

## Cultural Village of Europe

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#### State and Local Municipalities -The Situation in Germany-

##### Introduction

##### The administrative structure of the German nation

The Federal Republic of Germany with the capital of Berlin has -as the name says -a federal structure: It consists of 16 states which are called "Länder". The Republic is ruled by a Basic Law, and the states each have their own constitutions.

One of these states is our Sachsen-Anhalt with the capital of Magdeburg, the seat of its government and parliament. The current Government of Sachsen-Anhalt is formed by a conservative coalition.

The state of Sachsen-Anhalt is subdivided into 3 district-less cities and 21 more districts. Our district of Halberstadt consists of 3 Administrative Units, the district city and one more single municipality.

All districts counted together, the whole state of Sachsen-Anhalt has about 80 Administrative Units, of which one is our area "Harzvorland-Huy" (this means more or less "Harz foothills and Huy", the latter being a small mountain range). 6 municipalities are part of this area, of which Ströbeck is one.

Ströbeck is also the seat of administration for the Unit, i.e. for the 6 municipalities.

##### Municipal autonomy

Municipal autonomy means the right and the ability of municipal authorities to rule and shape a substantial part of public life -within the legal framework -for themselves in their own responsibility for the good of their residents.

This right is exercised by a council or board whose members are being determined in free, secret, equal, direct and general elections. This council or board has executive bodies which are responsible to it.

The constitution of each state must make allowances for this right of municipal autonomy (Article 28, paragraph 3 of the German Basic Law (00))

##### Municipal self-government

Municipal self-government in the legal sense means the fulfilment of public duties by legal entities of public law, which are part of the state and are acting in their own name, at their own responsibility and using their own bodies, under state supervision. The duties are fulfilled independently, i.e. without state instruction or directive.

The advantage of this divided kind of administration is being seen in decentralization. It is expected that an independent local authority will not risk becoming bureaucratically cumbersome.

### By order of the constitution...

According to Article 28, p. 2 GG, the municipalities must be enabled to govern all matters of the local community at their own responsibility -within the framework of law. The principle of municipal autonomy is acknowledged in national legal regulations and in the constitutions.

### Scope and fulfilment of duties

The municipalities must carry out the following tasks of self-government in their own responsibility:

- Organize and design the municipalities harmonically
- Set up land development plans and building plans
- Promote economy, trade and crafts
- Ensure public transport
- Ensure energy and water supply and sewage disposal
- Empower council housing
- Promote private and cooperative house building
- Ensure fair distribution of housing
- Give health and welfare support to residents
- Host schools, run kindergartens and after-school care
- Develop leisure, sport and recreation including tourism
- Develop cultural life, protect the natural environment
- Run financial economy
- Raise taxes, tributes, duties
- Publish statutes Some of the se jobs can be entrusted to other bodies. One example, which has been discussed last year in Paxos, is water and sewage management, which has been conferred to a joint Association by several municipalities in the region.

Besides their own tasks, the municipalities have added assignments delegated to them as state directives or upon national order. The fulfilment of these tasks calls for a capable and efficient administration with enough qualified and specialized professionals. A big practical problem in this respect is that the financial funds provided to the local bodies are inadequate. The local tax revenue is not sufficient to balance the budget. National and state allocations are changeable, which makes them nearly impossible to count upon. A large part of our work is therefore the procurement of development funds. One more practical shortcoming is the lack of police force. No municipality or local community has an influence upon the work of the police in our villages. This is a matter of the state government.

Several villages can join forces in the form of Administrative Units. Ströbeck is also part of such a Unit.

a) Delegated tasks, i.e. more or less "national" duties, are carried out by the Administrative Unit in its own competence and in its own name. The Administrative Unit which I am heading has its seat in Ströbeck. It stands in lieu of its member communities. This relieves them from some of the administrative work and makes them free to care for local matters. For this kind of tasks, the Administrative Unit is under obligation to inform the member communities about all that concerns them.

Delegated tasks in the municipalities are e.g.:

- Disaster control
- Residents' office, pas sport and ID office
- Registry office
- Execution of trade regulations
- Execution of administrative matters
- Building matters

b) Own local tasks are entrusted upon the Administrative Unit not by law, but by the member communities. The local self-government tasks always remain with the single villages. What is delegated to the Administrative Unit by law, however, is cashing and accounting. It is engaged in preparing, setting up and enforcing the village budgets. In addition it supports, after consultation with the mayors, the preparation of decisions in the village councils and their committees. The competence of decision remains with the single villages; the same goes for financial and planning sovereignty.

The member villages delegate tasks onto the Administrative Unit (AU) "for handling", i.e. for the practical management. Among these are planning and carrying out of development work, building site management, maintenance of schools and kindergartens as well as the promotion of tourism. The AU is also referred to as the "writing desk of the municipalities".

The acting bodies of the AU are the Unit Committee and the head of the common administration office. As bodies of municipal self-government, they have several responsibilities in carrying out administration. The Unit Committee is made up of the member villages' mayors. By this power and by its responsibilities, it is the topmost body of the UC. It has fundamentally the exclusive competence, with the exception of some cases where the head of the common administration office is responsible.

The Unit Committee

- decides upon the AU's budget statute
  - decides upon the share each member community has to pay for the budget
  - is superior to the head of the common administration office
  - appoints the head of the common administration office and his/her deputy
  - hires the other employees of the administration office on the head's suggestion
- The Unit Committee is being headed by one director, one of the villages' mayors.

The head of the common administration office runs and supervises the office's business. He or she is responsible to the Unit Committee. By law, this person must have a special qualification for Senior Administration Service and be generally eligible for a public office as ruled by national government law. The head of the common administration office is the others employees' superior. In addition, he or she represents the AU in public as far as the AU's delegated ("national") tasks are concerned.

### Financing the Administrative Unit

The German law for legal costs (§ 11) rules that Administrative Units must finance themselves by sharing the cost between their member communities, if their own income does not cover their financial requirements. The financing of an AU is of great importance, given the great cost factor that alone its office staff represents. The financial sovereignty lies with the member communities, as part of their right of autonomy. This is why the law provides for cost-sharing as a financing method, giving -as a rule- a ratio formula based on the number of inhabitants of each village.

Right now, the whole landscape of administrative bodies in Sachsen-Anhalt is going through a

time of upheaval. Administrative Unions as well as Districts are being merged, which will cut their numbers about by half. Our AU "Harzvorland-Huy" is having great trouble in this process, and it is unforeseeable at this moment in which unions our member communities will be at the end of this year.