclusive (self-governing) powers:

1) to prepare and submit for the council's consideration proposals on establishing the rate of land tax, payments for the use of natural resources, expropriation (purchase) of land, and on providing land which is the property of territorial communities, for construction and other needs; to determine, in the established procedure, the amounts of compensation from enterprises, institutions and organizations, regardless of property form, for environmental contamination and other ecological damages; to establish payments for the use of communal and sanitary networks of the corresponding settlements;

2) to prepare and submit for the council's approval projects on local programs of environmental protection, and to participate in the drafting of national and regional environment protection programs;

3) to prepare and submit, for the council's approval, proposals on adopting decisions on the organization of territories and objects of the local natural reserve fund, and other territories which enjoy special protection; to submit proposals to the relevant state bodies on declaring objects of nature and other objects of ecological, historical, cultural or scientific value, as memorials of nature, history or culture, which are protected by the law;

4) to collect land payments;

b) delegated powers:

1) to exercise control over the compliance with legislation on land and nature protection, over the utilization and protection of national and local land, natural resources, and forest restoration;

2) to register subjects of the property right to land; to register the right of land utilization and land rental agreements; to issue documents which certify the right to land tenure and utilization;

3) to organize and keep documents on land categories;

4) to coordinate issues of granting permission for the special use of natural resources of national significance;

- 5) to resolve land disputes, in the procedure established by law;
- 6) to take necessary measures in liquidating the aftereffects of ecological and natural disasters, epidemics, epizootic and other emergency situations, to inform the population thereof, and to involve enterprises, institutions and organizations as well as the population in these measures, in the procedure established by law;
- 7) to determine, in accordance with legislation, areas for storing, keeping or placing industrial, household and other waste;
- 8) to prepare conclusions on the allotment or withdrawal of land plots, in the procedure established by law, exercised by the bodies of executive power and local self-government bodies;
- 9) to coordinate land division projects;
- 10) to exercise control over the execution of land tenure projects and schemes, and projects of internal economic land tenure.

2. In addition to the powers outlined in point b) of part 1 of this article, the competence of executive bodies of city (with the exception of cities with submunicipal division) councils, shall also include: to coordinate on the corresponding territory the activity of bodies for local land tenure, and also specially authorized state bodies for managing nature protection.

Article 34. Powers in the Area of Social Security of the Population

1. The following shall belong to the competence of the executive bodies of village, settlement, and city councils:
 - a) exclusive (self-governing) powers:
 - 1) to establish, at their own expense or at the expense of charitable revenues, additional guarantees of social protection of the population, in addition to the guarantees established by legislation;
 - 2) to resolve, in accordance with legislation, issues of granting assistance to the disabled, war and labor veterans, and to families of killed servicemen (pronounced dead or missing in action), military servicemen, including demobilized and retired servicemen (except those on active duty), persons disabled since childhood, and families with many children, in regard to housing construction and major renovations, and providing construction materials; primary allotment to the foregoing persons of land plots for the construction of single-family houses, orchards and gardens;
 - 3) to organize social services for underprivileged elderly persons and disabled persons living in homes, merchandise in special shops and departments at socially affordable prices, and also free food catering services;
 - 4) to resolve issues of granting assistance, at the expense of local budgets, for providing funeral services to citizens without family, war and labor veterans, and other categories of

underprivileged citizens; and issues of granting assistance for funeral services for citizens in other cases envisaged by legislation;

b) delegated powers:

1) to draft and submit for the council's approval territorial programs on employment and measures on unemployment protection of various strata of the population, and to organize their implementation; to participate in the drafting of territorial employment programs, to be approved by the corresponding raion or oblast councils;

2) to ensure the fulfillment of measures, as envisaged by legislation, on improving the housing and living conditions of disabled persons, veterans of war and labor, citizens who have been rehabilitated as victims of political repression, military servicemen, including demobilized or retired servicemen, families with no bread-winner, families with many children, elderly citizens who require care at home until placed in care centers, and children left with no parental care, for their upbringing in a family of citizens;

3) to resolve, in accordance with legislation, issues of granting privileges and assistance toward the protection of motherhood and childhood;

4) to resolve, in the procedure established by legislation, issues of guardianship and care;

5) to render, in accordance with legislation, single-time assistance to citizens who are victims of natural disaster;

6) to resolve, in accordance with legislation, issues of granting compensation and privileges to citizens who are victims of the Chornobyl disaster, and in other cases envisaged by legislation;

7) to organize paid public works for persons who are registered as unemployed, as well as pupil and student youth in their free time, at enterprises, institutions and organizations which are communal property, and also on a contractual basis at enterprises, institutions and organizations which belong to other forms of property;

8) to exercise control over ensuring social protection of persons who work under hazardous conditions at enterprises, institutions and organizations, over the quality of conducting attestation of the work place, working conditions, and rendering privileges and compensation to employees working under hazardous conditions, in accordance with legislation;

9) to participate in collective negotiations and the conclusion of agreements on territorial rates, in the resolution of collective labor disputes (conflicts) regarding enterprises, institutions and organizations which are located on the corresponding territory; to register collective agreements and contracts, and to exercise control over their implementation;

10) to establish, in accordance with legislation, the amounts and procedure for monthly assistance payments to persons looking after citizens with no family, who require permanent care, pursuant to the conclusion of a medical establishment;

11) to exercise, in accordance with the law, control over the submission by enterprises, institutions and organizations of all property forms, of information on the availability of

vacant work places (positions); to inform the population of the need for employees at enterprises, institutions and organizations of all property forms;

12) to reserve work places, in the procedure established by law, at enterprises, institutions and organizations, regardless of property form, which are designated for the employment of persons who, in accordance with legislation, need social protection and are not capable of competing on the labor market, and to determine the standards of such work places; to adopt decisions on creating special work places at enterprises, institutions and organizations, for persons with a limited ability to work, and to organize vocational training for these persons; to coordinate the dissolution of such work places;

13) to perform state registration of local charitable organizations, funds, and other non-profit organizations.

2. In addition to the powers outlined in point b) of part 1 of this article, the competence of the executive bodies of village and settlement councils shall also include: to resolve issues of granting privileges, in accordance with legislation, to workers in education, culture, health care, and other categories of citizens who work in rural areas.

Article 35. Powers in the Area of Foreign Economic Activities

The following shall belong to the competence of the executive bodies of village, settlement, and city councils:

a) exclusive (self-governing) powers:

1) to conclude and ensure the execution of contracts, in the procedure established by law, with foreign partners on the acquisition and realization of production, performance of work and rendering services;

2) to promote foreign economic ties of enterprises, institutions and organizations, regardless of property form, located on the corresponding territory;

3) to promote the creation of joint ventures, on the basis of legislation, with foreign partners at enterprises of production and social infrastructure, and other objects; to involve foreign investment for job creation;

b) delegated powers:

1) to organize and exercise control over border and coastal trade;

2) to create conditions for the proper functioning of customs bodies, and to promote their activities;

3) to ensure the implementation of Ukraine's international obligations on the corresponding territory, within the limits of delegated powers.

Article 36. Powers in the Area of Defense Work

The following shall belong to the competence of executive bodies of village, settlement, and city councils:

- 1) to organize citizens' recruitment for military service, for a determined period of time as well as for alternative (non-military) service, to support their recruitment, to organize the training of youth for military service in the Armed Forces of Ukraine, to organize educational (inspection) and special military training; to inform enterprises, institutions and organizations, regardless of property form, as well as the population, of the military commander's orders on mobilization;
- 2) to reserve work places for recruited military servicemen, at enterprises, institutions and organizations, in accordance with legislation;
- 3) to organize and participate in the implementation of measures regarding mobilization training and civic defense on the corresponding territory;
- 4) to resolve, in accordance with legislation, issues regarding the allocation of land plots for functional purposes and housing to military units, institutions, and military training establishments of the Armed Forces of Ukraine, other objects, and communal utility services; to exercise control over their use and the rendering of services;
- 5) to organize the production and provision of ordered products, services and energy resources to military units, by communal enterprises and organizations;
- 6) to take measures in creating proper conditions for the operation of entry points on the State Border of Ukraine;
- 7) to support border units in maintaining the proper regime on the state border;
- 8) to take measures in the military patriotic upbringing of the population.

Article 37. Powers in Resolving Issues of Administrative-Territorial Division

The following exclusive (self-governing) powers shall belong to the competence of executive bodies of village, settlement, and city councils:

- 1) to prepare and submit for the council's consideration issues of naming (renaming) streets, avenues, boulevards, squares, parks, bridges and buildings located on the territory of the corresponding settlement;
- 2) to prepare and submit for the council's consideration proposals on administrative-territorial division, in the procedure and within the limits of powers determined by law.

Article 38. Powers of Ensuring Lawfulness, Law and Order, and the Protection of Citizens' Rights, Freedoms and Lawful Interests

1. The following shall belong to the competence of executive bodies of village, settlement, and city councils:

- a) exclusive (self-governing) powers:

1) to prepare and submit proposals for the council's consideration on the formation of police units, in accordance with the law, which shall be supported by local self-government funds, to resolve issues on the number of police workers, on expenditures for their maintenance, to fulfill material and technical provision for their activity, and to create for them the necessary housing and living conditions;

2) to promote the activities of judicial bodies, the prosecutor's office, justice, security services, internal affairs, and the bar;

3) to submit applications to the relevant bodies on holding officials liable, in the event the latter disregard the legal requirements and decisions of councils and their executive committees, which were adopted within the limits of their powers;

4) to appeal to the court, in order to deem unlawful those acts of executive bodies or other local self-government bodies, enterprises, institutions and organizations, which infringe on the rights of territorial communities as well as the powers of local self-government bodies and officials;

b) delegated powers:

1) to meet the legislative requirements on considering citizens' appeals, and to exercise control over the performance of this work at enterprises, institutions and organizations, regardless of property form;

2) to take necessary measures, in the event of natural disaster, ecological calamity, epidemics, epizootic, fires and other emergency situations, on maintaining state and public order, the operation of enterprises, institutions and organizations, rescuing human lives, protecting health, and preserving material valuables;

3) to resolve, in accordance with the law, issues of conducting meetings, rallies, manifestations and demonstrations, sports events, shows and other mass events; to exercise control over ensuring public order during these events;

4) to consider cases on administrative violation of the law, as ascribed to their competence by law; to form administrative commissions as well as commissions on the fight with crime, and to coordinate their activities;

5) to bring notarial action on issues ascribed by law to their competence, and to register civic acts;

6) to perform, in the established procedure, state registration of enterprises and other subjects of entrepreneurial activity located on the corresponding territory, and also of the provisions on lessees' associations;

7) to register, in the established procedure, local civic associations and self-organized bodies of population, which are formed and operate in accordance with legislation.

2. In addition to the powers outlined in point b) of part 1 of this article, the competence of executive bodies of city (with the exception of cities with submunicipal division) councils shall include:

1) to establish commissions on issues of minors and their supervision, and to guide their activities;

2) to promote the activities of internal affairs bodies in ensuring compliance with regulations of the passport system;

3) to resolve, in cooperation with the relevant bodies of the Ministry of Internal Affairs of Ukraine, issues of ensuring proper conditions for services and recreation of personnel of these bodies.

Article 39. Powers to Confer with State Awards, Awards of the President of Ukraine, and Honorable Titles of Ukraine

The executive bodies of village, settlement, and city councils shall review applications of enterprises, institutions and organizations, regardless of property form, and shall submit, in the procedure established by law, to the relevant bodies of executive power applications on conferring state awards, awards of the President of Ukraine, and honorable titles of Ukraine.

Article 40. Other Powers of the Executive Bodies of Village, Settlement, and City Councils

In addition to the powers envisaged by this Law, the executive bodies of village, settlement, and city councils shall exercise other powers ascribed to them by law;

Article 41. Particularities of Powers of Submunicipal Councils and Their Executive Bodies

1. Issues of governing submunicipalities shall belong to the competence of city councils.

2. Submunicipal councils (in the event they are formed) and their executive bodies shall manage, in accordance with the Constitution and laws of Ukraine, movable and immovable property and other objects which are the communal property of submunicipal territorial communities, shall formulate, approve and executive the corresponding budget, control their implementation, and shall exercise other powers envisaged by this Law, in the scope and within the limits determined by city councils.

3. The scope and limits of powers of submunicipal councils and their executive bodies shall be defined by the corresponding city councils, on agreement with submunicipal councils, taking into account general city interests and the collective needs of submunicipal territorial communities.

4. The scope of powers of submunicipal councils and their executive bodies, as determined by city councils, may not be altered by the city council without the consent of the corresponding submunicipal council of the given convocation.

5. The procedure for the formation, structure, and activity forms of submunicipal councils and their executive bodies, shall be determined by this and other laws.

Chapter 3. Village, Settlement, and City Head

Article 42. Powers of the Village, Settlement, and City Head

1. The village, settlement, and city head shall assume powers from the moment of announcement by the corresponding village, settlement, or city elections commission, at the council's plenary meeting, about the decision on his or her election, and shall terminate from the moment of taking office by another person, elected in accordance with the law, except in cases of early termination of powers.

2. The powers of the village, settlement, and city head may be terminated early, in cases envisaged by this Law.

3. The village, settlement, and city head shall:

1) ensure the exercise, within the limits ascribed by law, of executive powers on the corresponding territory, compliance with the Constitution and laws of Ukraine, and the implementation of acts of the President of Ukraine and the relevant bodies of executive power;

2) organize, within the limits determined by this Law, the work of the corresponding council and its executive bodies;

3) sign decisions of the council and its executive committee;

4) submit proposals for the council's consideration on candidates to the position of council secretary;

5) submit proposals for the council's consideration on the number and personnel composition of the corresponding council's executive committee;

6) submit proposals for the council's consideration on the structure and staff of the council's executive bodies and its executive committee;

7) direct the staff of the council and its executive committee;

8) call the council's sessions, submit proposals and formulate the agenda of the council's sessions, and chair the plenary sessions of councils;

9) ensure the preparation for the council's consideration of draft programs for socio-economic and cultural development, target programs on other issues of self-government, local budget, and reports on its execution of the council's decisions on other matters which belong to its competence; promulgate programs which have been approved by the council, budgets and reports on their implementation;

10) appoint and dismiss the heads of divisions, departments and other executive bodies of the council, enterprises, institutions and organizations which are the communal property of the corresponding territorial communities;

11) call general assemblies of citizens at their place of residence;

12) ensure the enforcement of decisions of local referendum, and of the corresponding council and its executive committee;

13) act as manager of budgetary and off-budget target funds (including hard currency), and use them solely for the purpose determined by the council;

14) represent the territorial community, council and its executive committee in relations with state bodies, other local self-government bodies, civic associations, enterprises, institutions and organizations, regardless of property form, citizens, and also in international relations, in accordance with legislation;

15) appeal to the court, in order to prove unlawful those acts of other local self-government bodies, local executive bodies, enterprises, institutions and organizations, which infringe on the rights and interests of the territorial community, as well as the powers of the council and its bodies;

16) conclude agreements, on behalf of the territorial community, council and its executive committee, in accordance with legislation; and in regard to issues which belong to the exclusive competence of the council -- submit them for approval by the corresponding council;

17) hold personal reception hours for citizens;

18) enforce, on the corresponding territory, compliance with legislation on considering appeals by citizens and their associations;

19) exercise other powers of local self-government, as determined by this and other laws, provided they do not belong to the exclusive powers of the council, or are not delegated by the council to the competence of its executive bodies;

20) issue orders within the limits of his or her powers.

4. The village, settlement, and city head shall bear personal responsibility for the exercise of powers ascribed to him or her by law.

5. The village, settlement, and city head, in his or her exercise of ascribed powers, shall be accountable to, under the control of, and responsible before the territorial community and before the corresponding council, and on issues of exercising executive powers by the council's executive bodies, shall also be under the control of the relevant bodies of executive power.

6. The village, settlement, and city head shall report on his or her work before the territorial community, at least once per year, at a public meeting with citizens. On the request of no less than one-half of deputies of the corresponding council, the village, settlement, and city head shall be obliged to report before the council on the work of the council's executive bodies, at any point in time specified by them.

Chapter 4. Powers of Raion and Oblast Councils

Article 43. Issues to be Resolved by Raion and Oblast Councils Exclusively at Their Plenary Sessions

1. The following issues shall be resolved exclusively at the plenary sessions of the raion and oblast council:

- 1) election of the council head and deputy head, and their dismissal;
- 2) formation, election and liquidation of standing and other commissions of the council, changes in their membership, and election of the commission heads;
- 3) formation of the council's presidium (board), and approval of its provisions;
- 4) approval, on the proposal by the council head, of the structure, numerical composition of the council's executive bodies, expenditures for the maintenance of the council and its executive bodies;
- 5) approval of council regulations;
- 6) approval of the council's work schedule, and hearing of reports on its implementation;
- 7) establishment of mass media of the corresponding council, and the appointment and dismissal of its directors;
- 8) hearings of reports by standing commissions and heads of bodies which were formed, elected and appointed by the council;
- 9) considering of deputies' inquiries and adopting decisions on these inquiries;
- 10) adopting decisions on early termination of powers of a council deputy, in the procedure established by legislation;
- 11) determining the numerical composition of the council, in accordance with the law;
- 12) adopting decisions, on the proposal of territorial communities, on conducting opinion polls which concern their common interests;
- 13) exercising powers, in accordance with the law, on organizing all-Ukrainian referenda and elections to bodies of state power and local self-government;
- 14) approval, in accordance with the law, of the Provision on the content, description and procedure for the use of raion and oblast symbols;
- 15) adopting decisions on joining in associations, entry into associations and other forms of voluntary associations of local self-government bodies, which represent the common interests of territorial communities, and also on the secession from them;
- 16) approval of programs of socio-economic and cultural development of the corresponding raion and oblast, target programs on other issues, and hearing of reports on their implementation;
- 17) approval of the corresponding raion and oblast budgets, introducing changes to them, and approval of reports on their implementation;
- 18) distribution of funds in the view of subsidies taken from the state budget as well as subventions, respectively, between raion budgets and local budgets of cities with oblast significance, villages, settlements, and submunicipalities;

19) adopting decisions, upon delegation of the corresponding councils, on the sale, rent and mortgage of communal property objects, which meet the common needs of territorial communities and which are managed, respectively, by raion and oblast councils, and also the purchase of such objects, in the procedure established by law;

20) adopting decisions, in the procedure established by law, on managing objects of common property of territorial communities of villages, settlements, cities, and submunicipalities which are governed by raion or oblast councils; appointment and dismissal of their managers;

21) resolving issues of regulating land relations, in accordance with the law;

22) resolving issues, in accordance with the law, on granting permits for the special use of natural resources, respectively, of raion and oblast significance, and also on the cancellation of such permits;

23) establishing regulations on the use of water supply structures, intended to meet water, household and other needs of the population, sanitary zones of water supply protection, and restricting or prohibiting enterprises to use drinking water for industrial purposes;

24) adopting decisions on the organization of territories and natural reserve objects of local significance, and other territories which enjoy special protection; submission of proposals to the relevant state bodies on declaring natural and other objects of ecological, historical, cultural or scientific value, as monuments of history or culture, which are protected by law;

25) adopting decisions, on the proposals of the corresponding village, settlement, and city councils, on the creation of special free and other zones, changing the status of these zones, and submitting proposals on these issues to the relevant bodies;

26) adopting decisions on administrative-territorial division, within the limits and in the procedure determined by law;

27) adopting decisions on delegating certain powers of raion and oblast councils to local state administrations;

28) hearings of reports by the heads of local state administrations, their deputies, directors of departments, divisions, and other structural subdivisions of local state administration, on the execution of programs of socio-economic and cultural development, the budget, the council's decisions on the foregoing issues, and also on the exercise of powers by local state administrations, delegated to them by the council;

29) expressing no-confidence in the head of the corresponding local state administration;

30) adopting decisions on appealing to the court, in order to prove unlawful those acts of local executive bodies, enterprises, institutions and organizations, which infringe on the rights of territorial communities in the area of their common interests, as well as the powers of raion and oblast councils and their bodies;

31) submitting proposals to the Cabinet of Ministers of Ukraine on candidates for the position of head of the corresponding local state administration.

2. Raion and oblast councils may consider and resolve other issues at plenary sessions, which belong to their competence in accordance with this and other laws.

3. In addition to the issues outlined in part 1 of this article, the following issues shall be resolved exclusively at the plenary sessions of oblast councils:

1) approving, in accordance with legislation, regulations on the construction and improvement of settlements within the oblast;

2) adopting decisions, within the limits determined by laws, on issues of fighting natural disaster, epidemics, and epizootic, the violation whereof entails administrative liability;

3) establishing, in accordance with the law, local fees for traveling in vehicles through the territory of oblasts bordering on neighboring countries, and determining the payment procedure;

4) adopting decisions on attributing forests to the protection category, and also classifying forests in accordance with tax rates, in cases and in the procedure envisaged by law.

Article 44. Delegating Powers of Raion and Oblast Councils to the Corresponding Local State Administrations

1. Raion and oblast councils shall delegate the following powers to the corresponding local state administrations:

1) to prepare and submit for the council's consideration draft programs of socio-economic and cultural development of raions and oblasts, respectively, and target program on other issues, and in places with compact residence of national minorities -- programs on their national and cultural development, draft decisions, and other materials on issues envisaged by this article; to ensure the execution of the council's decisions;

2) to prepare proposals on socio-economic and cultural development programs, respectively, of oblasts, as well as national programs for the economic, scientific and technical, social and cultural development of Ukraine;

3) to provide a balanced economic and social development of the corresponding territory, and the efficient use of natural, labor and financial resources;

4) to prepare and submit, to the relevant executive bodies, financial indicators and proposals on the draft state budget of Ukraine;

5) to promote investment activities on the territory of the raion and oblast;

6) to pool funds, on a contractual basis, with enterprises, institutions and organizations located on corresponding territory, with the population, and also budget funds, for the construction, reconstruction, renovation and maintenance, on a share basis, of objects of social and industrial infrastructure, local roads, and also for measures of environmental protection;

7) to involve, in the procedure established by law, non-communal enterprises, institutions and organizations, in the participation of servicing the population of the corresponding territory, and to coordinate this work;

8) to approve routes and schedules for local passenger transportation, regardless of property form, and to coordinate these issues in accordance with transit passenger transportation;

9) to prepare issues on determining, in the procedure established by law, the territory, selection, alienation (purchase) and allotment of land, for the purpose of city construction, as determined by documents on city construction;

10) to organize the protection, restoration and utilization of monuments of history, culture, architecture and city construction, palace-park, park and orchard complexes, and natural preserves of local significance;

11) to prepare conclusions on draft local programs for city construction of the corresponding administrative-territorial units, to be approved by village, settlement, and city councils;

12) to provide developers, in accordance with legislation, with assignments of architectural planning and technical conditions for projects, construction and reconstruction of houses and buildings, improvement of territories, and to grant permission for conducting this work;

13) to ensure, in accordance with legislation, the development of science, all forms of education, health care, culture, physical culture and sports, and tourism; to promote the revival of traditional folk centers, popular national and cultural traditions, artistic crafts and trades, work of artistic unions, national and cultural societies, associations, and other civic and non-profit organizations, which act in the areas of education, health care, culture, physical culture and sports, family and youth;

14) to prepare and submit proposals for the council's approval on the organization of territories and objects of the local nature reserve fund and other territories which enjoy special protection; to submit proposals to the relevant state bodies on declaring natural and other objects with ecological, historic, cultural or scientific value as historic or cultural monuments, which are protected by law;

15) to take necessary measures in eliminating the environmental consequences of ecological and natural disasters, epidemics, epizootic and other emergency situations, to inform the population thereof, and to encourage enterprises, institutions and organizations as well as the population to participate in the foregoing activities, in the procedure established by law;

16) to coordinate, on the corresponding territory, the activities of local bodies for governing land relations;

17) to exercise control over the use of funds received in the procedure of indemnification for losses in agriculture and forestry, connected with the alienation (purchase) of land plots.

2. In addition to the powers outlined in part 1 of this article, oblast councils shall delegate the following powers to oblast state administrations:

1) to determine, in accordance with the law, the deducted amounts of profit from enterprises, institutions and organizations, for the development of general roads in the oblast;

2) to agree, in cases envisaged by law, with the corresponding village, settlement, and city councils, issues of sharing funds for the use of natural resources, which are allocated to environmental protection foundations;

3) to prepare draft decisions on attributing forests to the protection category, and also on dividing forests according to tax rates, in cases and in the procedure envisaged by law;

4) to adopt decisions, in the procedure established by law, on the prohibition to use certain natural resources of common usage;

5) to determine, in accordance with legislation, the regime for territorial utilization of recreational zones;

6) to approve limits for enterprises, institutions and organizations, located on the corresponding territory, on the extraction and dumping of contaminated chemicals into the environment, and also limits on waste disposal, in cases envisaged by law.

Chapter 5. Procedure of Formation and Organization of Work of Local Self-Government Bodies and Officials

Article 45. Procedure of Formation of Councils

1. Village, settlement, city, submunicipal (in the event they are formed), raion, and oblast councils, shall consist of deputies elected by the population of the corresponding territory, on the basis of universal, equal and direct suffrage, by way of secret ballot.

2. The procedure for organizing and conducting deputies' elections shall be determined by law.

3. The general numerical composition of deputies shall be determined by the council, in accordance with the law on elections.

4. The council shall be deemed competent, if no less than two-thirds of deputies of the general council composition are elected.

5. In the event that less than two-thirds of the composition is elected to the council, the council of the previous convocation shall continue to exercise its powers until the election of the necessary number of deputies.

6. In the event of early termination of powers of certain deputies, resulting in a council composition of less than two-thirds of deputies, such a council shall be deemed competent until the election of the necessary number of deputies, provided more than one-half of deputies are present from the general composition of council.

7. The council's term of office is four years.

Article 46. Council Session

1. The village, settlement, city, submunicipal (in the event if is formed), raion and oblast council, shall conduct its work in sessions. A session shall consist of plenary meetings of the council as well as meetings of the council's standing commissions.

2. The initial session of a newly-elected village, settlement, city and submunicipal council, shall be called by the corresponding territorial elections commission, no later than one month upon election of the council's competent membership. The session shall be opened and chaired by the head of this elections commission. He or she shall inform the council of the election results of deputies and village, settlement, and city heads, and shall confirm their powers.

3. The initial session of raion and oblast councils shall be called and chaired by the head of the corresponding territorial elections commission.

4. Subsequent sessions of the council shall be called in the following manner: village, settlement, city councils, respectively -- by the village, settlement, and city head; submunicipal, raion and oblast councils -- by the head of the corresponding council.

5. The council session shall be called according to necessity, but no less than once every three months;

6. In the event of an unsubstantiated refusal by the village, settlement, or city head, or the submunicipal, raion or oblast council head to call a session, or in the event that he or she is not able to call the council session, the session shall be called by: in the case of the village, settlement, and city council -- by the secretary of the village, settlement, and city council; in the case of submunicipal, raion, and oblast councils -- by the deputy head of the corresponding council.

In the foregoing cases, the session shall be called:

1) on the instructions of the village, settlement, or city head (head of a submunicipal, raion, or oblast council);

2) if the village, settlement, or city head (head of a submunicipal, raion, or oblast council) fails to call a session without valid reason, within a two-week term after the emergence of circumstances as envisaged by part 7 of this article;

3) if the village, settlement, or city head (head of a submunicipal, raion, or oblast council) fails to call a session within the term envisaged by this Law.

7. The session of a village, settlement, city, or submunicipal council, shall also be called on the proposal of no less than one-third of deputies of the general composition of the corresponding council, the executive committee of the village, settlement, city, and submunicipal council; the session of a raion and oblast council -- also on the proposal of no less than one-third of deputies of the general composition of the corresponding council, or the head of the corresponding local state administration.

8. In the event that the officials outlined in parts 4 and 6 of this article, fail to call a session within a two-week term on the request of subjects envisaged by part 7 of this article, the session may be called by deputies of the corresponding council, who constitute no less than one-third of the council composition, or by a standing commission of the council.

9. The decision to call the council's session shall be brought to the notice of deputies and the population, no later than ten days prior to the session, and in exceptional cases, no later than one day prior to the session, with the designated time and place of convocation as well as the issues to be considered by the council.

10. A session of the village, settlement, and city council shall be opened and chaired, respectively, by the village, settlement, and city head, and in cases envisaged by part 6 of this article -- by the council's secretary; the session of a submunicipal, raion, and oblast council -- by the council head or deputy head. In cases envisaged by part 8 of this article, a session shall be opened on the instructions of a group of deputies, on whose initiative the session was called, or by one deputy who is a member of the council. The session shall be conducted by a deputy assigned by this council.

11. A session of the council shall be deemed competent, if its plenary meeting is attended by more than one-half of deputies of the general council composition.

12. Proposals in regard to the issues to be considered by the council may be submitted by the village, settlement, or city head as well as by the standing commissions, deputies, the council's executive committee, the head of the local state administration, the head of the raion or oblast council, or by the general assembly of citizens.

13. The work regulations of the corresponding council, as well as the provisions on standing commissions, shall be approved no later than at the second session.

14. The procedure for calling a council's session, for preparing and considering issues by the council, adopting the council's decisions on approval of the session's agenda and other procedural issues, as well as the procedure of the session's work, shall be determined by the council regulations.

15. The minutes of the village, settlement, and city council's session, and decisions adopted by the council, shall be signed by the village, settlement, and city head, and of the submunicipal, raion, and oblast council -- by the head of the corresponding council, and in the event of their absence -- respectively, by the secretary of the village, settlement, and city council, deputy head of the submunicipal, raion, and oblast council, and in cases envisaged by parts 7 and 9 of this article -- by the council deputy who chaired the council's sessions on the instructions of deputies.

16. The council's sessions shall be public. In the event of necessity, the council may adopt a decision on holding a plenary session *in camera*.

Article 47. Standing Commissions of Councils

1. Standing commissions of councils are bodies of the council, elected from among its deputies, to evaluate and conduct preliminary examination, to prepare issues which

belong to its competence, and to exercise control over the implementation of decisions of the council and its executive committee.

2. Standing commissions shall consist of heads and members elected by the councils, for the council's term of office. All other issues of the commission's structure shall be resolved by the corresponding commission.

3. Village, settlement, and city heads, secretaries of village, settlement and city councils, heads of submunicipal (in the event they are formed), raion, and oblast councils and their deputies, may not be members of standing commissions.

4. Standing commissions shall conduct preliminary examination, on the request of the council or on their own initiative, draft projects of socio-economic and cultural development, local budgets, and reports on the implementation of programs and budgets, shall evaluate and prepare issues on the state and development of relevant areas of economic and socio-cultural construction, and other issues to be considered by the council, elaborate draft decisions and conclusions by the council on these issues, and shall present reports and joint reports at the council's sessions.

5. Standing commissions shall conduct preliminary evaluation of candidates to be elected, approved, appointed, or agreed with the corresponding council, and shall prepare conclusions on these issues.

6. Standing commissions shall evaluate and examine, on the initiative of the council, its head, or deputy head of submunicipal, raion, and oblast councils, or by the secretary of village, settlement, or city councils, or on their own initiative, the activities of village, settlement, city, and submunicipal council of bodies, which are accountable to and under the control of the council and the executive committee, and also on issues which belong to the competence of the council, local state administrations, enterprises, institutions and organizations, their branches and divisions, regardless of property form, and their officials, and shall submit, as a result of the investigation, recommendations for the consideration of its directors, and in necessary cases -- for consideration by the council of the executive committee of village, settlement, city, or submunicipal councils; and shall exercise control over the implementation of decisions adopted by the council and executive committee of the village, settlement, city, and submunicipal council.

7. Standing commissions shall have the right, in matters belonging to their competence and in the procedure established by law, to obtain the necessary documents and materials from the heads of bodies, enterprises, institutions and organizations, and their branches and divisions.

8. Organization of activities of the council's standing commission shall be vested in the commission head. The commission head shall call and conduct the commission's session, delegate commission members with assignments, represent the commission in its relations with other bodies, civic associations, enterprises, institutions and organizations, and also with individual citizens, and shall organize the implementation of the commission's conclusions and recommendations. In the event of absence of the commission's head, or the impossibility to exercise his or her powers, or for other reasons, his or her official functions shall be exercised by the commission's deputy head or the commission's secretary.

9. The standing commission's meeting shall be called according to necessity, and shall be deemed competent if no less than one-half of the commission's general composition participates;

10. Standing commissions shall prepare conclusions and recommendations based on the results of their evaluation and consideration of issues. The conclusions and recommendations of the standing commission shall be approved by majority vote within the commission's general composition, and shall be signed by its head. In the event that the head is absent, they shall be signed by the deputy head, or secretary of the commission. Minutes of the commission's session shall be signed by the head and the secretary of the commission.

11. Recommendations of standing commissions are subject to mandatory consideration by the bodies, enterprises, institutions and organizations, as well as officials, to whom they are addressed. The commissions should be notified, within the term stipulated by them, of the results of the consideration and measures taken.

12. Standing commissions for the examination of issues and the development of projects based on the council's decisions, may establish preparatory commissions and working groups with the involvement of public representatives, scholars and experts. Issues which belong to the competence of several commissions may be considered jointly by the standing commissions, on the initiative of the commission, and also on the instructions of the council, its head, deputy head of submunicipal, raion, or oblast councils, as well as by the secretary of village, settlement, and city councils. Conclusions and recommendations adopted by standing commissions at joint meetings shall be signed by the heads of the corresponding standing commissions.

13. Deputies shall work in standing commissions on a voluntary basis. On the decision of the oblast council, the heads of standing commissions on budgetary issues may work in the council on a permanent basis.

14. Standing commissions shall be accountable to and responsible before the council.

15. The system, functional aims and procedure of organizing the work of standing commissions shall be determined by the regulations of the corresponding council, and by the Provision on standing commissions, approved by the council.

Article 48. Temporary Control Commissions of Councils

1. Temporary control commissions are elected state bodies, consisting of council deputies, in order to exercise control over the council's determined issues which belong to the powers of local self-government. Control commissions shall submit reports and proposals for the council's consideration;

2. The decision on forming the council's temporary control commission, its name and assignment, personnel composition and head, shall be considered adopted if no less than one-third of deputies of the general composition has voted therefor;

3. Sessions of a council's temporary control commissions, as a rule, shall be closed. Deputy who are members of the temporary control commission, experts and specialists

involved in its work, as well as other persons, may not disclose the information acquired in the course of their work with the commission.

4. Powers of the council's temporary control commission shall terminate from the moment of adoption by the council of the final decision on the results of this commission's work, and also in the event of termination of powers of the council which formed this commission.

Article 49. Council Deputy

1. The powers of a council deputy shall begin from the moment of official announcement at the council's session by the corresponding territorial elections commissions, about the election results and recognition of deputies' powers, and shall terminate on the day of the initial session of the council of a new convocation. The powers of a deputy may be terminated early, in cases envisaged by law.

2. A deputy shall represent the interests of the entire territorial community, shall enjoy all powers necessary to ensure his or her active participation in the activity of the council and bodies formed by it, shall bear responsibility before electors, the council and its bodies, and shall execute its instructions. A deputy (with the exception of a council secretary) shall be a member of one of the standing commissions of the council.

3. For participation in the sessions and meetings of the council's standing commissions, as well as for the exercise of deputy's powers in other cases envisaged by law, a deputy shall be relieved of his or her professional or official duties, with compensation in the view of his or her average salary at the principal place of work, and other expenses related to the deputy's activities, at the expense of the corresponding local budget.

4. A deputy shall be obliged to participate in the work of the council's sessions and meetings of standing and other commissions of the council, to which he or she has been elected.

5. In the event that a deputy misses, within the course of one year, more than half of the plenary meetings of the council or meetings of the standing commissions, or fails, without valid reason, to execute the decisions and tasks of the council and its bodies, the corresponding council may address electors with the proposal to dismiss such a deputy, in the procedure established by law.

6. A deputy shall enjoy the right of decisive vote on all issues considered at the council's sessions and at meetings of standing and other commissions, to which he or she was elected.

7. A deputy shall have the right to submit an inquiry to the leadership of a council and its bodies, to village, settlement, and city heads, to heads of bodies, enterprises, institutions and organizations, regardless of property form, which are located or registered on the corresponding territory, and the deputy of a city (cities with oblast significance), raion, or oblast council may also turn to the head of the city state administration on issues which belong to the competence of the council.

8. A body or official to which or whom an inquiry is addressed, shall be obliged to provide a verbal or written answer to the inquiry, at the council's session, within the

terms and in the procedure established by the council, and in accordance with the law. The council shall adopt a decision based on the results of the consideration.

9. Proposals and comments expressed by deputies at the council's session, or forwarded in writing to the session's chairman, shall be considered by the council, or on its delegation -- by the council's standing commissions, or they shall be sent for consideration by bodies and officials accountable to it and under its control, which and who shall be obliged to consider these proposals and comments within the period of time established by the council, and to inform the deputy and the council about the measures taken.

10. A deputy may become familiar with any official documents held at the corresponding local self-government bodies, and may sign out and make copies of these documents.

11. The powers of deputies, and the procedure of organization and guarantees of deputies' activities, shall be determined by the Constitution of Ukraine, this Law, the law on the status of deputies, and other laws.

Article 50. Village, Settlement, and City Council Secretary

1. The village, settlement, and city council secretary shall be elected on the proposal of the village, settlement, and city head of the corresponding council, from among its deputies, for the council's term of office, and shall work in the council on a permanent basis.

2. The village, settlement, and city council secretary may not combine his or her official activity with other positions, including volunteer work (with the exception of teaching, scientific and creative work, outside office hours), and may not undertake entrepreneurial activity or make profit from it, unless otherwise envisaged by law.

3. The village, settlement, and city council secretary shall:

1) call the council's sessions in cases envisaged by part 6 of article 46 of this Law; inform deputies and the population of the time and place of the council's session, and the issues to be considered by the council;

2) chair the council's meetings and sign its decisions, in cases envisaged by part 6 of article 46 of this Law;

3) organize the preparation of the council's sessions and issues to be considered by the council;

4) ensure that the executors and the population are informed of the council's decisions, and exercise control over the execution of the decisions;

5) coordinate the activities of the council's standing and other commissions, on the delegation of the village, settlement, and city head, and charge them with the organization of executing their recommendations;

6) support the council's deputies in the exercise of their powers;

7) organize, on the delegation of the council and in accordance with legislation, implementation of measures on the preparation and holding of referenda and elections to the bodies of state power and local self-government;

8) ensure that official documents pertaining to local self-government of the territorial community are kept at the relevant local self-government bodies, and provide access to these documents for those individuals who enjoy this right, in the established procedure;

9) resolve, on the delegation of the village, settlement, and city head or of the corresponding council, other issues related to the activities of the council and its bodies.

4. The village council secretary may, on the decision of the council, simultaneously exercise powers of the executive committee's secretary of the corresponding council.

5. Powers of the village, settlement, and city council secretary may be terminated early, on the decision of the corresponding council.

Article 51. Executive Committee of the Village, Settlement, City, and Submunicipal Councils

1. The executive committee of the village, settlement, city, and submunicipal (in the event it is formed) council, is the executive body of the council, and shall be formed by the corresponding council for the term of its office. Upon termination of the council's powers, the executive committee shall exercise its powers until the formation of an executive committee of a new convocation.

2. The numerical composition of the executive committee shall be determined by the corresponding council. The personal composition of the executive committee of the village, settlement, and city council shall be approved by the council, on the proposal of the village, settlement, and city head, and that of the submunicipal council -- on the proposal of the head of the corresponding council.

3. The council's executive committee shall be formed with the inclusion of, respectively, the village, settlement, and city head, and in the case of the submunicipal council -- the head of the corresponding council, as well as the village, settlement, and city council's deputy head (heads) on issues of activity of the council's executive bodies, manager (secretary) of the executive committee, and directors of divisions, departments and other executive bodies of the council, and other individuals.

4. The composition of the executive committee of the village, settlement, and city council shall also include the secretary, *ex officio*, of the corresponding council.

5. The executive committee of the village, settlement, and city council shall be chaired, respectively, by the village, settlement, and city head, and in the case of the submunicipal council -- by the head of the corresponding council. The functions of the executive committee's secretary of the village council's executive committee may be exercised by the secretary of the corresponding council, on the decision of the council.

6. Individuals who are members of an executive committee, apart from those who work in the council's executive bodies on a permanent basis, for the time of the executive committee's meetings, and also for the exercise of powers in other cases, shall be dismissed from their professional or official duties, with compensation in the view of their average salary at the principal place of work as well as other expenses related to the performance of duties vested in an executive committee member, at the expense of the corresponding local budget.

7. Individuals who are members of an executive committee and work there on a permanent basis shall be obliged to meet the requirements of not combining their activity with other work (activity), as established by this Law for the village, settlement, and city head.

8. The council's executive committee shall be accountable to and under the control of the council which formed it, and on issues of exercising its executive powers -- under the control of the corresponding bodies of executive power.

9. Deputies of the village, settlement, city, and submunicipal council, with the exception of the council's secretary, may not be members of the corresponding council's executive committee.

Article 52. Powers of the Executive Committee of the Village, Settlement, City, and Submunicipal Council

1. The executive committee of the village, settlement, city, and submunicipal (in the event it is formed) council, may consider and resolve issues, ascribed by this Law to the competence of the council's executive bodies.

2. The council's executive committee shall:

1) perform preliminary consideration of draft local programs of socio-economic and cultural development, target programs on other issues, the local budget, and draft decisions on other issues to be submitted for consideration by the corresponding council;

2) coordinate the activities of divisions, departments and other executive bodies of the council, enterprises, institutions and organizations which are the communal property of the corresponding territorial community, and shall hear reports on the activities of their heads;

3) exercise the right to amend or cancel acts of subordinated divisions, departments and other executive bodies of the council as well as their officials.

3. The village, settlement, and city council may adopt a decision on the division of powers between its executive committee as well as divisions, departments, and other executive bodies of the council, and the village, settlement, and city head, within the limits of powers ascribed by this Law to the executive bodies of village, settlement, and city councils.

Article 53. Organization of Work of the Village, Settlement, City and Submunicipal Council's Executive Committee

Meetings are the main form of work of the village, settlement, city, and submunicipal (in the event it is formed) council's executive committee. Meetings of the executive committee shall be called, respectively, by the village, settlement, and city head (or head of the submunicipal council), and in the event of his or her absence or impossibility to perform these functions -- by the deputy head of the village, settlement, and city head on issues of activity of the council's executive bodies (the submunicipal council -- by the council's deputy head), to the extent necessary, by no less than once per month, and shall be deemed competent if more than half of the general composition of the executive committee is present.

Article 54. Divisions, Departments and Other Executive Bodies of the Village, Settlement, City, and Submunicipal Council

1. The village, settlement, city, and submunicipal (in the event it is formed) council may, within the limits of the structure and staff approved by it, form divisions, departments and other executive bodies, for the exercise of powers which belong to the competence of executive bodies of village, settlement, and city councils.

2. Divisions, departments and other executive bodies of the council shall be accountable to and under the control of the council which formed them, shall be subordinated to the council's executive committee, and also to the village, settlement, and city head, or the submunicipal council's head.

3. Heads of divisions, departments and other executive bodies of the council, shall be appointed to and dismissed from office single-handedly by the village, settlement, and city head, or the submunicipal council's head, and in cases envisaged by law -- on agreement with the corresponding bodies of executive power.

4. Provisions on divisions, departments and other executive bodies of the council, shall be approved by the corresponding council.

Article 55. Head of the Raion, Oblast, and Submunicipal Council

1. The head of the raion, oblast and submunicipal (in the event it is formed) council, shall be elected by secret ballot, by the corresponding council from among its deputies, within the council's term of office.

2. The head of the council shall perform his or her duties until the election of the head of a council of a new convocation, except in cases of early termination of powers of the council's head, in accordance with this Law.

3. The head of the council shall work in the council on a permanent basis and may not hold any other representative mandates, nor combine his or her official activity with other work, including on a voluntary basis (with the exception of teaching, scientific and creative work, outside office hours), and may not undertake entrepreneurial activities or make profit from them.

4. The head of the council shall be accountable to the council in his or her activity, and may be dismissed from office by the council, provided no less than two-thirds of deputies of the general council composition have voted therefor by secret ballot.

5. The issue of dismissing the council's head may be submitted for consideration by the council, on the request of no less than one-third of deputies of the general council composition.

6. The head of a raion, oblast, and submunicipal council shall:

1) call the council's sessions, notify deputies and the population of the time and place of the council's session, the issues to be submitted for the council's consideration, and shall chair the council's sessions;

2) ensure the preparation of the council's sessions and issues to be submitted for its consideration, bring the council's decisions to the notice of the executors, and exercise control over their implementation;

3) submit proposals to the council on candidates for the position of deputy head of the council; submit for approval by the council proposals on the structure of the council's bodies, its executive body, and expenditures for their maintenance;

4) submit proposals to the council on the formation and election of the council's standing commissions;

5) coordinate the activities of the council's standing commissions, charge them with assignments, and assist in organizing the implementation of their recommendations;

6) organize assistance to deputies in the exercise of their powers;

7) organize, in accordance with legislation, referenda and elections to bodies of state power and local self-government;

8) organize the work of the presidium (board) of the council (in the event the presidium is formed);

9) appoint and dismiss the heads and other employees of the structural subdivisions of the council's executive body;

10) direct the council's executive body;

11) manage funds designated for financial support of the council and its executive body;

12) sign the council's decisions and minutes of the council's sessions;

13) ensure the consideration of citizens' appeals, and hold personal reception hours for citizens;

14) ensure openness of the work of the council and its bodies, discussion by citizens of the council's draft decisions, important local issues, examination of public opinion polls, and promulgate the council's decisions;

15) represent the council in its relations with state bodies, other local self-government bodies, civic associations, labor collectives, the administration of enterprises, institutions

and organizations, and citizens, as well as in international relations, in accordance with legislation;

16) appeal to the court, on the council's decision, in order to prove unlawful those acts of local bodies of executive power, enterprises, institutions and organizations, which infringe on the rights of territorial communities in the sphere of their common interests as well as the powers of raion and oblast councils and their bodies;

17) report to the council on his or her activity no less than once per year, and on the request of no less than one-third of deputies -- within the term defined by the council;

18) resolve other issues entrusted to him or her by the council.

7. The head of the raion, oblast, and submunicipal council shall issue orders, within the limits of his or her powers.

Article 56. Deputy Head of the Raion, Oblast, and Submunicipal Council

1. The deputy head of a raion, oblast, and submunicipal (in the event it is formed) council, shall be elected by the corresponding council, by secret ballot, within the term of its powers and from among the deputies of this council, and shall exercise his or her powers until the election of the deputy head of the council of a new convocation, except in cases of early termination of powers.

2. The deputy head of the council may be dismissed early from office, on the decision of the council, which shall be adopted by secret ballot. The issue of his or her dismissal may be submitted for consideration by the council, on the request of no less than one-third of deputies of the general council composition, or the council's head.

3. The deputy head of the council, in the absence of the council's head, or in the event of impossibility of his or her performance of duties for other reasons, shall exercise the powers of head of the corresponding council.

4. The deputy head of the council shall work in the council on a permanent basis. He or she shall be obliged to meet the same requirements of not combining his or her activity with other work (activity) as established by this Law for the council's head.

Article 57. Presidium (Board) of the Raion and Oblast Council

1. The raion and oblast council may form a presidium (board) of the council. The presidium (board) of the council shall act as the council's advisory body, which shall prepare proposals and recommendations agreed on in advance, on issues to be submitted for consideration by the council. The presidium (board) of the council may adopt decisions of advisory character.

2. The presidium (board) of the council shall be composed of the council's head, his or her deputy, head of the council's standing commissions, and authorized representatives of deputy groups and factions.

3. The presidium (board) of the council shall act on the basis of its Provision, to be approved by the council.

Article 58. The Executive Body of the Raion and Oblast Council

1. The executive body of the raion and oblast council shall ensure the exercise by the council of its powers, ascribed to it by the Constitution of Ukraine, this and other laws;

2. The executive body of the council shall provide organizational, legal, informational, analytical, material and technical support for the activities of the council, its bodies and deputies, and shall promote interaction and ties of the corresponding council with territorial communities, local bodies of executive power, and local self-government bodies and officials.

3. The executive body of the council shall be formed by the corresponding council. Its structure and numerical composition as well as expenditures for its maintenance shall be established by the council, on the submission of its head.

4. At the head of the council's executive body shall be the head of the corresponding council, *ex officio*.

Article 59. Acts of Local Self-Government Bodies and Officials

1. The council shall adopt, within the limits of its powers, normative and other acts in the form of decisions.

2. The council's decisions shall be adopted at its plenary sessions, upon discussion by the majority of deputies of the general council composition, except for cases envisaged by this Law. If a village, settlement, and city head takes part in the council's plenary meeting, his or her voice shall be included in the final results of election to the general composition of the village, settlement, and city council.

3. The council's decisions shall be adopted by open (including by name) or secret ballot. Secret voting shall be mandatory in cases envisaged by points 4 and 16 of article 26, points 1, 30, and 32 of article 43, and by articles 55 and 56 of this Law.

4. A decision of the village, settlement, and city council may be suspended, within a five-day term from the moment of its adoption, by the village, settlement, and city head, and submitted for repeat consideration by the corresponding council, accompanied by substantiated comments. The council shall be obliged to review the decision within a two-week term. In the event that the council rejects the comments of the village, settlement, and city head, and confirms the original decision by two-thirds of deputies of the council's general composition, the decision shall enter into force.

5. The council's decisions of normative legal character shall enter into force from the moment of their official promulgation, provided the council has not established a later term for effectuating these decisions.

6. The executive committee of the village, settlement, and submunicipal (in the event it is formed) council shall adopt decisions within the limits of its powers. The executive

committee's decisions shall be adopted at its meeting by majority vote of the executive committee's general composition, and shall be signed by the head of the village, settlement, and city council, or the head of the submunicipal council.

7. In the event of disagreement of the head of the village, settlement, and city (submunicipal) council with the decision of the executive committee, he or she may order that the effectiveness of this decision be suspended, and may submit this issue for consideration by the corresponding council.

8. The head of the village, settlement, and city council, and also the head of the submunicipal, raion, and oblast council, shall issue orders within the limits of his or her powers.

9. The executive committee's decisions on issues which belong to the exclusive competence of the council's executive bodies, may be canceled by the corresponding council.

10. Acts of local self-government bodies and officials may be proved unlawful in the judicial procedure, on grounds of their non-conformity to the Constitution or laws of Ukraine.

11. The population shall be informed of the acts of local self-government bodies and officials. On the request of citizens, the latter may be given a copy of the relevant acts of local self-government bodies and officials.

PART III.

MATERIAL AND FINANCIAL BASIS OF LOCAL SELF-GOVERNMENT

Article 60. The Right of Communal Property

1. The territorial communities of villages, settlements, cities, and submunicipalities, shall have the right to both movable and immovable communal property, revenues from local budgets, other funds, land, natural resources, enterprises, institutions and organizations, including banks, insurance companies, as well as pension funds, part of enterprise property, the housing fund, uninhabited buildings, establishments for culture, education, sports, health care, science, social services, and other property and property rights, movable and immovable objects determined in accordance with the law as objects of the communal property right, and also funds acquired from their alienation.

2. Grounds for acquiring the right to communal property shall be the transference of property to territorial communities, free of charge, by the State, other subjects of the property right, and the purchase of property by local self-government bodies, in the procedure established by law.

3. The territorial communities of villages, settlements, cities, and submunicipalities, either directly or through local self-government bodies, may join on a contractual basis in the right to joint ownership of objects of communal property right, as well as local budget funds, for the implementation of joint projects, or for joint financing (maintenance) of communal enterprises, institutions and organizations, and may create to this end the appropriate bodies and services.

4. Raion and oblast councils shall manage, on behalf of territorial communities of villages, settlements, and cities, objects of joint property which meet the common needs of territorial communities.

5. Local self-government bodies, on behalf and in interests of territorial communities, and in accordance with the law, may carry out actions regarding the ownership, utilization and management of objects of the communal property right as well as all property transactions, may transfer objects of the communal property right to permanent or temporary utilization by legal entities and natural persons, rent, sell and purchase them, use for collateral, resolve issues of their alienation, and stipulate in agreements and contracts the conditions for using and financing the objects which are to be privatized and transferred for utilization and rent.

6. The expediency, procedure and terms for alienation of objects of the communal property right shall be determined by the corresponding council. Revenues from the alienation of objects of the communal property right shall be included in the corresponding local budgets and directed at financing the measures envisaged by development budgets.

7. Property transactions exercised by local self-government bodies in regard to objects of communal property, shall not weaken the economic foundations of local self-government, nor reduce the scope or impair the conditions of rendering services to the population.

8. The right of communal property of territorial communities shall be protected by law, on equal terms with property rights of other subjects. Objects of the communal property right may not be alienated from territorial communities and transferred to other subjects of the property right, without the direct consent of the territorial community or the appropriate decision of the council, or body authorized by the council, except in cases envisaged by law.

9. Village, settlement, city, and submunicipal (in the event they are formed) councils shall have the right:

1) to submit proposals on the transfer or sale to the communal property of the corresponding territorial community, enterprises, institutions and organizations, their structural subdivisions, and objects of state and other forms of ownership, if they provide territorial communities with important public services and utilities, and meet their socio-cultural needs;

2) to the priority purchase of communal property of premises, buildings and other objects located on the corresponding territory, if they may provide territorial communities with public services and utilities, and meet their socio-cultural needs;

3) to possess objects of communal property beyond the boundaries of the corresponding administrative-territorial units.

Article 61. Local Budgets

1. Local self-government bodies of villages, settlements, cities, and submunicipalities (in the event they are formed) shall independently draft, approve and implement the

corresponding local budgets, in accordance with this Law and the law on the budget system.

2. Raion and oblast councils shall approve raion and oblast budgets which are taken from state budget funds for their appropriate distribution among territorial communities or for the implementation of joint projects, and also from funds received from local budgets on a contractual basis for the fulfillment of joint socio-economic and cultural programs, and shall control their implementation.

3. The drafting and implementation of raion and oblast budgets shall be fulfilled by the corresponding state administrations, in accordance with this Law and the law on the budget system.

4. Independence of local budgets shall be guaranteed by their own revenues as well as national revenues allotted to them on the stable basis of the law, and by the right to independently determine the directions of using local budget funds, in accordance with the law.

5. Interference of state bodies in the process of drafting, approving and implementing local budgets shall not be permitted, with the exception of cases envisaged by this and other laws.

Article 62. State Participation in Forming Local Budget Revenues

1. The State shall financially support local self-government, participate in the formation of local budget revenues, exercise control over the lawful, expedient, economical and effective expenditure of funds, and their appropriate accounting. The State shall guarantee a revenue basis to local self-government bodies, sufficient for providing the population with services at the minimum level of social needs. In cases where the revenues from national taxes and fees, earmarked in local budgets, exceed the minimum amount of the local budget, the State shall assume part of the difference from the local budget to the state budget, in the procedure established by the law on the state budget.

2. Minimum amounts of local budgets shall be determined on the basis of norms of budget provision per capita, taking into account the economic, social, natural and ecological condition of the corresponding territories, and proceeding from the minimum level of social needs as established by law.

Article 63. Local Budget Revenues

1. Local budget revenues shall be taken from their own sources, as determined by law, and also from national taxes, fees and other mandatory payments, embodied in the procedure established by law.

2. Local budget revenues of submunicipal councils (in the event they are formed) shall be created in accordance with the scope of powers determined by the corresponding city councils.

3. The procedure for deduction of revenues from local budgets shall be determined by the law on the budget system and other laws.

4. The revenue portion of local budgets shall separate those revenues necessary for the implementation of exclusive powers, and those revenues necessary for ensuring the implementation of executive powers delegated by law.

5. Local budgets shall be divided into a current budget and a development budget. Revenues of the development budget shall be taken from a part of tax revenues, funds deducted from the placement of local loans, and also investment subsidies from other budgets.

6. State budget funds provided in the form of subsidies and subventions, shall be distributed by oblast councils, between raion budgets and budgets of cities with oblast significance, in the amounts required to form revenue parts no less than the minimum amounts of local budgets as determined by law, and shall also be used for financing joint projects of territorial communities from the oblast budget.

7. Oblast budget funds provided by the State in the form of subsidies and subventions, shall be included in raion budgets and distributed by raion councils between local budgets, in the amounts required to form revenue parts no less than the minimum amounts of local budgets as determined by law, and shall also be used for financing joint projects of territorial communities from the raion budget.

Article 64. Local Budget Expenditures

1. Expenditures of local self-government bodies, used to meet the needs of territorial communities, as well as their amount and purpose, shall be determined by the local budgets of these communities; expenditures related to measures taken by raion and oblast councils to provide for the common interests of territorial communities, shall be covered by the corresponding raion and oblast budgets.

2. Village, settlement, city, and submunicipal (in the event they are formed) councils and their executive bodies, shall independently utilize the funds of the corresponding local budgets and shall determine the directions of their utilization.

3. Raion and oblast budgets shall be implemented by local state administrations, within the purpose and scope approved by the corresponding councils.

4. The revenue part of local budgets shall separately envisage expenditures of the current budget and those of the development budget.

5. Funds of the current budget shall be aimed at the financing of establishments and institutions which are maintained by budget allocation, and which are not included in the development budget.

6. Funds of the development budget shall be aimed at fulfilling programs of socio-economic development of the corresponding territory, related to the realization of investment and innovation activity, and shall also be aimed at financing subventions and other expenditures related to expanded recreation.

7. Local budget expenditures shall be divided into two parts: expenditures related to the implementation of exclusive powers of local self-government, and expenditures related to the implementation of powers delegated by law to bodies of executive power.

Article 65. Utilization of Free Budget Funds

Revenues additionally received in the process of local budget implementation, and the amounts of revenues exceeding the expenditures, which were formed as a result of increased revenues to the budget or saving on expenditures, are not subject to withdrawal, except in cases envisaged by law. The decision on using such funds shall be adopted by the corresponding council.

Article 66. Balancing Local Budget Revenues and Expenditures

1. Local budget revenues should be sufficient to enable local self-government bodies to exercise the powers vested in them by law, and to provide the population with services not less than the minimum level of social needs.
2. Free budget funds and the procedure for their utilization, as envisaged by article 65 of this Law, shall not be included in the balancing of local budget revenues and expenditures.
3. In the event that all possibilities for balancing local budget revenues and expenditures have been exhausted, as well as for covering expenditures which enable local self-government bodies to implement the powers vested in them by law and for providing the population with services not less than the minimum level of social needs, the State shall ensure the balancing of local budgets by transferring the necessary funds to the corresponding local budgets, in the form of subsidies, subventions and subsidies, in accordance with the law.

Article 67. Financing Expenditures Connected with the Exercise of Executive Powers by Local Self-Government Bodies and the Implementation of Decisions of Bodies of State Power

1. The State shall fully finance the exercise of executive powers delegated by law to local self-government bodies. Funds required for the exercise of these powers by local self-government bodies shall be annually stipulated in the Law of Ukraine on the State Budget of Ukraine.
2. Decisions of bodies of state power which result in additional expenditures by local self-government bodies must be accompanied by the transfer of the necessary financial resources. The foregoing decisions shall be implemented by local self-government bodies within the limits of financial resources transferred to them. The State shall compensate expenditures of local self-government bodies which emerged as a result of decisions by bodies of state power, and which were not previously provided by the corresponding financial resources.

Article 68. Off-Budget Funds of Local Self-Government

1. Local self-government bodies may have off-budget target funds (including hard currency).
2. These funds shall be held in special accounts at banking institutions.

3. The procedure for the formation and utilization of local self-government off-budget target funds (including hard currency), shall be determined by provisions on these funds, to be approved by the corresponding council.

Article 69. Local Taxes and Fees

1. Local self-government bodies may establish local taxes and fees, in accordance with the law. Local taxes and fees shall be included into the corresponding local budgets.

2. On the decision of the assembly of citizens at their place of residence, local fees may be introduced on the basis of voluntarily self-taxation.

Article 70. Participation of Local Self-Government Bodies in Financial and Credit Relations

1. The council, or -- on the council's decision -- other local self-government bodies may issue, in accordance with legislation, local loans, lotteries and securities, may obtain loans from other budgets to cover temporary cash imbalance, to be settled by the end of the budget year, and may also receive credit from banking institutions.

2. Local self-government bodies may create, within the limits of legislation, communal banks and other financial and credit institutions, may act as guarantor of credits of enterprises, institutions and organizations which are the communal property of the corresponding territorial communities, may place their proper funds into banks of other subjects of the property right, and may receive interest, in accordance with the law, and include this interest in the revenue part of the corresponding local budget.

PART IV. GUARANTEES OF LOCAL SELF-GOVERNMENT. RESPONSIBILITY OF LOCAL SELF-GOVERNMENT BODIES AND OFFICIALS

Article 71. Guarantees of Local Self-Government, its Bodies and Officials

1. The territorial communities, bodies and officials of local self-government, shall independently exercise the powers vested in them.

2. Bodies of executive power and their officials shall not have the right to interfere in the lawful activities of local self-government bodies and their officials, nor to resolve issues referred to the powers of local self-government bodies and officials by the Constitution of Ukraine, this and other laws, except in cases of exercising powers delegated to them by councils, and in other cases envisaged by law.

3. In the event that a local state administration considers issues which affect the interests of local self-government, the former must notify the corresponding local self-government bodies and officials thereof.

4. Local self-government bodies and officials shall have the right to appeal to the court, in order to prove unlawful those acts of local bodies of executive power, other local self-government bodies, enterprises, institutions and organizations, which infringe on the

rights of territorial communities as well as the powers of local self-government bodies and officials.

Article 72. Accountability and Controllability of Local State Administrations to Raion and Oblast Councils

1. Local state administrations shall be accountable to the corresponding raion and oblast councils in the implementation of programs of socio-economic and cultural development, of raion and oblast budgets, and shall be accountable and controllable in the powers delegated to them by the corresponding raion and oblast councils, and in the implementation of decisions of the councils on these issues.

2. The raion and oblast council may express no-confidence, by secret ballot, in the head of the corresponding local state administration, on the basis of which the President of Ukraine shall adopt a decision and provide the corresponding council with a substantiated reply.

3. If no-confidence is expressed in the head of a raion or oblast state administration by no less than two-thirds of deputies of the corresponding council's general composition, the President of Ukraine shall adopt a decision on the resignation of the head of the local state administration.

Article 73. Binding Force of the Acts and Lawful Requirements of Local Self-Government Bodies and Officials

1. The acts of the council, of the village, settlement, and city head, of the head of a submunicipal council, executive committee of the village, settlement, city, and submunicipal (in the event it is formed) council, adopted within the limits of powers given to them, shall be binding for execution by all bodies of executive power located on the corresponding territory, civic associations, enterprises, institutions and organizations, officials, and also citizens residing permanently or temporarily on the corresponding territory.

2. On the request of the corresponding local self-government bodies and officials, the heads of enterprises, institutions and organizations located on the respective territory, regardless of property form, shall be bound to attend meetings of these bodies, to provide information on issues which belong to the competence of the council and its bodies, and to reply to deputies' inquiries.

3. Local bodies of executive power, enterprises, institutions and organizations as well as citizens, shall bear responsibility, as established by law, before local self-government bodies, for damages inflicted on local self-government by their actions or inaction, and also as a result of failure to execute decisions of local self-government bodies and officials, adopted within the limits of powers delegated to them.

Article 74. Responsibility of Local Self-Government Bodies and Officials

1. Local self-government bodies and officials shall bear responsibility for their actions before the territorial community, the State, and also before legal and natural persons.

2. The grounds, types and procedure for responsibility of local self-government bodies and officials, shall be determined by the Constitution of Ukraine, this and other laws.

Article 75. Responsibility of Local Self-Government Bodies and Officials Before Territorial Communities

1. Local self-government bodies and officials shall be accountable to, under the control of and responsible before the territorial community. They shall inform the population periodically, but no less than twice per year, on the implementation of programs of socio-economic and cultural development, the local budget, and other issues of local significance, and shall report on their activities before territorial communities.

2. The territorial community may, at any time, exercise the early termination of powers of local self-government bodies and officials, in the event that they violate the Constitution or laws of Ukraine, infringe on citizens' rights and freedoms, or fail to ensure the exercise of powers ascribed to them by law.

3. The procedure and cases of early termination of powers of local self-government bodies and officials by territorial communities, shall be determined by this or other laws.

Article 76. Responsibility of Local Self-Government Bodies and Officials Before the State

1. Local self-government bodies and officials shall bear responsibility in the event that they violate the Constitution or laws of Ukraine.

2. Local self-government bodies and officials, on issues of exercising the powers of executive bodies delegated to them, shall be under the control of the corresponding bodies of executive power.

Article 77. Responsibility of Local Self-Government Bodies and Officials Before Legal and Natural Persons

1. Damages inflicted on legal and natural persons as a result of unlawful decisions, actions or inaction of local self-government bodies, shall be indemnified at the expense of the local budget, and as a result of unlawful decisions, actions or inaction of local self-government officials – at the expense of their own funds, in the procedure established by law.

2. Disputes concerning the restoration of violated rights to legal and natural persons, which emerged as a result of the decisions, actions or inaction of local self-government bodies or officials, shall be resolved in the judicial procedure.

Article 78. Early Termination of Council Powers

1. The powers of a village, settlement, city, submunicipal, raion, and oblast council may be terminated early, in the event that:

1) the council has adopted a decision which violates the Constitution of Ukraine, this and other laws, citizens' rights and freedoms, and if it thereby disregarded the requirements of the competent bodies on bringing these decisions into conformity with the law;

2) the council's sessions fail to take place within the terms established by this Law, without valid reason, or in the event that the council fails to resolve issues ascribed to its competence.

2. The powers of a village, settlement, city, and submunicipal council, on the grounds envisaged by part 1 of this article and in other cases, may be terminated early on the decision of a local referendum. The procedure for conducting a local referendum in regard to early termination of the council's powers shall be defined by the law on local referenda.

3. Issues on the early termination of powers of a village, settlement, city, submunicipal, raion, and oblast council, on the decision of a local referendum, may be raised by the village, settlement, and city head, or by no less than one-tenth of citizens who permanently reside on the respective territory and who have the right to vote.

4. On the grounds envisaged by part 1 of this article, or on a court decision on the unlawfulness of the council's acts, and on the conclusions of the corresponding committee of the Verkhovna Rada, the Verkhovna Rada of Ukraine may schedule special elections to the village, settlement, city, submunicipal, raion and oblast council. The issue of the Verkhovna Rada of Ukraine scheduling extraordinary elections to a village, settlement, city, submunicipal, raion and oblast council, may be raised before the Verkhovna Rada of Ukraine by the village, settlement, or city head, by the head of the oblast, or by the Kyiv and Sevastopol city state administrations.

5. The procedure for holding special elections shall be determined by the law on elections.

6. The village, settlement, city, and submunicipal council, the powers whereof were terminated early on the decision of a local referendum, and also the council in regard to which the Verkhovna Rada of Ukraine adopted a decision on holding special elections, shall continue to operate until the election of the corresponding council's new convocation.

Article 79. Early Termination of Powers of the Village, Settlement, and City Head, and the Head of a Submunicipal, Raion and Oblast Council

1. The powers of a village, settlement, and city head, and the head of a submunicipal, raion, and oblast council, shall be terminated early in the event that:

- 1) he or she has personally submitted a letter of resignation to the corresponding council;
- 2) his or her citizenship has been suspended;
- 3) a verdict of guilty concerning this individual has entered into force;

4) he or she violated the requirements on not combining his or her activity with other work (activity), as established by this Law;

5) a court has acknowledged him or her as incompetent, absent without notice, or pronounced dead;

6) his or her death.

2. The powers of a village, settlement, and city head may also be terminated early in the event that he or she violated the Constitution or laws of Ukraine, citizens' rights and freedoms, or failed to exercise his or her delegated powers.

3. The powers of a village, settlement, and city head, on the availability of grounds envisaged by part 2 of this article and in other cases, may be terminated early on the decision of a local referendum, or on the decision of the corresponding council adopted by secret ballot by no less than two-thirds of deputies of the council's general composition. The procedure for holding a local referendum on the early termination of powers of a village, settlement, and city head, shall be defined by the law on local referenda.

4. The decision to hold a local referendum on the early termination of powers of a village, settlement, and city head, shall be adopted by the village, settlement, and city council, on its own initiative or on the request of no less than one-tenth of citizens who reside on the corresponding territory and who have the right to vote.

5. Under conditions of a court decision on the unlawfulness of actions of the village, settlement, and city head, or on the conclusions of the corresponding committee of the Verkhovna Rada, the Verkhovna Rada of Ukraine may schedule special elections of the village, settlement, and city head. The issue of the Verkhovna Rada of Ukraine scheduling special elections of the village, settlement, and city head, may be raised before the Verkhovna Rada of Ukraine by the corresponding village, settlement, and city council, by the head of an oblast council, or by the Kyiv and Sevastopol city state administrations.

6. The procedure for holding special elections of a village, municipality, and city head, shall be determined by the law on elections.

7. The powers of a village, settlement, and city head shall be terminated on the day of adopting a corresponding decision at a local referendum or by the respective council, and in the event that the Verkhovna Rada of Ukraine schedules special elections of the village, settlement, and city head -- on the day a new head is elected.

8. The powers of the head of a submunicipal, raion, and oblast council shall also terminate early in the procedure envisaged by article 55 of this Law.

Article 80. Early Termination of Powers of Self-Organized Bodies of Population

1. The powers of self-organized bodies of population shall be terminated early in the following cases:

1) failure to execute the decisions of the village, settlement, city, and submunicipal (in the event it is formed) council, its executive committee, or the general assembly of citizens, or failure to exercise its powers;

2) self-dissolution.

2. The decision on early termination of powers of the self-organized body of population shall be adopted by the general assembly of citizens who formed the given body, or by the corresponding council.

PART V. TRANSITIONAL PROVISIONS

1. The provisions of this Law shall be the base for the drafting and adoption of other legislative acts on local self-government in Ukraine, and also for laws on the cities of Kyiv and Sevastopol.

2. Upon this Law entering into force, village, settlement, city, submunicipal, raion, and oblast councils shall exercise their powers, as envisaged by the Constitution of Ukraine and this Law.

Upon this Law entering into force, submunicipal councils shall exercise their powers in accordance with the law. The election of a new composition of these councils shall be conducted in the procedure envisaged by this and other laws.

Decisions on holding a referendum of territorial communities in submunicipalities on the issue of forming (or not forming) submunicipal councils, in accordance with article 5 of this Law, shall be adopted on the request of no less than one-tenth of members of these communities, or half of the general composition of deputies of the corresponding city councils. Decisions of city councils on this issue shall be adopted by taking into account the opinion of submunicipal councils and members of the territorial communities of these cities. Decisions of submunicipal territorial communities or city councils on the foregoing issue, should be adopted no later than within six months prior to the day of holding regular elections.

3. Upon this Law entering into force, the heads of village, settlement, and city councils shall acquire the status of village, settlement, and city heads.

4. Until the adoption of a law on elections of village, settlement, and city heads, the elections of village, settlement, and city heads shall be conducted in the procedure envisaged by the Law of Ukraine “On the Election of Deputies and Heads of Village, Settlement, Raion, City, Submunicipal and Oblast Councils.”

5. The Law of Ukraine “On State Service” shall extend to local self-government officials, who shall be parallel to the corresponding categories of state service positions, if not otherwise envisaged by the legislation of Ukraine. The salary terms for local self-government officials shall be determined by the Cabinet of Ministers of Ukraine.

6. Until the adoption of a law on the administrative-territorial division of Ukraine, territorial communities consisting of residents of several settlements shall hold elections

of deputies to village, settlement, and city councils as well as of village, settlement, and city heads, in accordance with the effective administrative-territorial division.

7. Until the adoption of a law on the administrative-territorial division of Ukraine, the territorial communities of villages, settlements, and cities which voluntarily united into one territorial community, may adopt a decision by way of local referendum on secession from this community, solely on the condition that a financial and material base is available, sufficient for providing the realization of each of these communities of the functions and powers of local self-government, in accordance with this Law.

8. Keeping data on the number and composition of territorial communities and local self-government bodies, and also providing them with methodical assistance, shall be exercised by the Verkhovna Rada of Ukraine.

9. Until the adoption of laws which determine the procedure for the formation of local budgets, in accordance with the Constitution of Ukraine and this Law, local budgets shall be formed in the procedure established by the laws on the budget and tax systems.

10. Upon this Law entering into force, property which prior to the adoption of the Constitution of Ukraine was transferred by the State, in the procedure established by legislation, to the communal property of administrative-territorial units, and property acquired by them on other lawful grounds, in addition to the property that was alienated in the procedure established by law, shall be the communal property of the corresponding territorial communities of villages, settlements, and cities.

Property which was transferred to the communal property of oblasts and raions, or acquired on other lawful grounds, shall be the common property of territorial communities of villages, settlements, and cities, and shall be managed, in accordance with the Constitution of Ukraine, by raion and oblast councils or bodies authorized by them. The alienation of the foregoing property shall be exercised only on the decision of the owner or body authorized by the owner.

On the proposal of village, settlement, and city councils, raion and oblast councils should adopt decisions on transferring certain objects to the communal property of the corresponding territorial communities, which are located on their territory and which meet the collective interests exclusively of these territorial communities.

The legal regime for communal property of territorial communities shall be determined by law.

The Cabinet of Ministers of Ukraine, together with the State Property Fund of Ukraine, shall submit for consideration by the Verkhovna Rada of Ukraine the draft law on communal property, within two months from the day this Law enters into force.

11. Raion and oblast councils, in accordance with the requirements of the Constitution of Ukraine and this Law, shall elect within two months of this Law entering into force, council heads (where these positions are combined by heads of local state administrations), shall form executive bodies of councils, and shall adopt a decision on delegating powers to the corresponding local state administrations.

12. This Law shall enter into force on the day of its official publication.

On the day this Law enters into force, the following shall lose all force and effect:

Law of the Ukrainian Soviet Socialist Republic “On Local Councils of People’s Deputies of the Ukrainian Soviet Socialist Republic and Local Self-Government” (News from the Verkhovna Rada of the Ukrainian Soviet Socialist Republic. 1991: No. 2, p. 5; News from the Verkhovna Rada of Ukraine. 1992: No. 28, p. 387; No. 31, p. 438; No. 33, pp. 475, 476; 1993: No. 7, p. 54; No. 17, p. 184; No. 18, p. 189; No. 19, p. 199; No. 26, p. 277; 1995: No. 22, p. 171; 1996: No. 16, p. 71);

Law of Ukraine “On the Formation of Local Bodies of Power and Self-Government” (News from the Verkhovna Rada of Ukraine. 1994: No. 22, p. 144; No. 26, p. 217);

Law of Ukraine “On the Representative of the President of Ukraine” (News from the Verkhovna Rada of Ukraine. 1992: No. 23, p. 335; No. 31, p. 437; 1993: No. 19, p. 197);

Resolution of the Verkhovna Rada of Ukraine “On the Procedure of Implementing the Law of Ukraine ‘On the Representative of the President of Ukraine’” (News from the Verkhovna Rada of Ukraine. 1992: No. 23, p. 336; No. 31, p. 447; No. 33, p. 485).

President of Ukraine
L. Kuchma

City of Kyiv, 21 May 1997
No. 280/97-VR.