

Mariusz Popławski

Municipalities and Local Associations as Subjects of Public Power Decentralization

On the Example of the Kujawsko-Pomorskie Region in Poland

REVIEWERS

Alfred Lutrzykowski
Ludwik Habuda

PUBLISHING EDITOR

Justyna Brylewska

TECHNICAL EDITING

Mirosław Głodkowski

PROOFREADING

William Benjamin

COVER DESIGN

Krzysztof Sieradzki

© Copyright by Wydawnictwo Adam Marszałek

© Copyright by Mariusz Popławski

All rights reserved. The book you have purchased is the work of the author and the publisher.
No part of it may be reproduced in any manner whatsoever without permission in writing from the copyright owner.
In case of brief quotations of the work do not change the contents and make sure to note whose it is

Toruń 2014

ISBN 978-83-8019-096-2

Second edition

Legal status: January 2012

Sales Department: tel./fax 56 648 50 70, e-mail: marketing@marszalek.com.pl

Wydawnictwo Adam Marszałek

ul. Lubicka 44, 87-100 Toruń, tel. 56 664 22 35, 56 660 81 60

e-mail: info@marszalek.com.pl, www.marszalek.com.pl

Drukarnia nr 2, ul. Warszawska 52, 87-148 Łysomice, tel. 56 678 34 78

To Krystyna and Romuald – my Parents

Table of Contents

Introduction	7
Chapter I. Decentralization of Public Power. The Dispute over the Essence of the Process and Definitions	15
1. Introduction	15
2. Legal Approach	17
3. Type-Function Approach	33
4. The Definition	45
Chapter II. Municipality as a Subject of Public Power Decentralization	53
1. Introduction	53
2. Local Government – Social Nature and Definitions	55
3. Local Government in Poland	57
4. Municipality as a Subject of Public Power Decentralization	64
5. Tasks, Competences and Resources of Municipalities as Objects of Public Power Decentralization	84
Chapter III. Local Associations as Subjects of Public Power Decentralization	101
1. Introduction	101
2. Features of Local Association as a Subject of Public Power Decentralization	108
3. Tasks, Competences and Resources of Local Associations as Objects of Public Power Decentralization	120
Chapter IV. Lower Subjects of Public Power Decentralization: Municipalities and Local Associations	137
1. Theoretical Foundations of Cooperation of Municipalities and Local Associations	137
2. Potential of Local Associations for Taking Part in the Correction of Imperfection of Decentralization – Selected Aspects	155
Chapter V. Participation in the Correction of Decentralization at the Local Level – Opinions of Local Associations Representatives	179
1. Practical Aspects of Cooperation	179
2. Survey Process	184
3. Analysis of Results	189
Concluding Remarks	199
List of References	203
Appendix A	221

Introduction

Analysis of the literature shows, that research on public power decentralization are still relatively rare. Due to its legal and economic origin it is a decentralization of public administration, not public power that is usually analyzed. That narrows the perspective just too public subjects. At the same time one must notice that in the world of social sciences the old perspective (government) has been left behind in favour of the new one – governance (Rhodes, 1996). At its sources lie observations on policy-making processes, in which actors from outside official state structures are also present. For example, third sector organizations not only influence government decisions, but also take part in preparing strategies (Cutler, 1999; Risse, 2000).

A broad perspective on decentralization is indirectly present in the Polish Constitution of 2nd of April, 1997. In Art. 15 para. 1 it is stated that “The territorial system of the Republic of Poland shall ensure the decentralization of public power”. As it does not refer to decentralization of public administration, which is more popular, it is even more valuable to undertake the issues contained in the topic of this book.

The problem of public power decentralization in the context of two types of local actors, and their relationship to each other, is the research field here. The group of local actors has been additionally limited to Polish municipalities and local associations.

The timeframe of the analysis refers to some historical facts, but a major part is about the most current situation. Of course research and publishing has its constraints, so some changes might have occurred when you are reaching for this book, but it is not that crucial as the analysis I present to you it is rather universal and legal acts that are its background. It is all about mechanisms, not temporal solutions.

As can be seen in the title the analysis is limited to the Kujawsko-Pomorskie region of Poland. Information about local associations has been taken from Kujawsko-Pomorskie Marshalls Office database of NGOs and from two national registers: KRS and REGON.

In the book such terms as “public power decentralization”, “lower / higher public power decentralization subject”, “relative independence”, “subsidiarity”, “supervision”, “municipality” and “local association” are used very often. To keep proper methodological order they have been defined.

Chapter I has been dedicated to defining the basic category – public power decentralization. Its aim is to point out determinants, that we call certain relationships between subjects as characteristic to public power decentralization. In the course of research demarcation points have been outlined, which allow us to easily distinguish decentralization from centralization, deconcentration and delegation. Such phenomena as relative independence, subsidiarity or supervision are the supportive ones here, meaning – they are needed to explain the main one.

Chapter II and III are a necessary synthesis of the current legal situation of both analyzed subjects – municipalities and local associations.

Chapter IV contains an analysis of mechanisms that accompany decentralization and its possible influence on relationships between municipalities and local associations. In effect a mechanism explaining circumstances encouraging interactions between the two has been built, which has its roots in the public power decentralization processes. A simulation has been performed, on how this mechanism could be used in practice, to which data gathered in a survey has been used.

The main goal of the survey was however, to collect opinions of local associations representatives cooperation with municipalities, on territory of which they act. In the last part of the book – chapter V – the analysis of the current attitude, interaction and potential is presented.

Inspiration to choose this topic has been brought by observations of the incredibly dynamic change in Poland since 1989 – the year of the breakthrough. The transition involved numerous spheres of socio-political life. The last two and a half decade were a time of economic growth and removing social initiative barriers, and as a result many people desired and have begun their active participation in solving problems of their own local societies.

In 1990 in Poland, after 40 years of absence, local government has been restored quickly. At first it had functioned only at municipal level. The end of the millennium was the moment of major development of territorial self-government in Poland, which is later presented in the book in detail.

Today, we may definitely state, that local government in Poland has the potential to solve many vivid issues of local communities. It may be used to upgrade political culture and the standard of living. It could also play a crucial role in solving hundreds of thousands of the small-scope problems of citizens. At the

same time, according to the profile outlined by Max Weber, local government is part of the bureaucratic culture (Kozyr-Kowalski, 1999), which both supports and hinders effective public tasks performance.

From the very beginning of the transformation, changes refer also to non-government organizations. The Local Government Act has even been preceded by Law on Associations, and in the 2002 Act on Public Benefit Organizations came into life – a regulation, that made activity of NGOs easier, effective and more beneficial for the rest of society.

A sector of subjects of the new type has emerged in Poland just next to public administration. But these subjects do not have extensive structures or stable, guaranteed revenues, and their establishment is free from the will of public power, but depends of private entities. It lets us assume that the character of activity of a local association is much different from the municipal office. For example, disadvantages that result from a bureaucratic nature might be less intense. What is more, activity of local associations is often an answer to such disadvantages. Non-government organizations, as private entities, cannot however decide on public tasks performance on their own. These circumstances are a natural starting point for interaction. Municipalities and local associations remain in certain formal and informal relationships, and the goal of that tie is the performance of public tasks. Observation of presented interactions made me prepare the following research questions:

1. What is the character of the relationship between municipalities and local associations?
2. What are the differences between municipalities and local associations in regard to relative independence from the public center?
3. What are the most often problems that occur within local associations and municipalities relations?

The above research questions following working hypotheses has been formulated:

Hypotheses to question 1.

- a\ Municipalities cooperate with local associations in the sphere of public tasks performance only with a little scope compared to the whole number tasks.
- b\ Local associations point to municipalities as its most important institutional partner.
- c\ Local associations in the sphere of public tasks performance are financially dependent on resources granted by municipalities.

- d\ Local associations, in regard to public tasks performance, hardly ever follow a vision of policy coherent with local authorities opinions.

Hypotheses to question 2.

- a\ Municipalities have a bureaucratic structure, much bigger than local associations.
- b\ Municipalities have a much greater potential to perform public tasks than local associations.
- c\ Associations are much more independent in selection of tasks they are willing to perform.
- d\ Associations act in conditions of much greater competition.

Hypotheses to question 3.

- a\ In the opinion of local associations representatives criteria of granting public money by municipalities are unclear.
- b\ In the opinion of local associations representatives of municipalities prepare difficult procedures for associations ready to perform public tasks.
- c\ In the opinion of local associations municipalities are not consulted enough about local third sector policy strategies.

The presented research hypotheses has been verified using both quantitative and qualitative methods. Quantitative method lets us describe many phenomena using numbers. According to Mark Franklin (2008, p. 240) a if you have two cases, you can rule out something as a necessary condition for something else. If you have three cases you can rule out two things, or you can start to make quantitative statements (...) As soon as you start saying things like ‘this happens two-thirds of the time’ you are doing quantitative analysis”.

Quantitative method is useful then, only in the case of certain data. If personal experience, observation, opinions, attitude, or noted behavior are key to answer a research question, questionnaire and survey are used (Pennings, Keman, Klein-nijenhuis, 2006, p. 59).

Data collected with quantitative method may also be gathered in another way. Their source could be interviews or statistics. If the number of subjects is big you may do research just on a sample, which lets us gather quite reliable information on the whole population. Scale of a fault is determined with the size of the sample. The bigger it is, the probability of a fault drops (Fowler, 2009).

Due to the specific nature of the analysis, research has been done using a survey form. It is a standard list of questions, which is presented to a greater number of

people (Pennings, Keman, Kleinnijenhuis, 2006). This lets the surveyed persons reveal their opinions on certain topics. A proper survey form has to take into account some fundamental rules. Questions have to be understandable to the surveyed people, so we need to avoid expert language, unless we are sure that the people we are going to ask questions know the vocabulary very well and the use of that vocabulary is really needed. Questions and suggested answers have to be explicit. The person we are doing the survey on cannot try to guess what the researcher had on mind. It is especially important when the pollster is in place. His presence is however limited with some restrictions, because when explaining something one may suggest answers. If in the survey you have optional answers to a question, then you should plan their number in such a manner, that answers e.g. expressing negative attitude, were equivalent to other ones. You must also omit both neutral options and an answer that means no opinion. The list of options should not be too long. The order in which questions are asked also has its importance. You should begin with more general ones.

The goal of the part of the research should be done with the quantitative method was to evaluate the potential of local associations from the Kujawsko-Pomorskie region and their opinions on hitherto cooperation with municipalities in the territory of which they function.

In research design two problem spheres have been distinguished. The first one refers to the special character of potential of Kujawsko-Pomorskie local associations in the regard to the issue of compensation of municipal imperfection. Due to the problems of complexity it has been decided that only a selected, but still broad, layer of features of Weberian-type bureaucracy will be analyzed. This research definitely will not give all the answers, as it does not cover all possible issues. Thanks to catching general trends received data could be taken into account while doing research on correcting imperfections of decentralization.

Matters that constitute the first sphere are elements of bureaucratic subject features of character, among which we find such issues as:

- a\ bureaucracy pathologies,
- b\ staff characteristics and status,
- c\ accommodation abilities,
- d\ effectiveness and competitiveness,
- e\ innovativeness.

The second sphere refers to the cooperation of municipalities and local associations from Kujawsko-Pomorskie region, including opinions about its beginning, its course and received effects. These interactions have been checked from

the point of view of associations. In the second sphere following aspects of that interaction have been emphasized:

- a\ general attitude,
- b\ intensity and frequency,
- c\ effectiveness of communication,
- d\ transparency, legibility and fairness of procedures,
- e\ flow of financial resources,
- f\ the political dimension of activity.

Aside from quantitative methods to verify the stated hypothesis also qualitative methods have been used. It comprises here mostly of legal and institutional analysis and analysis of documents. These have been done in regard to Polish legal traditions and culture, which allow proper interpretation of certain terms.

This is all aimed at delivering information on the legal status of municipalities and local associations in Poland. At the beginning a list of legal acts has been made, that refer to local government and third sector. Among them we find the Constitution, Local Government Act, the so-called “detailed acts”, as well as territorial self-government agreements, reports and strategies. In case of NGOs, except for the Constitution, Law on Associations and Acts on Public Benefit Activity and Volunteering had to be analyzed. The used division of analysis on the subjective and objective sphere’s was aimed at keeping a proper order of the research.

Using selected methods, techniques and tools I have attempted to fulfill the designed research goal. Analysis of phenomena important for the whole society, which public power decentralization definitely is, may be an interesting contribution to local policy studies. Suggested in this book, a broader look at decentralization is somehow following the governance perspective, which seems to dominate the political science discourse.

Special attention shall be put to the mechanism of self-correction of imperfections of public power decentralization, presented in chapter IV. It might put some fresh light on the issue of the social role of NGOs, as they are given a special function in the structure of a contemporary democratic state.

Empirical material, gathered by the author, could be a fascinating inspiration to further, deeper research and remarks. Information on the potential as well as opinion regarding cooperation with municipalities, let us go beyond the sphere of theoretical deductions and to verify worked out postulates. In the future, we will find out whether they were true or not.

I would like to thank Professor Alfred Lutrzykowski, who has always been and always will be my academic lighthouse. Many of the sentences you will find in this book were inspired during our long discussions about local government.

I would like to thank my beloved Parents and my Wife, whose support has always been priceless.

Chapter I

Decentralization of Public Power. The Dispute over the Essence of the Process and Definitions

1. Introduction

“Decentralization” is the basic concept of this chapter, as well as – of the whole book. Research on implementation of decentralization in the Republic of Poland on the example of the Kujawsko-Pomorskie region is an empirical illustration of doctrinal and political assumptions in this field. In order to gain the mentioned cognitive goals, at the very beginning an explanation of the fundamental concept, which determines the sociopolitical nature, shall be conducted.

Decentralization is in Poland still not a very popular research field of political science. However, attainments of other disciplines (economics, law, management) are much greater (Habuda, 2009). The reason of taking up, by greater groups of researchers, an analysis of that process within various political systems, is the fact that decentralization has become an important issue also for political science experts. A common feature of decentralization, that is being pointed out in many disciplines, is the fact that it is an organizational procedure within the process of governing, as well as it is a consequence of previously adopted solutions. It is also a content of political demands, an important part of doctrines, part of political programs or a scheme used to influence opinions and attitudes of societies. Due to the interdisciplinary character of the issue we shall aim to make use of achievements of all of the disciplines. It is very important to get acquainted with those that come from different areas of knowledge.

In the course of analyses many references to opinions of researchers from various disciplines will appear. It shall be taken into account that this multi view – considered as the most promising path – allows political science to gain the main goal, which in this case is the answer to the question for the essence of decentralization.

What we also require here is an explanation of “demands of proper decentralization”, presentation and analysis of a variety of: standpoints, methodological

approaches and judgments, appearing in the literature. Presented opinions and definitions will be analyzed on the angle of their coherence. To maintain appropriate research order, extraction and categorization of certain pieces of each approach will be made.

In this monograph you will find many references to “centralization”, which is some sort of an antithesis of decentralization. Its’ detailed explanation is not always necessary. Here, it is assumed that centralization refers to structures which are not decentralization, but the ones that do not contain any transfer of resources, competences nor tasks, to any other entity than the centre. In this monograph some references to such concepts as delegation and deconcentration also appear, but are not really significant.

Important elements of the analysis are findings of authors, who publish in highly ranked journals, which shall deliver new perspectives on the issue. Among them different strategies of understanding decentralization can be easily indicated, therefore a sort of confrontation may potentially result with a synthesis of the most valuable arguments.

The abovementioned variety of approaches, opinions and definitions of decentralization in international literature shall be strongly underlined. It is mostly noticeable within analyses conducted by researchers from different cultural groups. Status of diversity is well pictured by Sarah Gregory and Jerry Smith (1986). They indicate the multiplicity of decentralization, claiming that “discussion about decentralization is hindered by a lack of consensus about the meaning of the word itself. In fact, the meaning depends on the context”. This opinion is shared by Diana Conyers, stating that “everyone knows roughly what ‘decentralization’ means, but defining it precisely presents problems because it can be used in a number of different ways and in significantly different contexts” (1984, p. 187). John M. Cohen and Stephen B. Peterson (1996), not without reason, emphasize a practical problem, which is the language barrier. In effect decentralization “seems often to mean whatever the person using the term wants it to mean” (Bird, 1993, p. 208). In order to avoid the mentioned obstacles special attention will be paid to explain all the differences.

This chapter has been divided according to the criteria of defining within various approaches. Two significantly different ones have been selected for analysis. In each subsection, referring to the different defining approach, the subjective and the objective aspect of the definition are distinguished (actors may be numerous, but the object remains the same – decentralization. Its first element is plural and the other in single).

2. Legal Approach

a. Outline of the Legal approach

Authentic burst of scientific thought in Poland on the concept of decentralization, including decentralization of public power, took place just after 1989. Issues regarding analysis other than dealing with the centralistic structure of the state, of course existed before. One is the comparative study of local government edited by Jerzy Reguński, titled *Decentralization and local government: a Danish–Polish comparative study in political systems*, published in 1988. Also parts of works by Jerzy Starościek, published in the 1970's are significant in this context.

Obvious restrictions within political science, that had existed throughout the following decades of socialism, had caused that achievements regarding decentralization were insignificant. Meanwhile, the exchange of scientific findings, with states which could boast of important and creative concepts, had been hampered. After political change an obvious move, made in order to develop research on decentralization, was to take inspiration and results from other disciplines, including most of all – law.

Nowadays in Poland explanations of decentralization with categories originating from law studies have in political science an unquestionably dominant position. As a result – undertaking analysis, or even (due to rapid changes of the world) building a framework for research on the issue of local & regional power anew, could have pressed ahead. However, still in Poland the threat of the careless transfer of categories (as well as definitions) shall not be forgotten. For example, we may point to the distinction between “decentralization of public administration” (which is a category of law studies) and “decentralization of public power” – a concept with a much greater potential to be a category of political science.

Implementing findings originating in other disciplines might be wrong. However, we shall not reject them. It is important to be aware of the differences. A closer look, along with a constructive criticism, seems to be the right strategy in the search for the essence of public power decentralization.

The title of this subsection contains word “approach”, which here is understood as a systematic and coherent framework on issues. Because this approach, as mentioned before, originates in law, it is called “the legal approach”.

The beginning of the subsection concentrates on the description of subjects that participate in decentralization. An introduction of the basic assumption begins the analysis. It is the starting point for further conclusions. The content of this assumption is an axiomatic remark that in decentralization, as in other phenomena in social sciences, at least two subjects appear. Assumption about

multiplicity of actors is substantiated by easily recognized features of decentralization. Regardless of an approach it is always a transfer, which means it has to take place between at least two subjects. The lack of transfer means that decentralization is not present. Of course, we shall not forget that decentralization is also a “state” after such a transfer. It is also important to define features of subjects that take part in decentralization, as this will clarify the identifying criteria.

The next part of the subsection is dedicated to the object of transfer. Different elements have been detailed. The most important is to indicate, which of them are necessary, in order to speak of the certain process as decentralization and what interrelations appear between them.

b. Subject in the Legal Approach

The extensiveness of the catalogue of elements of the set named “subjects” is one of the key issues, as imprecise defining can lead here to wrong conclusions about the whole concept. In this part of the analysis certain goals have been outlined. (1) An attempt has been made to decide whether the catalogue of subjects participating in decentralization is opened or closed, which refers to terminology. If the name of a subject is general and abstractive, then the catalogue is opened and if it precisely links the subject with a certain type of an entity – it is considered as closed. (2) Also opinions on the hierarchy issue have been verified. That is usually expressed with the semantic character of a word. (3) An aim was also to indicate what features of subjects, besides the two previous aspects, authors claim to be necessary to speak about decentralization.

Within the legal approach a high consistency can be noticed in works by Hubert Izdebski – Polish law scientist, who concentrates mostly on public administration issues. In his monograph – *Samorząd terytorialny. Podstawy ustroju i działalności* (Eng. *Local Government. Basics of the System and Activity*) – Izdebski (2008, p. 17) explains decentralization by distinguishing “organs of decentralized public power” and of “central power”. Later, he uses a shorter term – “decentralized subjects”. If we take a closer look we will notice that terminology (words) used by Izdebski do not determine the character of relations between subjects. The author does not define their rank, but instead is calling one of them “the centre” and the other – “the decentralized”. Both aspects of Izdebski’s approach might demonstrate that he was going to leave the catalogue rather opened.

An opposite strategy – meaning – closing the catalogue by linking decentralization with certain levels of public administration, can be found in the monograph by Barbara Gąciarz (2004). In the opinion of that researcher the first subject that takes part in decentralization is “national government” or in other

words – “national level government”. This term suggests use of classification characteristic for federal states (national government – state government) and in my opinion it would be more accurate to describe this subject as the “central government”.

The second subject, or rather the second group of subjects, that participate in decentralization according to Gąciarz, are “different sized territorial groups on the sub-national level”. That explanation may suggest that the researcher links decentralization with the structure of a federal state. Analysis of the definition by Gąciarz indicates that the catalogue defined this way is limited to groups of a territorial character, functioning at a sub-national level. In this group we will find *inter alia*: local government units, autonomous territories, as well as members of federations. Excluded are e.g. government agencies (that are in a specific relation with the government).

In the theoretical part of her monograph Gąciarz uses some unfortunate expressions, what shall be commented here. Explanations introduced by the author are in contradiction to the phenomena defined by Gąciarz as “full decentralization”, which she presents after Donald R. Winkler & Alec I. Gershberg (2000). The argument used by her in favour of the mentioned term is an observation that “sometimes, as studies of international experts show, it is not earlier than after full decentralization – transferring competences and tasks to the lowest level – improves the functioning of public institutions” (Gąciarz, 2004, p. 83). In the quoted fragment these findings of international experts are not the discussed part, but it is further comment – “such process took place e.g. in the case of school systems in Latin America, where transfer of competences and resources to local administration has not improved anything and further transfer of power and money to schools resulted in the effect of optimization” (Gąciarz, 2004, p. 83). This “full decentralization” means here transfer to schools – but schools are not any type of the abovementioned “local or regional government”. However, it shall be noted that effective (best) decentralization, which Gąciarz is trying to describe here, is in fact based on optimization, but not on mindless, consecutive transfer of tasks to lower and lower levels.

Such an approach to the catalogue, presented by Gąciarz, is not exceptional. A similar one is presented by Konstanty A. Wojtaszczyk in his cross-sectional study titled *Społeczeństwo i polityka* (Eng. *Society and Politics*). The concept of decentralized public power is described here naming actors “central organs” and “local organs” respectively (2003a, p. 240). Use of the word “local” indicates that, comparing to Izdebski, Wojtaszczyk takes into consideration only part of this wide catalogue. Later he narrows the subject even more, claiming

that “a precondition of decentralization is (...) existence of local government”. Unambiguity of this statement seems to be too strong. Dynamic development of structures of government (governance) obliges scientists to leave some space for change, which can be kept only with abstractive constructs, describing just mechanisms, but not names.

As mentioned above, closing the catalogue is not exceptional, but still rather rare. Arguments against use of terms present in the work of Gąciarz can be found in the verdict of The Polish Constitutional Tribunal, which indicates that such a narrow approach is wrong. Also Hubert Izdebski and Michał Kulesza share this opinion. They present a much wider catalogue than territorial ones.

Zbigniew Niewiadomski (2002) is another researcher who attempted to avoid determining relationship between subjects of decentralization within terminology. He describes decentralization as one of the fundamental principles of local government, of which “central authorities” and “local structures” are main actors. He also brings one simple, but incredibly bright idea that “decentralization is a condition for local government”, but not the opposite.

Terminology, free from limitation of the catalogue, but allowing it to deduct relations between the subjects, is presented by Bogdan Dolnicki (2009). In his monograph *Samorząd terytorialny* (Eng. *Local Government*) subjects of decentralization are consequently called “lower level organs within organizational structure” and “higher organs”. He does not narrow the concept to subjects of a territorial character, but leaves the possibilities for wider interpretation. As a result we may claim, according to Dolnicki’s definition, that the territorial aspect is not the only one.

Free from limiting the catalogue of subjects that participate in decentralization are also the works by Eugeniusz Zieliński (2001). In *Administracja rządowa w Polsce* (Eng. *Government Administration in Poland*) the author uses rare but interesting names of actors. We will find here such terms as “cell of administrative system” and “lower cells”. Term “cell” (of a chain) is not as popular – its use may not be widely accepted. However, it is still a good strategy to avoid expressing the precise character of a subject. Simultaneously the author communicates existence of a link between subjects. Furthermore, the word “cell” has a universal character, i.e. – it can be used to describe relations between non-public entities.

Zieliński, often quotes Jerzy Starościk (1972) – a researcher whose studies on public administration, despite passing time, are still up-to-date, or even regarded by some as classical. Starościk, describing the essence of decentralization (as later did Dolnicki), explains relation between lower and higher levels are based on supervision. He emphasizes that supervision, during shift from centralization

to decentralization, replaces hierarchical subordination. Identical conclusions are later expressed by (among others) Jerzy Boć (2000) and Zbigniew Janku (2000).

Two separate trends in determining subjects of decentralization within the legal approach definitely exist. The first one equals use of abstractive terminology, which makes the definition more universal. The second one narrows potential definition, which is a result of strict linking decentralization with certain types of (almost only public) institutions, including local government or government agencies.

Due to the abovementioned dilemma it just has to be mentioned that an interesting typology has been presented by Izdebski and Kulesza. Despite it refers to decentralization of “public administration”, not “public power”, which is a major difference, its analysis can be fruitful for further understanding of the phenomena. Of course Izdebski and Kulesza limit the catalogue to public bodies, as the typology refers to public administration, but their later conclusions are important here. They claim that transfer is directed to “legally autonomous administrative entities, authorities or institutions, which are not part of centralized government administration” (Izdebski, Kulesza, 2004, p. 135). Within the first type they distinguish (1) corporative forms of decentralized administration. They state that “the basic form of decentralization is self-government. Its’ essence is to entrust management of public issues to the interested party, meaning – associations of citizens, organized according to the law, into public law corporations” (Izdebski, Kulesza, 2004, p. 135). Later, they divide corporations: (a) ones that have territorial character (local government) and (b) those that are non-territorial (professional, economic, or agricultural self-governments, etc.)

The second type (2) is called “other personal forms (...) whom the legislator has not however granted separate legal subjectivity, but has given a status within the sphere of public law, mostly by personal guarantees” (Izdebski, Kulesza, 2004, p. 140–141). Among the presented examples we can find local government appeal committees as well as regional chambers of auditors. Judicial independence of those bodies, which allows us to recognize them as decentralized forms, comes from personal independence and non-removability of members of that organs, as well as – “due to their independent organizational entity and lack of organizational subordination and self-reliant position in the sphere of public finance, guaranteed directly by the budgetary act” (Izdebski, Kulesza, 2004, p. 141).

The third type are (3) “forms based on the material factor” (Izdebski, Kulesza, 2004, p. 142). Izdebski and Kulesza define them as “institutions managing materially discrete property, that perform public tasks, e.g. education, health care, social service, organized transport, water or sewage systems” (Izdebski, Kulesza,

2004, p. 142). However, at the end they add that due to constant, unfinished discourse, this category shall contain “only material and capital decentralization institutions, equipped with separate public law legal entity (which means that their existence is based on specific acts), that function within a certain scope of issues «on their own behalf and on their own responsibility»”(Izdebski, Kulesza, 2004, p. 145).

Both, definition and typology by Izdebski and Kulesza only in some aspects shall be regarded as a starting point for the search for public power decentralization, as these refer to decentralization of “administration”. Also due to the fact that the used criteria is full of diverse factors. Furthermore, the debate over their final shape has not been finished. Still, in the context of exceptionality of that attempt to create a division, that would organize and reflect the set of subjects of decentralization, presentation of a short outline was useful.

Determining and highlighting two different catalogues of subjects is a good starting point for the analysis of probably the most important issue within definition of decentralization of public power. In the introduction to the chapter an assumption has been formulated, that in the process of decentralization we need more than one subject and as a result – there is a certain type of relationship between these bodies. Temporally we may call two types of subjects as the “higher” and the “lower” respectively. Consequently, an answer shall be found (within the legal approach) to the question for the character which this relation shall have, as we want to find the specific one for decentralization.

The starting point in the analysis of the relation is the concept of “independence”, which – directly or indirectly – is present in most definitions. It is correct to assume that relative independence in the physical world is an immanent feature of each subject. Two radically opposite states – total lack of independence and absolute independence are ideal types, located outside empirical cognition, while (as the term is popularly understood and also often used in law) certain subjects are characterized as absolutely independent or totally dependent. Of course, it is only a functional reduction of reality that shall be regarded as secondary to empirical observations (Habuda, 2009).

We might then assume the possibility that independence is always a feature of each living subject. It exists both – in the case of centralization and decentralization. Statements on a total lack of independence in centralization and its existence in decentralization (without any further stipulations) are wrong. It is also not enough to say that “decentralization is – generally speaking – legal protection of relative independence of lower levels of organizational structures, in relation to higher levels” (Dolnicki, 2003, p. 18), because protected or not, relative

independence already existed before (as a feature of all living subjects). Moreover, in the case of subjects that are legal entities, and these are analyzed here, fact of not granting rights to interfere in somebody's independence is already such a protection. We shall remember that each legal entity cannot function outside its statutory competences. A catalogue of negative restrictions expressed in law may only serve to enhance this protection.

Studies that deny "radical independence" in the real world can be found in works of Starościk, who independence in decentralization understands as "limiting acceptability of interference of the higher level organ" (Starościk, 1972, p. 74), whereas "limiting" is the key term. "To limit" means "to reduce", but not – "to introduce" or "to eliminate". In order to confirm that statement we may refer to an example of authoritarian systems, where people keep their little, but irremovable free will to shape their own being (e.g. no "authority" possesses "power" to rule somebody's thought completely). The same is with subjects that are legal entities (Habuda, 2009, p. 112–114).

The second aspect of relativity of independence is a result of characteristic existence of legal entity – within a previously designed space of which frames are determined by acts. "This independence is not absolute, it is absolute only within the frames of law and up to borders determined by this law" (Izdebski, 2008, p. 17), and due to that "part of the apparatus has independence in exercising tasks they are entrusted with" (Zieliński, 2003, p. 38). Prohibition of interference results from legal norms, defining the sphere of independence of lower level organs. Relative independence shall then be considered as a contract. Guaranteed are not only higher organs affairs, but also matters of the lower one, of which independence shall be legally protected.

This issue gives rise to an important question – how different is independence in the abovementioned authoritarian states from the one in liberal democracies? It is a dilemma that can be reduced to a question for various formulae of independence within centralization and decentralization. Variable diversifying centralization and decentralization is the extent of independence – to be more specific – its "reduction" or "increase". Identification of its distinctive demarcation points delivers a potential criterion for verification whether the certain process is decentralization.

In literature we can find clear opinions that decentralization is based on extending independence until the lower organ will have the possibility to take decisions without procedural and structural influence of the centre. It is commonly agreed that the clear border between (characteristic both for centralization

and decentralization) different extent of relative independence is on the “point” between supervision and hierarchical subordination (Habuda, 2009).

According to Izdebski, limiting this subordination is essential to determine the concept of decentralization. The researcher explains it is based on and protected by law, a long-lasting transfer of tasks, competences and resources, (which before belonged to organs subordinate to central authority), to decentralized public power organs (Izdebski, 2009). Izdebski emphasizes that if the tasks are to be conducted on one’s own behalf of “the decentralized” and on their own responsibility, hierarchical subordination has to be replaced with legally protected independence, based on supervision, as “independence of decentralized subjects is equally important to the right to supervise them by specific state organs” (Izdebski, 2008, p. 18).

Similar conclusions come from studies presented by Zieliński, for who centralization (of public administration) “means such organization of administrative apparatus, in which lower level organs are hierarchically subordinate to higher level organs” (Zieliński, 2003, p. 38).

The above definitions are supplemented by Dolnicki, who adds that “from using the principle of decentralization in the structure of state and local government administrative organs results a rule that supervision over decentralized organs is exercised with the use of means clearly specified in law and permitted in certain situations” (Dolnicki, 2003, p. 18).

The next analysis by Dolonicki lacks explicit emphasis that these phenomena are not antinomic (that both deal with the extent of relative independence in taking actions). Still – created relation is different. Replacing hierarchical subordination with supervision may be recognized as an indication of change of the whole organizational structure.

Opportunity for proper demarcation between decentralization and centralization arise with the use of the abovementioned key. However, it makes us ask the question for characteristics of both types of relative independence. Starościak defines hierarchical subordination as “one-sided subordination” (Starościak, 1972), which manifests with double dependence. The first one is personal dependence, which means that “the higher organ has a right to fill the posts of organs directly or indirectly lower. The same is with dismissals, promotions, rewards, etc.” (Starościak, 1972, p. 64). The second type is personal subordination, which is a “lack of legal limit to give orders in certain spheres, by the higher organ to the lower organ” (Starościak, 1972, p. 64). Subordination is then a type of limitation of independence, which is based on no opportunity to act in other ways than those approved by the centre.

Rules of hierarchical subordination, presented by Starościak, are described alike in other studies. It shall be noticed that Elżbieta Ura and Edward Ura define it similarly. They do not introduce a clear distinction between types of subordination. Hierarchical subordination means for them “such relations between lower and higher organs in which the higher one has a right to direct the work of the lower one – through commands and decisions regarding filling posts of the lower organ” (Ura, Ura, 2006, p. 39). Explanation by Ura and Ura is of course a synthesis of two types of subordination by Starościak.

Further remarks, regarding hierarchical subordination can be found in works of Jerzy Jeżewski, who adds to the conclusions of Starościak (one-side character) an observation that if activity of subordinate organs is conducted on their behalf and in the name of superior organs, “it is these organs who are held responsible for this activity” (Jeżewski, 2004, p. 56). We have to notice that in the case of decentralization higher organs are “set free” from much of their responsibility. As a result the potential of the center is less absorbed.

An additional characteristic of supervision is delivered by Zbigniew Leoński (2006, p. 182). He confirms that the change of relation does not mean occurrence of absolute independence – it is being extended, but is still relative.

In law studies certain types of supervision are distinguished. Leoński takes two of them into consideration. First, known as “classical”, appears within administrative substantive law – “to mark police-type functions, e.g. construction or pharmaceutical supervision, etc.” (Leoński, 2006, p. 181). The second one is used to “mark a set of relations between organs possessing administrative functions” (Leoński, 2006, p. 181). The second type will be used in further analysis, but some extra clarification is needed here.

In literature there is no unanimity on the issue of supervision. Traditionally we distinguish “two supervision criteria: legality, meaning conformity of supervised activity with the law, as well as efficacy, understood as compliance with standards in certain fields” (Izdebski, 2008, p. 301). However, the situation when “extending the criteria of supervision to other elements other than legality, as e.g. criteria of expediency of an action, causes that the supervising organ co-administers in the sphere that is supervised (...) it leads to a reduction of independence of supervised subjects, and supervision turns into the institution of hierarchical subordination, characteristic for centralized systems” (Leoński, 2006, p. 183). Izdebski (2008), in regard to division of local government tasks in Poland, claims that in the case of tasks delegated by the state administration, it is justified to use the criteria of expediency as it is permitted in the European Charter of Local Self-Government. These conclusions give rise to the question: is it a dualism of relation, determined

by the procedure of transfer? This demands to look at individual cases, however it is commonly accepted that for decentralization *ex post* supervision is the appropriate one.

c. Object in the Legal Approach

In previous subsections it has been pointed out (according to various definitions within the legal approach) that at least two subjects exist in decentralization, and are in relation defined as supervision, and also relative independence has a key role in that aspect.

In the group of analyzed subjects, only legal beings appeared, for which characteristic is that (1) they act in a space which is clearly limited, pre-designed, and (2) that this action appears when specific need or function is defined.

The first stage of analysis of the subject of decentralization of public power (for both approaches) is the hypothesis that the essence of the relationship or just of the “transfer”, is a task – in this case a public task.

Recognition of a task as an object of decentralization is not disputed. Differences arise from diverse emphasis of other components. Two elements, which are usually attached to the group of subjects of decentralization are powers (competences) and resources.

For the sake of order of the analysis some clarifications shall be made. The term “tasks” is understood here as an activity within specific matter, aimed at meeting articulated needs. “Competence” is the power to command, which equals possession of legal instruments and the right to use them. “Resources” are a catalogue of material assets, including personal and non-personal and intangible assets which – if they remain at the disposal of an entity – can be used to accomplish tasks.

The analysis began with an a priori indication of the two possible positions on the matter of decentralization, according to which transferred are (1) just tasks or (2) tasks, powers and resources. Verification of opinions presented in the legal approach indicates that the first approach is rather rare. Within suggestions of Wojtaszczyk this view is confirmed only indirectly (Wojtaszczyk, 2003). When he writes about the relationship between subjects, treats the issue of the object of transfer rather marginally. Similarly do Izdebski and Kulesza within analysis of decentralization of public administration (Izdebski, Kulesza, 2004). Omission of the other components of the object of decentralization is possibly a result of focusing attention on other aspects. Remarks of Wojtaszczyk or Izdebski and Kulesza are therefore not a negation of locating other components within that matter. This observation is supported by the view presented by Izdebski in a different

book, where he clearly writes about “tasks, competences and resources” (Izdebski, 2008). To sum up – omitting competences and resources is rather a sort of inconsequence or may be just a result of selective interpretation.

Further analysis indicates that the second approach (2) does not have a dominant position. Catalogue of objects of decentralization is much wider in other approaches. To give some examples – different assumptions are presented by Ura and Ura, who are of the opinion that (3) in the system of decentralized authority lower levels have their own competences and their own sources of revenue, whereas Boć (2000) made a reduction (4), i.e. he states that within the object of decentralization only “clearly defined powers” are present. The way that Boć presents the catalogue stands in opposition to another optic suggested by A. Ferens and E. Zgud-Pawelec, who perceive decentralization as (5) a transfer of “tasks, competences, resources and accountability”. What is then the purpose of these differences?

The first possible reason is the lack of a clearly outlined conceptual framework. Researchers, at any stage of analyses, do not define tasks, competences and resources hence the verification of the differences is impossible. Inaccuracy can cover all approaches.

The second reason is in close correlation with the first one. Scientists can make some reductions, resulting from the conviction of inextricably functioning mechanisms of democracy, or of a kind of rationality (knowledge) of receivers of the information, i.e. in the axiomatic sphere it is left to conclude that if we transfer tasks, they obviously are followed by competences and resources, or (4) just by “saying competences” we also have in mind actions (tasks).

The last approach (5) equals adding responsibility to elements of decentralization. In the context of earlier analysis of the relationship between the players (or more accurately the range of relative independence), it is already known that the recipient of information (i.e. the definition) receives knowledge regarding the transfer of responsibility. It is therefore an important aspect of decentralization, which is a repetition of previously expressed demands.

Still, version (2) seems to be the most relevant. Transfer of the three elements (tasks, competences, resources) is indicated by Izdebski (2008) and Zieliński. The latter one expressed criticism of unreflective transfer, which comes directly from the journalistic discourse in which “sometimes decentralization is seen as a process of delegation of tasks to lower bodies within administration. Delegation of tasks to lower administrative units is a prerequisite for decentralization, but it does not mean that decentralization will occur” (Zieliński, 2004, p. 38).

According to E. Zieliński, supported by Starościaks studies, powers and resources are still necessary.

Authors, in any of the approaches, do not present an exhaustive argumentation, which would legitimize the choice of the proper explanation. The first solution is to adopt *a priori* on one of them, while another is continuation of attempts to develop the most appropriate answer. The second strategy seems more appropriate for scientific analysis and therefore sets the next steps.

The basic idea is to search for elements of the subject of decentralization within the sphere defined by previously presented assumptions. I agree then that it is a closed catalogue. In the group of potential elements are therefore tasks, competences and resources. The responsibility was previously eliminated from the analysis, so it is not in the group.

Version (2) will be then tested. First we need to ask the question whether any of the items exclude each other? This would indicate the need to exclude one (for now) of the potentially conflicting components. When confronted, according to the definitions presented earlier, I conclude that none of the relationships shows signs of inconsistency. The next step is to verify whether relations occur between the elements. A short analysis shows that these dependencies exist. In addition, relationships between tasks, competences and resources – in the context of the public goal – are extremely strong. Elimination of any of the three causes dysfunction of “the decentralized” and existence of this entity has a fake form. Conclusions from analysis presented above may mean some sort of indissolubility – the fact of existence of one of the elements results with the introduction of the two others. Why is it that in public discourse, as shown in previously quoted studies of Zieliński, tasks are so important? Do they play a special role in the context of decentralization?

In order to answer this question, you can appeal to the principle of subsidiarity, which seems to accompany studies on decentralization.

The subsidy in Latin means “reserve, support, protection and aid” (Kumaniecki, 1986, p. 479). Subsidiarity as a principle has existed since long ago. We may point its assumptions in works of ancient philosophers and the Old Testament. However, it is believed commonly that the principle has been first clearly formulated by Pope Pius XI in his encyclical *Quadragesimo Anno* of 1931, which reads:

“79. As history abundantly proves, it is true that on account of changed conditions many things which were done by small associations in former times cannot be done now save by large associations. Still, that most weighty principle, which

cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them.

80. The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands. Therefore, those in power should be sure that the more perfectly a graduated order is kept among the various associations, in observance of the principle of "subsidiary function," the stronger social authority and effectiveness will be the happier and more prosperous the condition of the State." (Pius IX, 1931)

The principle of subsidiarity is thus a kind of theoretical foundation, used to properly locate public tasks. Pius XI explains that "the supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly". The author of analysis of the principle is Izdebski, who emphasizes its two spheres (Izdebski, 2008). The first one refers to recognition of issues as public tasks. According to the principle of subsidiarity, tasks become public when tackling them, goes beyond the capabilities of the civil, non-public group of actors. The second sphere is at the same time the second phase of dealing with matters recognized as public. "Certain task shall be done at the lowest possible level of public authorities. If the municipality can cope with it, other levels of local government shall not be engaged" (Izdebski, 2008, p. 106).

Presented conclusions are of fundamental importance for the perception and understanding of decentralization as, according to many definitions, it is in fact some sort of organizational situation or a process of changes. It does not contain any substance, which would indicate the purpose of decentralization and as such it cannot respond to all doubts, but subsidiarity is a principle, meaning it is based on some sort of rationality.

This whole dilemma can be reduced to a question whether decentralization is a value in itself? Recognition as such would mean that application of the principle is a duty almost as equal as recognition of human rights. Although decentralization in democratic societies is used as a principle, still it does not dispel

doubts whether decentralization can be a principle itself. For Paul Smoke (2003) perception of decentralization as a value (clearly positive or clearly negative) is considered as one of the common myths. Rémy Prud'homme (1995) presents a number of risks associated with this process, also by referring to an allegory, in which decentralization is like medicine: it will help when it is prescribed only for the right disease. Among major potential risks decentralization can:

- a\ deepen inequalities
- b\ lead to instability,
- c\ significantly reduce efficiency,
- d\ cause corruption.

Ura and Ura present decentralization as a principle which functions in the Polish legal system. In their opinion, “the principle of decentralization is shaping the relationship between public authorities, while the principle of subsidiarity also exposes the issues of civil society (...) The principle of decentralization requires legislators to distract public competences between many independent public bodies (including local governments), while the principle of subsidiarity – to increase the capabilities of the society, which is not included in the framework of public authorities” (Ura, Ura, 2006, p. 64).

Detailed analysis of the above presented conclusions, leads to a few important observations and conclusions:

- a\ interpretation of the principle of subsidiarity is independent from both approaches: narrower (Dolnicki, 2003; Zgud, 1999) and wider (Izdebski, 2008);
- b\ principle of decentralization, as presented above, is a narrower version of an already functioning principle of subsidiarity;
- c\ principle of decentralization is an illegitimate imperative that leads to obligatory dispersion;
- d\ essence of the principle of subsidiarity is to identify issues and to place them on the right, optimal level, and not just to disperse;
- e\ principle of decentralization works effectively only within certain states and it is beneficial only under certain conditions (Polish Constitutional Court presented an interesting interpretation of that issue) (Verdict of the Constitutional Tribunal of 28th of June, 1994).

The lack of non-legal reasons for the principle of decentralization (or actually dispersion) leads inevitably to present another analogy. Several centuries ago, physicians began to experiment with blood transfusions. In some cases, the

patient recuperated extremely fast, but often people died. Doctors lacked knowledge, what is the source of error. Dispersion, as such, is not a universal value. Its potential is limited to appropriate conditions. In the case of Poland the legislator assumed that the country is ready for decentralization, i.e., the center defined the situation as favorable for decentralization. It all means that we shall be therefore careful with decentralization as a principle. But it is different with subsidiarity. It is universal, coherent and rational and on such principle's we may build further constructs.

The key issue within subsidiarity is actually optimization. It is, therefore, not important that certain task are at a lower or higher level, but that it shall be entrusted to this level because it is the "optimal level" (the appropriated one). In other words, no task is "pre-described". There is no such situation that no matter what, it must be conducted by a municipality.

Optimality (optimization) is one of the fundamental issues within decentralization. At this point, we shall return to "full devolution" by Gąciarz. The author interpreted it as the most desirable situation. However, as indicated before by Prud'homme, that dispersal is not always beneficial. As in the case of subsidiarity – the objective of decentralization is optimality, and hence the desired direction is not "full decentralization", but "optimal decentralization", within which tasks are performed at the lowest possible level.

The principle of subsidiarity, with all its derivatives, is an idea which has some disadvantages. Its value should be considered in terms of rational theoretical analysis. Political practice reveals its weakness, because, if you can follow it as a rule, it fails as a practical tool for analysis, as "there is (...) no objective, substantive criterion to determine when the potential of the smaller [lower] unit is exhausted. In addition, it does not answer the question of who is to decide whether and when such a situation takes place." (Dolnicki, 2003, p. 72). Own beliefs of the decision-making body, political doctrines, are an additional factor in an already extremely complex analysis, where criteria seem to have no clear hierarchy.

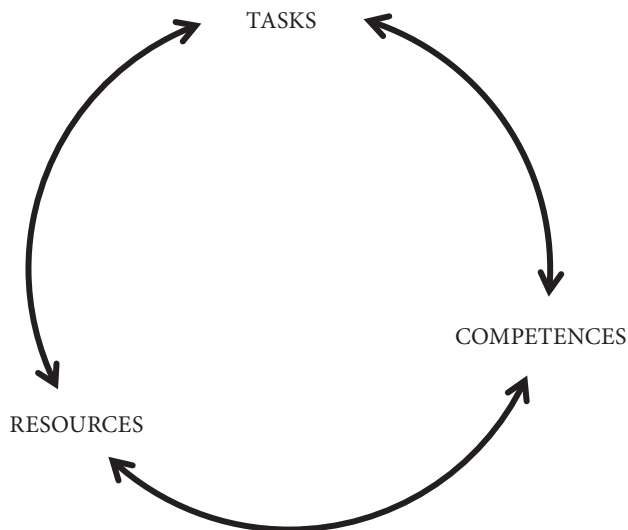
The main objective of decentralization, which is derived from the principle of subsidiarity, is thus effort, based on criterion of efficiency, to make the most rational division of tasks between various levels of a structure (Dolnicki, 2003).

Previous assumptions indicate a very clear mechanism. Why do we speak of "optimal decentralization"? Is it something different from another concept – "optimal centralization"? Why tasks shall be on the "lowest optimum", rather than simply on the "optimal level" (with no additional conditions), as per definition the optimal can be only one option? It is of course due to the multiplicity of factors and criteria, determined by the inability to identify the optimal solution.

In face of this uncertainty, we shall choose the lowest level from the group of the most optimal.

These conclusions bring us closer to determine the reasons for a special role of tasks in regard to the object of decentralization. The most common version has been illustrated in figure 1.

Figure 1.
Relationship between elements of the object of decentralization.



Note. Own elaboration.

Figure 1 shows three elements. Tasks have a dominant position. All elements remain interdependent. Assumption on the higher position of tasks, based on their primary character, is a good starting point to explain when decentralization shall be applied. The need for (optimal) decentralization occurs with the emergence of a public task. Resources, secondary elements, are just additional circumstances that determine which level is the most appropriate. Competences, measured by their extent, complement the object of decentralization, as a necessary element to perform the task.

The interdependence of elements is quite close. For example, tasks determine the amount of resources that must be transferred as well as the scope of competences. In some cases, the amount of resources available for transfer may not be sufficient enough, hence the scope of the task should be corrected. Detailed relations are presented in Table 1.

Table 1.

Key relationships between elements of decentralization.

Element (variable)	Interrelated element	Result
Tasks	Resources	Changing the scale of the task makes it necessary to provide adequately larger / smaller resources
Tasks	Competences	Changing the scale of the task makes it necessary to provide adequately larger / smaller powers
Resources	Tasks	Changing the amount of resources makes it necessary to adequately reduce / increase the scale of the task
Resources	Competences	Changing the amount of resources makes it necessary to reduce / increase transferred competences
Competences	Tasks	Changing the scope of competences makes it necessary to increase / decrease the scale of the task
Competences	Resources	Changing the scope of competences makes it necessary to increase / decrease amount of resources

Note. Own elaboration.

Table 1 draws attention to another aspect of optimization, which on the one hand is a transfer between levels, but on the other is the need to create a proper configuration of tasks, resources and expertise.

3. Type-Function Approach

a. Outline of the type-form approach

In this section, the objective is to present and analyze another important approach to decentralization. Polish “explorations”, mainly for historical reasons, were carried out in isolation from achievements of international science, which is why it is extremely important to look at the conclusions of researchers from all around the world. We still have in mind the diagnosis, presented in the introduction to the chapter, according to which there is no universally acknowledged definition.

One of most, if not the most, common approach will be tested here and analyzed, but still having in mind it cannot be the only dominant one.

John M. Cohen and Stephen B. Peterson point to obstacles in the discourse available in the literature on decentralization. They state that conducting this type of research is hindered by many methodological problems. These include:

- a) multiplicity and diversity of literature;
- b) publishing mostly in the national language of the researcher;
- c) interdisciplinary character of studies on decentralization;
- d) no dialogue between national, conceptual trends;
- e) the rather rare proper popularization of studies conducted by international organizations, including NGOs (Cohen, Peterson, 1996).

Because of these obstacles the aim in this subsection is not to make an exhaustive review of all conclusions, but to look at the dominant ones, within major international scientific journals.

The study of the literature indicates that there is a general difference compared to Polish studies. The main difference is that it is a much broader concept, stating that decentralization involves more types of the phenomena, meaning – it is less strict, so more types of transfer are recognized as decentralization. The definition of a particular kind of decentralization – decentralization of public power – was therefore included in the general definition.

To illustrate the differences in perception of decentralization, not just “decentralization of public power”, we may quote the words of Richard C. Crook and James Manor (1998), who understand it as a transfer of power and resources from a higher to lower level in the system of political power. For Norman Furnis (1974) decentralization includes the transfer of administrative functions to lower levels of governmental authority in the organizational hierarchy, creating units issuing law at lower levels, the transfer of powers to sub-national level legislative entities, control of manufacturing companies by citizens, whereas for Diana Conyers (1986, p. 593) decentralization is “a tool for completion of certain social processes, such as: building local democracy, strengthening the powers of citizens, public participation, development and integration”.

Authors of one of the most influential frameworks are Dennis A. Rondinelli, John R. Nellis and Shabbir G. Cheema. Their analysis starts from the assumption that “the concept of decentralization is a broad issue, with many components”, hence their general definition of decentralization has been substantially extended by two classifications.

In their opinion, “decentralization can be defined as a transfer of responsibility and planning, management, catalogue and allocation of resources by the ministries or agencies of the central government to: (a) field units of the ministries or agencies of the central government, (b) subordinate units or levels of government, (c) semiautonomous public authorities or corporations, (d) local, regional or functional authorities, or (e) non-governmental private or voluntary organizations” (Rondinelli, Nellis, Cheema, 1983, p. 13).

The essence of this vision of decentralization is, therefore, a transfer of which direction is vertical, and is directed from top to bottom within the hierarchy of actors. The issue of the object is regulated similarly by the legal approach, while entities, to which the objects of decentralization are transferred, are less abstract.

With such a broad approach the biggest issue is to indicate when indeed we may speak of decentralization. The comprehensive answer is delivered in studies by Dennis A. Rondinelli, John R. Nellis and Shabbir G. Cheema, which are based on an analytical classification of decentralization, according to form and type, and therefore the entire study dealing with the definition of decentralization in that stream is sometimes called the type-form approach.

“Forms of decentralization are classified on the basis of objectives.” (Cohen, Peterson, 1996, p. 30). This classification has a horizontal structure, i.e., it is due to the nature of entities (sectors). The most agreed forms are: (1) administrative decentralization, (2) political decentralization, and (3) economic decentralization. In their approach, Cheema, Nellis, and Rondinelli, what should also be mentioned, is that they do not always place all the elements. Sometimes (4) fiscal decentralization is added:

- “administrative decentralization includes deconcentration of central government structures and of bureaucracies, delegation of central government authority and the responsibility to semiautonomous agents of the state, and decentralized cooperation of government agencies performing similar functions, through “twinning” arrangements across national borders;
- political decentralization includes organizations and procedures for increasing the citizens participation in selecting political representatives and in making public policy; changes in the structure of the government through devolution of powers and authority to local units of government; power-sharing institutions within the state through federalism; constitutional federations, or autonomous regions; and institutions and procedures allowing freedom of association and participation of civil society organizations in public decision making, in providing socially benefited

services, and in mobilizing social and financial resources to influence political decision making;

- fiscal decentralization includes the means and mechanisms for fiscal cooperation in sharing public revenue raising and expenditure allocation; and for fiscal autonomy for state, regional, or local governments;
- economic decentralization includes market liberalization, deregulation, privatization of state enterprises, and public-private partnerships” (Rondinelli, Cheema, 2007, p. 6–8).

Features of certain entities are the criteria of the above classification. It should be noted that it does not mean using simple typologies, as distinction between local government, agencies and third sector organizations. Still, it is a road sign for the definition we look for. Politics, administration and economics are clearly marked spheres, around which the discourse about the potential of decentralization can be conducted. In addition, those areas clearly correspond to the research areas of academic disciplines. The subject of interest of political science is therefore political decentralization.

The second criteria of classification which is “type”, concerns the scope of decentralization, namely the extent to which the central government transferred responsibility for decision making (Rondinelli, 1980). Rondinelli & others distinguish it, starting from the least extensive – (a) deconcentration, (b) delegation, and (c) devolution, (Rondinelli, Nellis, Cheema, 1983; Silverman, 1992).

Silverman, in his own modifications of the type-form framework, shortened the list of entities to public entities only. In his opinion, within the first type – deconcentration – “selected functions are assigned to sub-national units, within sector ministries or other sector-specific national agencies (...) [whereas] delegation is the form of decentralization, which takes place when parastatals and other semiautonomous government agencies are assigned responsibility for implementing or maintaining sector investments” (Silverman, 1992, p. 1). As mentioned before within this approach the most extensive form of decentralization is to strengthen or create independent levels or units by devolution. In the works by Rondinelli, Nellis and Cheema we can find not only suggestions that in the catalogue of types also non-public bodies should appear, but we also a fourth type – (d) privatization, which is a form of decentralization through “shifting the responsibility for producing goods and supplying services that were previously offered by parastatal or public corporations to privately owned or controlled enterprises. (...) organizations that represent various interests in society and that are established and operated by members of those organizations” (Rondinelli,

Nellis, Cheema, 1983, p. 28). However, this is the type that the authors, themselves, do not always include in their classifications or qualify it as an element of other types, and therefore in this analysis it is excluded.

The latter aspect, which rightly draws attention to Vincent Lemieux (1986), is an additional division of each of the above types. Decentralization may be either territorial (emphasizing the need to bring decision-making bodies closer to local issues such as territorial government agencies) and technical/functional (emphasizing the need for professionals around specific issues, such as education committees).

Analysis of actors involved in decentralization, as well as its object, presented in the type-form framework, requires taking some further general assumptions. The first one is that the formula (order of analysis), that was used within the previous approach, cannot be changed. This will allow a comparison of the two approaches. Second – the issue shall be analyzed taking into account previously presented classification (deconcentration, delegation, devolution), because in such a broad sense decentralization is highly heterogeneous.

b. Subjects in the type-form approach

The catalogue of entities comprising the whole type-form approach is very wide, so even more valuable shall be the considered assumptions about the use of classification by type and classification by form. Even a preliminary analysis indicates that elements of this catalogue have been divided using the form criteria. The subject common to each of the subsets, defined by the subtype because of the form, is the higher entity – the center (government and/or parliament). Adjectives characterizing decentralization – political, administrative, economic and fiscal – do not apply to areas in which lower levels function, but to the properties that they exhibit. It is also worth noting that these will always be legal entities, which is associated with certain effects (discussed in the previous section).

In the catalogue of subjects of political decentralization – a form, which is the domain of political science research, we find mainly: (a) organizations and procedures aimed at increasing citizen participation in selecting political representatives and in making public policy, (b) local units that received powers and authority from central government, (c) power-sharing institutions within the state through federalism, constitutional federations, or autonomous regions, (d) institutions allowing freedom of association and participation of civil society organizations in public decision-making, in providing socially beneficial services, and in mobilizing social and financial resources to influence political decision-making (Rondinelli, Cheema, 2007). Generally speaking, the lower actors of

political decentralization can be divided in such groups as: local governments, citizens or their elected representatives, who have received decision-making powers (Cohen, Peterson, 1996). To sum up, attribute that connects these actors, is “the ability to” or “participation in” – public decision-making or creating development strategy, which are no longer exclusive features of the center (government). The catalogue is opened in this context that it is not limited to a specific set of types of legal entities. In other words, being part of decentralization subject catalogue is determined by acquiring certain properties.

Now further implications appear. The definition of political decentralization indicates that there is a strong relationship with another issue – governance. Researchers point to strong relationships between governance and decentralization. Fumihiko Saito (2008, p. 6), explains that “governance can be defined as the processes and results of the consultative interaction between different constituent members including public, private and civil organizations in order to resolve common political, economic and social issues”. He therefore, emphasizes the multiplicity of actors. If we look closer at this definition, it leads us directly to another assumption – the potential of decentralization to be in relation to “network governance”, which I understand as: (1) a relatively stable horizontal articulation of independent, but operationally autonomous actors; (2) who interact through negotiations; (3) which take place within a regulative, normative, cognitive and imaginary framework; (4) that is self-regulating within limits set by external agencies, and (5) which contributes to the production of public purpose (Sørensen, Torfing, 2008, p. 9).

In the context of a governance perspective, it shall be remembered that administrative decentralization is associated with properties other than political. In older publications it is presented as “distribution of authority within an organization” (Richards, 1962). Today, however, “decentralization is the focus of lawyers and public administration professionals seeking to describe or reform hierarchical and functional distribution of powers and functions between central and non-central governmental units.” (Cohen, Peterson, 1996, p. 29). In the catalogue of administrative decentralization we find subjects that exercise public authority (Hossain, 2009). This catalogue is in some sort of opposition to political decentralization, which, as mentioned before, is related to the matter of governance. Administrative decentralization can be understood as a restriction of subjects to these from the government group.

The same catalogue is presented within fiscal decentralization. This set is also closed, but still quite extensive, since the transfer occurs between different levels of public authority (government) (Smoke, 2003).

Within the last form – economic decentralization, the catalogue of entities includes those with features of the first or the second sector (public, private and public-private partnerships) as well as of those moving from the first one to the second sector (due to privatization processes) and then operating within it.

In conclusions, it should be noted that the set of subjects of political decentralization is based on a slightly broader criterion. The basis for “being in” is a specific feature, which can be clearly identified using governance perspectives.

Entities in catalogues delimited by the form of decentralization remain in certain relationships. In the previous section it has been shown that within law studies, these relations have very clear rules, which allow us to distinguish decentralization from other processes or structural systems. However, at the beginning of this subsection it has been indicated that the definition of decentralization is much broader in this approach, i.e. it covers more types of entities and more types of relationships. Detailed analysis of the definition of decentralization requires then to find out what type or types of relationships between subjects is characteristic for decentralization. In order to do what we need to take a look at different types of decentralization as listed by Rondinelli, Nellis and Cheema.

The least advanced (or extensive) type of decentralization, is deconcentration. It involves transfer (to a limited extent) of central government competences to separate entities, operating within state organs, which are mostly specialized agencies. Hierarchical subordination is still maintained, as well as two types of dependency. It means that the lower subject acts according to strict guidelines and officials and clerks may be centrally appointed (Silverman, 1992). Deconcentration here is defined as “shifting of workload from central government ministry headquarters to staff located in offices outside of the national capital, and the staff may not be given the authority to decide how those functions are to be performed” (Rondinelli, 1980, p. 137). This raises another question: does this deconcentration really change the relationship?

Preliminary analysis does not provide any explanation. Detecting deconcentration, using tools as those used with the legal approach, is then highly difficult. There is the risk that these tools may occur unscientific or even intentional. James W. Fesler even states that deconcentration is not decentralization, even if we consider it within a wide criteria of the type-form approach. According to Fesler territorial aspect of the shift, meaning – physical movement of the resort executing decisions – is not a real implementation of one of the objectives of decentralization, which for him equals the possibility to adjust solutions to local conditions (Rondinelli, 1980, p. 137). If we take into account previous observations,

regarding rejection of the absolute lack of independence it will convince us to consider this argument as too critical (Lemieux, 1986). We shall remember that entities, including the most centralized structures, still provide some freedom. Territorial separation additionally enlarges independence. Only by a bit, but still it does. Rondinelli explains that in conditions of relative independence, designed in such way, deconcentration is then a “transfer of decision-making discretion to field staff, allowing them some latitude to plan, make routine decisions and adjust the implementation of central directives to local conditions, within guidelines set by the central ministries” (Rondinelli, 1980, p. 137).

The above explanation still does not make it any clearer when we speak of deconcentration? In both centralization and deconcentration there is a relationship regarding hierarchical subordination. The general assessment of the type of this relationship is then dysfunctional. It’s hard to find this “golden border” between centralization and deconcentration in the type-form framework. Except for the most obvious manifestation of physical and spatial separation, which in itself cannot decide about the emergence of such a solution, we can however identify some more important differences, but we have to go back to the legal approach.

Aspects not mentioned in the literature are detailed conditions demanded in the two types of dependencies. While within centralized structures dependence of each employee can be direct to the supreme entity, within deconcentrated structures it has an indirect character. The employee is indirectly dependent to bodies of the highest level, and directly to the manager of his unit. Relationship in deconcentration means then decreasing real dependency to the center, which is a result of a structural separation and/or displacement within the territorial sphere. Just to give an example: “a ministry is deconcentrated if it has offices in places other than the capital and if there has been a transfer of certain controls from the ministry to its regional offices” (Lemieux, 1986, p. 320).

Unfortunately, type-form classification is still not free from vagueness. Shortcomings are well visible when we ask such questions: are various departments within ministries examples of deconcentration? The criterion of relative independence does not explain it, unless centralization is regarded as a state of absolute lack of independence and deconcentration is seen as a sign of a highly limited, relative independence? Of course not. Such a definitional structure shall be regarded as dysfunctional, because absolute centralization is limited to the ideal type and if so, we would never speak of it in the real world.

Delegation is reliant on a higher level of independence in classification of types of decentralization. As in the case of deconcentration, it is a transfer to

lower levels while maintaining hierarchical subordination. But also delegation is imprecisely defined, because it is presented as a “transfer of responsibility for decision making and the administration of public functions from the central government to semiautonomous organizations that are not wholly controlled by the central government, but are ultimately accountable to it” (Hossain, 2009, p. 4). According to the presented optics change of the relationship equals existence of “indirect control” resulting from “semi autonomy” (Silverman, 1992). Authors rarely give more details about what they understand by the concept of “indirect control” and “semi autonomy”. Rondinelli explains that lower levels within the delegation “operate free of central government regulations concerning personnel recruitment, contracting, budgeting, procurement and other matters, and that act as an agent for the state in performing prescribed functions with the ultimate responsibility for them remaining with the central government” (Rondinelli, 1983, p. 189). We may therefore conclude that this semi autonomy and indirect control again means a reduction of the two types of dependencies. Personal dependence is limited to central defining of broad goals of policy without interference into the mode of exercise. Personal subordination is limited to senior executives of the lower level, who are directly responsible to the center, not only when regulations are violated, but also in the case of incorrect implementation of general policy outlined by the center.

The most extensive type of decentralization, within the type-form framework, is devolution. Devolution means here transfer of financial, managerial and administrative decision-making powers to quasi-autonomous entities (Litvack, Ahman, Bird, 1998). In order to examine the relationship that it assumes it is important to clarify what this quasi-autonomy is. It is often briefly presented as a structure in which lower levels “are autonomous and independent, and their legal status makes them separate or distinct from the central government” (Rondinelli, Nellis, Cheema, 1983, p. 24). This again indicates a lack of clearly defined rules for identifying relations and this time it is within devolution.

According to Rondinelli, as a result of devolution, local and regional governments (that have elected authorities) appear. Silverman, extends this group to agencies that do not have such bodies. Paul Hutchcroft, after Harry Blair, states that “while the devolutionary variant implies a degree of democracy, it does not require that the local bodies receiving newly decentralized authority be democratically constituted at all” (Hutchcroft, 2001, p. 32, after: Blair, 1996, p. 4). This means that authorities must be elected beyond direct interference of the center, for example, through competitions, which in its essence do not have to

be democratic. “Democracy” is expressed in supervision, exercised by entities elected in general elections.

Other assumptions, that indicates the type of relationship, is requirement that the lower subject may receive resources from tax revenues and that it may possess free decision in investment policy strategies. Subjects created that way have a certain legal status that clearly determines their rights, as well they are entrusted with a precisely defined area of tasks (Hutchcroft, 2001, after: Blair, 1996). Such a unit has “the ability to interact reciprocally with other units in the system of government of which it is a part” (Rondinelli, McCullough, Johnson 1989, p. 75). This means nothing else, but that they get separate legal status. In other words: one of the important elements of relationship characteristic for devolution, is a right to have one’s own policy that relates to many areas of life (Silverman, 1992).

Rondinelli, Cheema and Nellis do not decide upon such a question: is the sphere of autonomy under devolution conditioned by supervisory relationship, or, (as they write in one of their most important studies – “Decentralization in Developing Countries. A Review of Recent Experience”) devolution implies existence of autonomous and independent units. Taking into account previously mentioned inconsistencies (of a semantic nature) in order to get a clearer explanation the best solution is to point to two following potential answers.

In the first scenario I assume that the relationship between subjects is characterized with the concept of supervision, including rules identical to the legal approach. The second option is a relationship which does not contain a hierarchy. Entities are independent from the center in the political (their authorities are elected without the center), administrative (their work is not supervised by the center) and financial sphere (they have a fully independent source of funding for statutory activities).

We may notice that it is often mentioned that the center retains supervisory powers (Rondinelli, Nellis, Cheema, 1983; Rondinelli, 1980), but Rondinelli, Cheema and Nellis rather do not mention that issue, which is a shortcoming of their approach. If it really is so, it is indeed a pretty big one, if we consider its consequences. Validity of the entire framework is at stake. Classifying decentralization as a type of decentralization, is in my opinion, some sort of “pushing analysis” to a very detailed level, which as a result gets a bit blurred. Additionally, there are no explicit criteria for demarcation of devolution. Difficult to accept is also the demand to recognize an entity, which is autonomous and independent from the center, as characteristic for decentralization. In this case we should rather call it “disintegration”, which not only is not in the group of objectives of

decentralization described by Rondinelli, Cheema and Nellis, but also somehow stands in opposition to that goal. Due to that we shall link “autonomous & independent” with “supervisory powers.”

c. Object in the type-form approach

Just as in the case of the legal approach also within the type-form it is significant what are the objects of transfer between subjects. Determining them should begin with reconsideration of the general definition of decentralization by Rondinelli, Nellis and Cheema. They bring our attention to the transfer of responsibility for planning, management and collecting and allocation of resources (Rondinelli, Nellis, Cheema, 1983), so first of all, we shall assume that the object we are searching is “responsibility.” Other elements are not as important here. This “responsibility” is not seen as being potentially responsible for consequences, but it is more identified with an obligation.

In the following part of the definition other spheres of responsibility, i.e. planning, management, resource raising and allocation, are listed. This division directly corresponds to traditional classification (sometimes made wider by Rondinelli, Cheema and Nellis), in which decentralization is divided according to its forms: political, administrative and economic. If we combine arguments we will come to conclusions that the object of decentralization is the ability to make political decisions, to exercise executive powers and to conduct finance management.

Postulates regarding elements of decentralization within that approach, once again are a bit inconsistent. First of all, there is no coherence in the individual works of Rondinelli and others, who in one case concludes that devolution is only a “shifting of workload from central government ministry headquarters to staff located in offices outside the state capital, and the staff may not be given the authority to decide how those functions are to be performed” (Rondinelli, Nellis, Cheema, 1983, p. 137). Elsewhere they state that “deconcentration (...) gives some discretion to field agents to plan and implement programs and projects” (Rondinelli, Nellis, Cheema, 1983, p. 14). The second postulate seems to be more important, because using it Rondinelli refutes criticism from Fesler, who excluded deconcentration from types of decentralization.

Inconsistency is here a result of lack of political element in the least extensive type of decentralization. It could be solved if one would make it a conditional one, by conjunction “or”. It is also requested to withdraw or reformulate and clarify statements about deconcentration, according to which there shall be no political interference in decisions of the center.

These observations do not discredit the type-form approach. If we take a closer look at objects of decentralization, the distinction according to types becomes clearer. In addition, the three spheres of decentralization – political, administrative and economic – allow a more precise demarcation.

Deconcentration is then a transfer of responsibility, within which the political sphere has not yet been introduced. Presence of that sphere does not result from the overt intention of the transferring body, but from characteristics of relative independence, which in turn results from the essence of formal space in which this legal entity operates. Characteristics referring to individual planning, which is a feature of the subject of deconcentration, allows us to interact within the sphere of policy-making through small modifications and adjustments. We cannot identify political elements here, because it is secondary to the transfer in other areas – mostly the administrative one.

The sphere of administrative devolution in the type-form approach should have a more dominant position. Just as policy-making authority results from the transfer of executive powers, the economic sphere is secondary to administrative tasks.

Within the classification of types the most extensive one is delegation. In contrast to deconcentration, the political sphere here has already been formally regulated, and the administrative sphere is no longer dominant. They are in balance with a slight advantage of the political one. Subject created by delegation has a broad potential to determine its policy-making strategy on its own, but final decisions and responsibility still belong to the center. Financial sphere results from the other two but is not dominated by them. It constitutes autonomy of the subject the same way as the administrative and political sphere.

Within the most extensive type of decentralization – devolution – tasks are generally outside the direct control of the government (Rondinelli, Nellis, Cheema, 1983). Supervisory relationship and informal factors are still important, as they allow some indirect control. The political sphere is maximized here. Compared to deconcentration and delegation in devolution we cannot indicate any significant change in the administrative sphere. The economic aspect is made much stronger, as a right to gather resources it plays a major role now. Resources are not really transferred, but fiscal powers are entrusted.

Rondinelli, Nellis and Cheema do not give an ultimate answer to the question for more precise details regarding the object of decentralization. However, while presenting the object of transfer, they use phrases that perhaps are compatible, but function on different layers. The following examples of such phrases illustrate the issue:

- a) responsibility for planning, management and resource raising and allocation;
- b) discretion in decision-making;
- c) discretion to plan and implement programs and projects;
- d) authority;
- e) managerial responsibility for specifically defined functions;
- f) goods and services;
- g) authority, responsibility, and resources;
- h) power (Rondinelli, Nellis, Cheema, 1983; Rondinelli, 1980; Rondinelli, 1983; Rondinelli, McCulloch, Johnson, 1989).

Analysis of phrases used to determine the content of the object of decentralization points out that authors do not pay much attention to it. Cheema, Rondinelli and Nellis are more careful with characterizing certain spheres. We may only think out specific details. Synthesis of used terms results with leaving the three elements, meaning – not changing them. Terms “authority”, “power” and “discretion in decision-making” refer to, as explained in detail in the previous section, to the term “competences”. Such words as responsibility, functions, goods and services fall within the meaning of “tasks”. Resources are an issue that are, less important for them, but also we find them in their description of decentralization.

4. The Definition

Most of the definitions which have been given order, internal consistency and were adapted to scientific discourse, previously functioned in everyday language. Over the years people used them and, at least in outline, understood what their sense was. Meanings of some expressions do not raise concerns. Benedict Chmielewski, in the first Polish universal encyclopedia, titled “New Athens”, describing a certain animal, wrote: “what a horse is, everyone can see”. However, researchers cannot afford similar flexibility and therefore they strive to present the most accurate description.

It does not change the fact that semantic content is always primary. Each name is therefore only a contract, a consent to the proposed term. If you understand the above language imperfections, you will be aware of sources of the differences that exist in descriptions (and terminology), which are caused by drawing from other colloquial meanings.

Analysis, which was made in two previous subsections, illustrates different approaches to defining decentralization. Of course, it cannot be regarded as

exhaustive, but allows us to understand “what” and “how big” the differences are, that (probably) result from separate discourse among various circles of scholars. Moreover, to learn results derived from different empirical sources and achievements from “outside”, we should get to know and understand local language, in order to avoid potential errors, as direct translation is a threat, to the proper transfer of a definition.

Overcoming these difficulties creates many opportunities. The introduction of new content and further observation is a great way to revise existing theories. This section is therefore a comparison, which is aimed at identifying and selecting the most relevant, the most coherent and above all – the most valid conclusions from both approaches.

There is not always a clear choice possible. Final decisions may result not from negation or even denial of suggestions of certain authors, but from perceiving greater excellence and consistency of different suggestions. Please note, that the provisional assumptions about proper order of the analysis, used in the first phase of constructing the definition, have fundamental importance, and therefore, any latter differences are only secondary, “unavoidable” and “not correctable”.

A different way of expressing assumptions in different approaches faces has many positive sides. While we use a slightly different perspective of research the aforementioned chances appear that way. Similarities, after previous mutual understanding, make the dialogue possible, and the differences reveal to perceive yet veiled imperfections of our own allegations.

Comparative analysis has been carried with taking into account previously accepted order. Selection of elements is based on an overall consistency criteria and semantic correctness. Construction of the final definition should begin with a review of the subjects. A comparison of a set of terms used for their defining, within decentralization points to a significant, although apparently not very distinct difference. A characteristic feature in this case is abstractness. In some of the approaches abstraction is significant, others tend toward concretization. In the group of the most abstract versions (including words used to narrow the meaning) we find:

- a\ cell,
 - higher / lower (Zieliński, 2004; Starościak, 1972);
- b\ subject
 - administrative (Boć, 1997; Izdebski, 2008)
 - subnational (Furniss, 1974);
- c\ organ (Boć, 2000; Janku, 2000)
 - state (Nowacka, 2002)

- higher / lower (Boć, 1997)
- higher / lower level (Janku, 2000)
- competent (Boć, 1997)
- central (Wojtaszczyk, 2003)
- terrain (Wojtaszczyk, 2003);
- d\ level,
 - lower / higher (Dolnicki 2003, Furniss 1974);
- e\ level
 - higher / lower (Crook, Manor, 1998)

In the group of less abstraction are:

- a\ center (Nowacka, 2002);
- b\ communities,
 - territorial (Gąciarz, 2004);
- c\ authority
 - administrative (Izdebski, 2008)
 - institutional (Izdebski, 2003a);
- d\ administration,
 - member (Nowacka, 2002)
 - local (Nowacka, 2002)
 - central government (Izdebski, 2008);
- e\ government
 - central (Nowacka 2002; Rondinelli, Cheema, Nellis, 1983)
 - regional (Gąciarz, 2004)
 - local (Gąciarz, 2004);
- f\ self-government,
 - territorial (Nowacka 2002; Wojtaszczyk, 2003);
- g\ ministries (Rondinelli, Cheema, Nellis, 1983);
- h\ territorial units of ministries (Rondinelli, Cheema, Nellis, 1983);
- i\ agencies (Rondinelli, Cheema, Nellis, 1983)
 - central government (Rondinelli, Cheema, Nellis, 1983);
- j\ levels of government (Rondinelli, Cheema, Nellis, 1983);
- k\ organizations
 - NGOs (Rondinelli, Cheema, Nellis, 1983)
 - voluntary (Rondinelli, Cheema, Nellis, 1983)
 - private (Rondinelli, Cheema, Nellis, 1983)

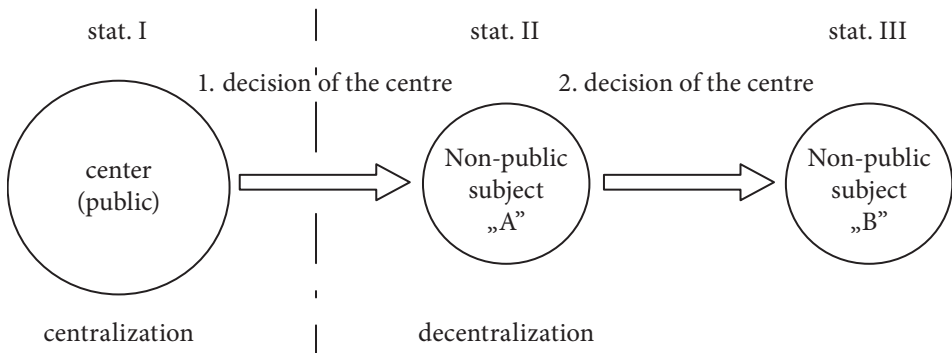
We can achieve high universality of the definition by making use of terminology from the first group. Due to this operation the list of decentralization subjects is as open as possible and the definition does not get outdated along with changes in i.e. legal acts. In the face of evolution of government, it is important that we do not limit our definition to specific institutions. It is more important to emphasize characteristics (properties) of these subjects. Specified names, which are in the second group, cause either need to update the definition in the future according to changes in the social environment, or demand to introduce new definitions for processes almost identical to the phenomena of decentralization. Both options lead to unnecessary confusion and disputes.

Considering the above observations, within the final definition actors will be named simply – “subjects”. Adjectives that are used to determine their position reflect specific relations, are respectively “higher” and “lower”.

Potential demand, due to the fact that “decentralization of public power” is defined, is to narrow the term by adding the adjective “public”. Please note that in decentralization of public power also non-public actors may attend. Public dimension of this decentralization is not reflected in proper definition of the subject, but of the object. The primary actor, who decides on the transfer of public tasks, always has to have legitimacy from the sovereign, meaning: it is the center which is in relation with the actor who received the task. Dependencies are illustrated in detail on Figure 2.

Figure 2.

Transfer of object of decentralization to non-public entity.



Note. Own elaboration.

In Figure 2 we see three statuses. In the case of the first one the object remains in the center (centralization). Then the object is handed over according to the decision of the center to non-public subject A. The third situation is preceded by a transfer, and again the decision is made by the center. Object I transferred from non-public entity A to non-public entity B. Such mechanism is also valid, so the definition of decentralization should not be restricted to public entities only. In other words, among other assumptions, we shall be aware of the fact that entity should be considered as lower subject of decentralization of public power not because it is “public”, but due to the fact it has been entrusted to public tasks. In other words, it becomes “part of” decentralization of public power, when such “duty” is entrusted.

Greater or even fundamental importance has a defining relation between subjects. There are certain differences between the two approaches and of course the reason here are other primary assumptions. Main differences appear within an answer to the question, how wide is the catalogue of relationships characteristic to decentralization.

In the type-form approach two types of relationships shall be mentioned. The first one is hierarchical subordination and the other is supervision (according to previous assumptions on rejecting the disintegration processes, forms of less dependence from the center are being omitted). The presence of relationships of hierarchical subordination within the framework of decentralization raises serious doubts. (1) Within centralization we have hierarchical subordination in the most “classical form”, while in deconcentration and delegation this subordination is modified. Such an extension of catalogue of relationships is based on the belief that we may speak of decentralization already in the case of just “moving the processing of tasks from the center”. Relative independence is located first and foremost within executive authority, as the power to determine policy still remains in the center. Furthermore, in case of deconcentration elements of the political sphere are only secondary to possession of executive duties. Freedom of the lower body is not protected in this case.

This aspect is seen differently within the legal approach, which allows only supervision. The activity of the lower body is conditioned here characteristically. Within supervision: (1) the center determines procedures of activity of the lower body, (2), these procedures are not strict guidelines, (3) (negative) catalog of forbidden actions is set, and in the case of such actions the center will intervene, (4) the center does not have the ability to influence policy making of the lower body.

It is hard to indicate which option is correct. But if we take a look at the principle of subsidiarity, so frequently mentioned within research on decentralization,

a more correct decision is to choose the narrower definition. The principle suggests that tasks that shall be carried out at the lowest possible level. When an actor is in crisis, i.e. he cannot cope with something or is dysfunctional, higher levels shall intervene, but only then. This argument corresponds to the supervisory option and therefore the narrower one is selected to be included in the definition.

What indirectly links these two approaches is the introduction of typologies. In their analysis of decentralization of “public administration” H. Izdebski and M. Kulesza present some, but only one fact shall be mentioned, as they deal with something other than decentralization of “public power”.

In previous paragraphs, regarding the type-form approach, classification due to the type has been analyzed, but there is of course a second part – classification due to the form of decentralization. We distinguish here respectively: political, administrative, economic and sometimes fiscal decentralization. An important question arises then: has this classification any meaning for the definition?

Classification because of the form is based on the specific characteristics of an actor. Its importance shall be emphasized. It allows us to exemplify these aspects of decentralization, which should be the subject of reflection within political science. Therefore it reduces risks associated with conducting research on decentralization within different scientific disciplines. Not denial, but caution is important here. We must pay special attention to the need for proper preparation of the researcher to appropriate adaptation. This should be preceded by an examination of the conceptual grid of the discipline from which it draws, and shall rely on a very thorough analysis, free from literal and unreflective transmission of content.

To sum up – comparison of the subject in the two approaches shows us just slight differences. In the case of the first one tasks have a strong position and competencies and resources are considered as secondary to them. We may assume then that researchers presupposed, although we always must be cautious with intentions, that the fact that tasks has been transferred automatically means the transfer of competences and resources.

In the type-form approach issue of the subject is not in the main area of interest. Certain “ingredients” are used interchangeably, which introduces the risk of incoherence and inconsistency. Selection of relationship originating in the type-form approach would make deeper reflection over these dependencies groundless, but still – this contribution, i.e. three forms of decentralization, is really valuable. Within the discourse of political science the priority position will be occupied by the political sphere. Two others: administrative and economic, are secondary (important to secure the political sphere).

In the final definition assumptions from the first approach are used. In a set of elements we have then: tasks, competences and resources. Also taken into account, according to arguments set out previously, are postulates of the principle of subsidiarity.

Analysis presented in this chapter allows me to present the final definition, according to which **decentralization of public power is, based on legislation, protected by courts, transfer of tasks, competences and resources, made by public decision-making centers from the higher to lower body. The lower body, which received tasks, competences and resources, remains in relationship of verification supervision with the public decision-making center. This means that the lower body is no longer in a relationship of personal or business dependency.**

It shall be clarified that the public decision-making center may decide to delegate its supervisory powers to other entities. Expression “public decision-making center” refers to a “sovereign” or sovereigns representing bodies.

During the research some interesting classifications have been found. The first of them distinguishes:

- a) territorial decentralization – transfer (according to the procedures of decentralization of public authority) of tasks, competences and resources, that relate to several sectors of public activity of entities, who have precisely defined, a smaller than national, area of activity;
- b) functional decentralization – transfer of tasks, competences and resources, that relate to one specific sector or subsector of public activity, to specialized actors, where the criterion for participation is membership in a specific group.

Another important definition, worked out during the analysis, is optimal decentralization – a phenomenon, which is sometimes mentioned in the background in some articles, but shall be further researched in the future. According to the idea of optimal decentralization, we shall aim at placing tasks, competences and resources at the most optimal level of a state, social or non-state structure. It should be noted that designation of optimization criteria is very difficult. It is only possible to identify the optimal “sphere”, but not the solution, i.e. we may not find the exact “point”. According to the principle of subsidiarity we must select the solution which is located in that optimal sphere closest to the lower actor.

In this part of the book my aim was to find definitions of decentralization of public power. It was based on the analysis of the two different approaches. In addition, observations have been derived from both empirical and theoretical studies, made over years by researchers from different groups and disciplines.

Certain conclusions indicate that the issue of decentralization is present in many areas of science. Such popularity results with a multiplicity of approaches, and this in hand creates significant opportunities regarding faster progress in research. At the same time many threats shall be recognized, such as transfer of assumptions between disciplines without a deep understanding of other conceptual apparatus. Also, international discourse, led on pages of recognized journals or in numerous monographs, provides new content.

All these observations lead to a better understanding of decentralization of public power, which is especially interesting now, when empowerment of large social groups is considered the major challenge for democracy. Decentralization is seen as a mechanism used to improve the quality of life, increase the political culture of citizens and finally to eliminate negative effects of public management through institutions or agencies.

Awareness of existence of possible objective observations about the rules of decentralization, which have a primary character in relation to the legal system, is the condition for evolution of society. Law, which on the one hand guarantees compliance with standards and rules, still on the other is not a value in itself. We shall remember it is a result, but not the reason.

In this chapter I wanted to present two sides of decentralization. It is a solution, which may be a domain of such disciplines as economics and public management, but also is an idea, well supported by the principle of subsidiarity, which has strong foundations, i.e. philosophy.

Chapter II

Municipality as a Subject of Public Power Decentralization

1. Introduction

In the first chapter the aim was to find and present a definition of category fundamental to this monograph, which is decentralization. Two valuable approaches have been analyzed, that appear in literature frequently, thus it was possible to bring a broad perspective on this issue.

It has been explained that in the case of decentralization we have at least two actors, and also that they remain in a characteristic relation of supervision. Moreover, decentralization is seen as a kind of transfer. Tasks, competences and resources are objects of that transfer and certain dependencies between the three exist. Finally, attention has been put to values expressed within the principle of subsidiarity, which gives rationality to many demands implemented today.

In literature it is indicated, that local government has all features characteristic to such defined decentralization. L. Habuda concludes that decentralization is a *sine qua non* condition of territorial self-government (Habuda, 2009).

Local government is considered as one of the inseparable elements of modern democracy. Emergence of local or regional self-government is the beginning of the nineteenth century (Wójcik, 1999; Izdebski, 2008; Piekara, Niewaidomski, 1992). Since then, many European countries began the slow process of evolution of rules, standards, and above all – of political culture. This is now discounted and still does not lose its momentum (Rajca, 2008).

The place of Poland in the course of transition to community empowerment of cities, towns and villages, since the early nineties of the previous century, is indisputable and significant (Chmaj, 1997). Subsequent legislative changes during that period were among the most prominent signs of turning away from the centralistic policy of “people’s democracy”. On 8th of March, 1990, the Polish Republic issued a bill under which management of local space is entrusted to representatives of certain localities. Free competition, and a sort of contest of ideas, at which democratic elections can be regarded, by creating order which

releases social energy, and supports citizenship, understood as a participatory democracy (Janowski, 2009).

This change can be made, of course, thanks to many factors, and among the most important are political visions of a decentralized state, which more or less have been present within political agenda of major governing groups after 4th of June, 1989, – the day of the first free elections in the Eastern block after WWII (Regulski, 2000; Olszewski 2007). New vision, in which citizens are entrusted public power, has become a permanent element of Polish public discourse, but a stable change, along with participation, is still a distant goal.

Local government is often explained through legal visions of the system. Hence, it is pointed out as one of the fundamental elements of public administration, but less often as an institution capable of inspiring and bonding local initiatives. On the one hand roots of such assumptions can be traced back in the legal background of political science analysis of local and regional authorities. On the other it might be the cause of a still insufficient level of political culture of Poles, who identify municipality, county or region as an “office”, where one may obtain various licenses and all kinds of administrative decisions. The political nature of local government units in Poland, is most often recalled during the subsequent election of councilors, mayors and presidents. A form of these politics is somewhat identical to public discourse regarding national level parties. However, for a citizen issues that directly surround him have the same importance as the ideological layer. For people also important is public transportation and the organization of leisure. Due to that it is important that in relation to local government, including municipalities especially, different criteria of evaluation shall be applied, and above all, other challenges shall be emphasized.

The purpose of this chapter is therefore to examine the relative independence of municipalities as lower subjects of decentralization of public power in Poland. This independence is described, among others, in the Constitution of the Republic of Poland of 2nd of April, 1997, and in other legal acts. Their analysis allows for identifying characteristics of independency of Polish municipalities within various areas. It is necessary for further chapters. The order of the analysis adopted in the first chapter is kept here.

In the introduction all doubts shall be clarified. It is important to explain why “local government” and not “municipality” has been selected as an analytical category, as the other one is the investigated type of actors of decentralization? It was concluded that municipality is an integral, and even primary “form” (although it is an imprecise term) of local government. Therefore, an attempt to narrow “local government” would be artificial. In the Constitution and other

legal acts municipality is both a local basic unit of territorial division of the state and a local government unit. Municipality must therefore be regarded as a territorial and demographic substrate of local government, which contains all its features. This “separateness” results from a classification, in which criterion is an encompassed area. Of course, we cannot be silent about certain unique features which make municipalities exceptional, however, they were considered not precise enough, in order to speak in the discourse of political science about a clear demarcation between local government and municipalities.

2. Local Government – Social Nature and Definitions

The concept of self-government is not easy to define. This is demonstrated by the dispute ongoing in literature for decades. Relevant references, outside legal sciences, can be found for example in sociology, political science or economy. The same concept, in the broad sense, may be used in regard to social groups performing certain tasks. In a narrower sense, which is the subject of this work, it is a form of the separate organization of social groups, which have established (by law) power to independently decide upon their own affairs and is allowed to perform tasks of a public nature (Szreniawski, 1997; Leoński, 2006).

Local governments are distinguished by the following characteristics:

- a) corporate character – social groups or their representatives are entrusted (in legal acts) management of their “own” affairs. Corporation, in the legal tradition, is a public-law association of people. They act through their organs;
- b) special mode of membership – it should be emphasized that we have here two positions. According to the first one (Leoński, 2006), participation or membership in these groups is mandatory (due to legal acts, and not because of someone’s will). Within the second (Izdebski, Kulesza, 2004) membership is a result of the law itself – a natural consequence of the method of public management;
- c) performance of public tasks – by a group or its organs, “on their own behalf and on their own responsibility” (Art. 16 para. 2, the Constitution). Furthermore, it is acknowledged that certain corporations have separate interests therefore its actions are protected by courts;
- d) relative independence – a group, within the performance of its tasks, is independent and encroachment into this independence is allowed only within rules of supervision. Independence is subject to judicial protection (Leoński, 2006; Tarno, 2004a).

A feature used to characterize local government, causing among scholars much confusion, is autonomy. In Chapter I it was concluded that local government has no such feature. Argument formulated by J. P. Tarno and B. Dolnicki is that “independence of local government is not based on complete separation from the state, but on the exact determination of when and in what forms (means of supervision, financial means of impact) state authorities may intervene in the sphere reserved for independent actions of local government organs” (Dolnicki, 2003, p. 26).

No less interest evokes the question of “communal” nature of local government (Lutrzykowski, Legiędź-Gałużska, 2007; Habuda, Habuda, 2005, Habuda, 2009). First doubts emerged in the early nineties of the twentieth century, when the term began to appear in legislation on local government. Argument of opponents of the constitutional declaration, that “all citizens of units of basic territorial division forms, on the power of law, a self-government community” (the Constitution, Art. 16 para. 1) is quite convincing. They state a rather rhetorical question whether with an act of law we may form any community, not just self-government? In the context of demand for comprehensible and understandable law, we shall refer to semantics. According to the PWN Dictionary of Polish “community” means: “1. «possessing common features, common ownership or experiencing something»; 2. «something that connects, unites»; 3. «group of individuals bound by common ancestry, common culture or common interests, common property»” (Kumaniecki, 1986). We may notice that in unscientific common language this term expresses specific content, which can be reduced to “nature of ties”, often deeper than just a fact of living on the same territory.

Inaccuracy of using this term is emphasized by J. Boć, who states that “the role of the whole population, named as local government community, actually begins and ends well at this community. Later the community does nothing, not even participating in referendums, which is after all very communal and there is no clear connection with local government, which the Constitution grants so much power” (Boć, 1997, p. 42).

This term, however, was present in the scientific discourse before. A. Piekara explains sociological meaning, according to which it means that “a community has entered into a higher stage of development” (Piekara, 1995, p. 62). This collectivity is socially highly integrated or is capable of self-organization in the name of common goals.

W. Kisiel reminds assertive statements by A. Agopszowicz, who expresses his criticism in a more direct way. According to his opinion “used terminology suggests that while being away from home they should [members of the community]

be bound by some social or economic links. But it is not like that, therefore, a more proper term seems to be the one used in the European Charter of Local Self-Government, where we talk of local population” (Agopszowicz, 1999, p. 28).

Few arguments in favor of the phrase “community formed by law” are mostly that the legislator used it unintentionally. Both historical context and unique atmosphere in that time are considered as a good explanation. Local government, especially at municipal level, shall be some kind of a forum that builds communities, supports them in their struggle against emerging atomization and, finally, helps introducing participatory political culture.

Given the experience from the previous regime, it shall be noted that, this that is “authentic”, “spontaneous”, “permanent” and “strong”, cannot be “introduced” by any law. The law may only define certain order of socio-political sphere. Therefore postulate by A. Agopszowicz about defining municipal population as local collectivity seems very rational.

The least contentious issue in the matter of “self-government” is its typology. We usually have here (a) local self-government, with a territorial link, (b) labour union, if there is a professional link, and (c) business self-government, if the relationship is economic. It should be noted that such catalogue is not exhaustive. In another typology, we distinguish local government (where the relationship is territorial) and special self-governments (e.g., trade unions, business self-governments or agricultural self-governments), where the common feature of the group is not territorial, as it is based on activities that are undertaken by affiliated actors.

As in that matter no other serious doubts shall be highlighted, the definition by B. Dolnicki is adopted, that local government is a “corporate, legal entity, executing public administration tasks through elected representatives, acting under the law independently and supervised by the state” (Dolnicki, 2003, p. 21).

3. Local Government in Poland

In order to show the genesis of local government in Poland, one cannot avoid the dilemma whether solutions from the Middle Ages can be compared with current concepts. This problem seems to be too complicated, and its deeper analysis is not necessary here, therefore it is assumed that from the moment we speak of local government is when the German term *Selbstverwaltung* appeared, which was at the end of the nineteenth century.

If we look back in history the first legal regulations in Poland, which were a new direction for local authorities, were the so-called “municipal acts”. Principles on

the Rights of the Town were passed 14th of April, 1791, and Law of our Free Royal Cities in the Countries of the Commonwealth was adopted 18th of April, 1791. The second one latter became the foundation for reform of municipal rights, which changed the situation towards a significant empowerment of residents, by giving them rights to act on important issues. “The Act, among others, gave freedom to cities (i.e., they were no longer subordinated to district heads or marshals), confirmed the ownership of land and houses, laid down a general law for all (royal) cities, gave administrative and judicial power to elected magistrates, the bourgeois were able to buy land properties, the bourgeois was allowed to hold government, judicial, military and church positions, and *judyki* had been abolished” (Chmielewski, 1999, p. 33). This Act has been considered as part of the May 3rd Constitution, 1791.

Activity towards the modernization of the state, could not play its planned role because of the failure of the new constitution and subsequent division of Poland between the three invaders. Over the next 123 years, on territories of the former Poland, Russia, Prussia and Austria had introduced their own legislation. Development of local authorities was of course impossible. Any form of empowerment of citizens would be against the “new government”, as it could potentially serve rebuilding Poland. Nevertheless local authorities existed on that land.

The most developed local government structures on Polish land under occupation, was in the Prussian partition, where since 1808 Ordinance for Towns was in force. According to its regulations, within local government the city council, functioned which elected city management. The management must have been approved by central authorities. In 1815 a new administrative division was introduced, under which municipalities were the smallest administrative units. Among them we had two types: rural and urban. According to other acts of 1850 and 1853, municipalities were given more functions. Town authorities had a right to suspend illegal resolution, disciplinary punish mayors and other members of the magistrate and had a right to determine in the municipal budget expenditures which the council had not adopted (Wójcik, 1999; Kallas, 2003). In the Prussian partition tasks were divided between their own and delegated, which was then known as “the given”.

In the Austrian partition reforms were significantly delayed. It was not until constitutional reforms during the Spring of Nations and administrative division introduced in the mid-nineteenth century, when the process of creating local government in its modern shape began. Municipal authorities were divided between legislative and executive. Similarly as in Prussia tasks were divided into own and delegated. In Galicia and Lodomeria unique units existed – the manorial areas.

Their tasks were similar to municipal ones, but their structure referred to the old feudal system, since the key role was played by the area supervisor, or owner of the land (Witkowski, 2007).

In Russia some sort of local self-government emerged much later. In 1864 the Law on Land Institutions was passed. In 1870 municipal councils were established. Within them a legislative body – the *duma* and executive – the Executive Board (elected by and from among the *duma*) existed. Election of the President (head of the executive body) had to be approved by the governor or, in larger units, by the minister of the interior. Tasks of urban municipalities were divided between own and delegated. In 1892 many rights granted to municipal governments had been moved to regions. Rural local governments possessed much wider competences (Witkowski, 2007).

During the first years of the Second Polish Republic the organization of local government depended on which partition certain territory had been before. Unification of structures was rather slow, despite the fact that the Constitution of March 1921 declared that there will be “proper scope of legislation”. Actually this process of unification lasted until 1933, when on 23rd of March the Act on Partial Reform of the System of Local Self-government – the so-called amalgamation act – was enacted. This nickname resulted from the fact of standardization of solutions and regulations throughout the country. Consolidation covered rural and urban municipalities (but not regions). Also names of different tiers were unified. Organs were divided into two types. First was statutory-supervisory bodies (councils, respectively of rural or urban municipalities, as well as provincial councils) and the second executive-management bodies (urban, rural or provincial board respectively). Presumption of competence of the executive-management body was in force. “The amalgamation law expanded a list of supervisory measures over the activity of local government as well as list of conditions for intervention of supervisors. These supervisory powers were granted not only, as it was before its entry into force, to higher levels of self-government, but also to central government general offices”(Izdebski, 2008, p. 60). New rules did not cover the city of Warsaw. Some sort of regression occurred after the Constitution of April 23rd, 1935, entered into force, where it was stated that “regional, provincial or municipal self-government is formed only in order to perform public administration tasks in the local scope” (Chmaj, 2007, p. 26).

After the Second World War local government did not have good conditions for development. The amalgamation act was still, for a short period, the legal basis for implementation of solutions. Among them we find, released on 23rd of November, 1944, by the Polish Committee of National Liberation, Decree on

Organization and Scope of Operation of Local Government. However, it should be noted that meanwhile a new shape of the state system began to form, in which national councils played an important role. These were legislative bodies of local government. The councils were part of a hierarchical structure, on top of which was the State National Council.

When the Act of 20th of March, 1950, on Local Organs and Unitary State Authority came into force local government ceased to exist in Poland (Zięba-Załucka, 1999). Dominant concept of “unity” of power did not include a need of relatively independent local or regional authorities. The adopted solution moved the country towards a wide transfer of Soviet practices. National Councils, in accordance with the new legislation, were considered to be organs of state power.

Before 1989, despite the fact there was no local self-government in Poland, some significant changes took place, which affected Polish reality of local democracy later, during the transition (Janowski, 2003). Between 1972 and 1975 administrative division had been reconstructed. In the first stage former local units *gromada*, were replaced by larger ones – municipalities. Provinces were abolished, and regions had been divided and significantly reformed. The last important change was introduced with the Act of July 20th, 1983, which, “especially after the amendment of 1988, has already included some elements of self-government solutions, but remained with specific patterns of the Soviet system” (Leoński, 2006, p. 5).

Within the Round Table talks local government was discussed, but it cannot be claimed that it was one of vividly discussed topics. Later political and system change have created great opportunities, which now can be considered as well used. The key date is of course 8th of March, 1990, which is the date when Polish Local Government Act had been issued. Also then the Constitution had been amended, in which Chapter VI titled “Local Government” appeared (Zieliński, 1996). Importantly, at that time local government existed only at the municipal level. Shortly afterwards, on 19th of May, 1990, the Act on the Structure of the Capital City of Warsaw had been passed. It shall be emphasized that, that changes can hardly be called reforms, meaning abolition of National Councils, was coming back to the tradition of the Second Polish Republic.

Despite a lively debate and a still unstable political situation, mostly in parliament, local government was getting stronger and stronger. The chosen direction had been somewhat confirmed by the Constitutional Act of 17th of October, 1992, on the Mutual Relations Between the Legislative and Executive Authorities of the Polish Republic and the Local Government. This act was called the Small Constitution. The title indicated the essential role of reconstructed structures of

local authorities. Art. 70 stated that local government is considered “basic form of local public life”. In the same article also a kind of announcement regarding the future appeared. It was saying that “the municipality is the basic unit of local government” and that “other types of local government tiers will be specified in an act”.

In 1993, another event took place, which was an important step in the process of restoration and strengthening of local government in Poland. On 26th of April, Poland ratified the European Charter of Local Self-Government, which became part of the home law. Ratification closed the initial stage (Izdebski, Kulesza, 2004). In 1994, entered into force the Act on the Structure of the Capital City of Warsaw, and in 1995 an act, which extended autonomy of some cities, however, it is difficult to assess these acts as a positive step forward. For significant progress we had to wait until 1997, when work on the biggest administrative reform in the history of the Third Republic, accelerated (Wiatr, 2002; Słobodzian, 2007), and more importantly, the new Constitution entered into force.

The most important piece of legislation, regulating status of municipalities in Poland is undoubtedly the Constitution of 2nd of April, 1997. The matter of regional and local authorities is regulated in articles 15 and 16. Constitutional norms must be considered relatively large in scope, when compared to other constitutions from Western Europe. For example, according to the Danish Constitution of 5th of June, 1953, only paragraph 82 directly applies to local government, and the Swedish Act on the Form of Government, which is one of the four pieces of legislation equal to a regular constitution, it is the same with article 7 (Bukowski, Jędrzejewski, Rączka, 2003).

The extensive scope of Polish constitutional regulations in the matter of local self-government can be explained with historical context. The new constitution was supposed to create a solid basis for the further democratic development of the state. One of its measures to achieve this objective is to have a proper constitution, of which adverse change, dictated by the fact that in the case of e.g. a momentary crisis or when some irresponsible faction comes to power, would be much more difficult than in case of an ordinary act. Similar arrangements have been applied in other countries of Central Europe (Barański, 2009). We must bear in mind that a custom or tradition, as part of political culture, has the potential to protect the structure of local democracy, but proper education demands time and a relatively stable political, economic and social situation.

Provisions contained in the Constitution are fundamental in this analysis, so a closer look is needed. In Article 15, saying that: the “territorial organization of Poland ensures decentralization of public power”, it was decided not

only upon state organization, but also direction of development had been set. Principles expressed in the Constitution are therefore fundamental. According to J. P. Tarno (2004a) we find there three key principles. The first is the principle of subsidiarity, which has already been analyzed in the first chapter. Tarno believes it has two aspects. First, provinces and regions in relation to municipalities play supplementary functions “in this sense that their duty is to carry out tasks which have a supramunicipal character” (Tarno, 2004a, p. 24). He emphasizes first and foremost the territorial aspect, i.e. provinces shall perform those tasks, of which carrying out by municipalities, because of its size, would be illogical. The researcher has the same opinion on the role of regions in relation to provinces.

The second aspect of this principle, according to Tarno, refers to delegated tasks (assigned to central administration), which are performed by local government only when it results from the legitimate needs of the state (Tarno, 2004a).

Also double-layered vision of subsidiarity in the Constitution is noticed by H. Izdebski (2008), who highlights those important issues differently. The first layer refers to circumstance when certain activity becomes a public task, while within the other layer tasks should always be performed by the lowest possible level. It seems that Tarno does not go beyond the second aspect, emphasized by Izdebski, meaning he remains on the same “axis” and changes the sphere of administration from local to central only.

In summary, one cannot ignore the principle of subsidiarity in the Constitution, however, you should not, especially in political science analysis, reduce its importance.

The second principle, according to Tarno (2004a), is the principle of independence, which can be drawn from article 15 and article 16 paragraph 2. “Under those provisions, local governments are autonomous and this independence is protected by the courts”. In addition to independence from central government Tarno emphasizes the lack of hierarchy between municipality, province and region. This view is widely accepted (Izdebski, 2008; Leoński, 2006).

The third principle is the presumption of jurisdiction of local government, which “was introduced in Art. 163 of the constitution. According to this principle we should assume that if provisions of an act do not directly reserve the government jurisdiction to deal with certain issues, this matter falls within the jurisdiction of local government authorities” (Tarno, 2004b, p. 28). The principle of the presumption of jurisdiction of local government is fundamental for perceiving it as an active actor of decentralization of public power. At the same time it should be noted that its sources are in subsidiarity. It is confirmed even more in Art. 164 paragraph 3, which states that “the municipality shall perform all tasks of

local government not reserved to other units of local government”. The idea of performing public tasks by the “smallest units” or, as Tarno would say it, “units with the smallest scope” is clearly expressed here.

The above mentioned principles have some sort of an exceptional character – they refer (almost) only to public power decentralization actors. It is worth noting that in the context of the Constitutional Court verdict (presented in Chapter I), which is reminded by Z. Niewiadomski (2002), decentralization of public power should be (understood as constitutional principle) delimited to local government units.

There are also other equally important principles in the Constitution. Strengthening the principle of autonomy of local governments is supported in art 168. In the next article – 169 – the framework of the structure of organs has been defined. First of all, authorities have been divided to legislative and executive. Secondly, local elections to those organs are: public, direct, equal and shall be conducted by secret ballot. Thirdly, independence of units is strengthened as they are allowed to establish an internal system within limits specified by the law.

An important issue regulated in the Constitution, Art. 170, is the referendum. “Members of a self-governing community may decide, by means of a referendum, on matters concerning their community, including dismissal of an organ of local government appointed by direct election”. Also in the process of decision-making residents participate directly.

The Constitution, in Art. 171, also explicitly regulated the most fundamental issue and it is the most characteristic feature of decentralization, which is the relation of supervision. “The legality of actions of a local government shall be subject to review” – which means that any intervention by higher authorities takes place only in cases described by law. Probably the most extensive intervention, according to the Constitution, is dissolving the legislative organ.

Independence of units has also been expanded in the Constitution, in Art. 172 for the right of association including international associations. It is very important that this is the only aspect in which you have international policy in local government in Poland allowed, even similar to state diplomacy, which generally is the domain of central government. Of course, approval of agreements, in all cases of foreign cooperation of local government units, is still within the competence of the Council of Ministers (Jóskowiak, 2008), but the level of independence should be considered here as extensive.

Separate issue is the European Charter of Local Self-Government (ECLG), adopted 15th of October, 1985. According to the current Polish legal system ECLG, which is a ratified international agreement, precedes national legislation.

The Charter does not cover regional government, which in the case of Poland are regions.

The Charter is a set of general principles that parliaments and governments should be guided by, in case of any action regarding local governments. Tomasz Szewc notes that ECLG is a legal declaration, so it is more binding than political ones. As a result, relevant regulations shall be in “laws of general application, excluding constitutional provisions, regardless of whether relevant provisions are already in the Constitution” (Szewc, 2006, p. 18).

The main part of ECLG is preceded by a preamble, in which the signatory states express the conviction that “safeguarding and reinforcement of local self-government in the different European countries is an important contribution to the construction of a Europe based on the principles of democracy and the decentralization of power” and that “this entails the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfillment”.

Among guidelines contained in the ECLG is the principle of subsidiarity, to which reference is made in Art. 4. The Charter also regulates in more detail other issues i.e. of a collegial nature of the legislative body of local government units. Similarly, freedom to determine the internal structure (status of a municipality) has been given by the ECLG, and also public consultation has been described as an important element of rights of local communities. Furthermore, safeguarded has been: freedom of office of elected representatives, the need to balance the costs of entrusted tasks, as well as demand for financial independence. Finally, supervision of rules has been set (verification supervision) and judicial protection of local autonomy has been guaranteed.

4. Municipality as a Subject of Public Power Decentralization

a. Legal status of municipalities

The legislator, or – according to the definition of decentralization of public power – the public center, paid special attention to the structure of local government units. This created “legal principles” of decentralization – a space in which the lower body of decentralization acts. Creating the system is therefore a starting point for further, more detailed regulation. The outline of relevant principles

should be considered fundamental, since all decisions have at this stage a major impact on the overall relationship between actors and on the sum of potential, which the lower body of decentralization has an opportunity to use.

Undoubtedly, accepted regulations result from political culture and traditions. At the same time form of government, here of municipalities, is a result of a diagnosis. Public center takes responsibility (or at least should) for efforts for optimal decentralization, i.e. one that is neither too broad nor too narrow, so that this potential can be properly discounted.

The starting point for decentralization in the Polish Republic was also the establishment of the new territorial division of the country. As part of this “diagnosis” the legislature had to decide how many tasks it is willing to transfer, which indeed was an answer to the question for the number of units.

The process of forming of territorial division is not completed and should never be. This dynamic nature is determined by optimization efforts within decentralization. Government body, which in Poland takes final decisions on that matter, is the Council of Ministers. This part of the central executive, also on request of certain municipality (or municipalities), forms, merges, divides and dissolve the municipality and determines their boundaries. The Council of Ministers is responsible for granting a village status of a town, as well as for establishment, change and determining the place of residence of local government authorities. Regarding the last ones the Council must take into account a series of factors, including settlement and spatial situation as well as social, economic and cultural relationships, social infrastructure, technical and urban conditions (LGA, Art. 4 para. 1 and 3).

This means that although the decision belongs to the public center, but opinion of citizens, as well as objective conditions, must be taken into account. This possibility to express opinions during consultations can be interpreted in various ways. First of all, arrangements are part of the diagnosis of actual situations, in accordance to principles of governance. Secondly, it can be understood as an attempt to avoid litigation after the change, through the introduction of a consensus solution instead of an independent decision made just by the center. And thirdly, consultations are also some sort of a middle way between independent decision by the center (reducing relative autonomy of municipalities) and entrusting decisions to the local community (expansion of relative independence).

The above conclusions are also supported by an obligation, under which, before the decision of the Council of Ministers on creating, merging or liquidation of a municipality is made, the minister responsible for public administration should consult certain municipal councils, which previously must hold public

consultations with their residents (LGA, Art. 4a). We should also remember that in case of any important decision which is to be made by municipality authorities, public consultation should be carried out, and of which procedures shall be defined in the statute of the municipality (LGA, Art. 5a).

Types of units

According to legislation on territorial division of the country and local government acts, there are 2.479 municipalities in Poland. These units are mostly homogeneous. However, due to the nature of the settlement network, technical-economic infrastructure and other related factors, researchers usually distinguish three types of units: urban, rural and urban-rural (Leoński, 2006). Urban municipalities (1576) are the biggest group, followed by urban-rural (Bandarzewski, 2006). Much less numerous are rural ones.

In the context of the problem of typology of municipalities we should now recall repealed provision, which allowed it to create districts in a form of a municipality, as it was in Warsaw (1990–2002). Currently, districts of the Polish capital, to which a separate act refers to, have status of auxiliary units (Kuć, 2002).

Different provisions refer to cities that have the status of a province. Although their status is regulated by the Act of 5th of June, 1998, on the provincial self-government (PGA), these units are still municipalities. Cities that have the status of a province, have authorities the same as municipalities, but according to article 91 of PGA, such municipalities are also entrusted tasks and resources the same as provinces.

In this group we have cities that: (1) on the day of the 31st of December, 1998, had more than 100 thousand residents; (2) due to the reform are no longer the place where the office of regional governor (*wojewoda*) is located; (3) have previously been entrusted with a wider catalogue of public tasks than other municipalities. It should be emphasized that there is an exception. There are cities (towns) that intentionally did not request the Council of Ministers to get this status (Ciechanów, Piła, Sieradz).

K. Bandarzewski, P. Chmielnicki and W. Kisiel also notice a separate character of large cities (over 300 thousand inhabitants). Their authorities must negotiate the statute of their municipality with the Prime Minister, if there is a request from the minister responsible for public administration (Bandarzewski, Chmielnicki, 2006).

According to Art. 30 of LGA it is also possible to create “special municipalities”. This group includes specific profile units, selected due to their special features. Among others we have here health resorts, of which the status is regulated in the

Act of 28th of July, 2005, on Wellness Treatment, Spas and Spa Resorts Protection Areas (WTA). According to Art. 2 para. 2 of WTA, municipality is considered a health resort if an “area or part of it has been given the status of a health resort in the manner prescribed by law”. This mode is presented in Arts. 34, 36, 37, 41, 42 and 46 of WTA.

Second the category mentioned in Polish legislation is mining municipalities. Their statute is currently regulated by the Act of 7th of September, 2007, on Functioning of Coal Mining in 2008–2015 (CMA). Mining municipality is a unit in which “mining is done or was done after 14th of January, 1999, economic activity has been carried out, regulated by a concession on mining of coal, and on whose behalf a mining company is required or has been required, after that date, to pay an exploitation charge, described in Art. 84 of the Act of 4th of February, 1994, – Geological and Mining Law” or at its territory “is, or has been located after 14th of January, 1999, a mining plant or a part of this plant” (PFA).

Municipal unions, agreements and associations

Correcting imperfections of local administrative divisions, in the context of aspiration to use the whole potential of each community, is supported by possibilities created by legislators, included in the sphere of cooperation between units.

A good example is an opportunity to take joint actions through institutionalized forms. Municipalities have the right of association, which is guaranteed in the Constitution (Art. 172 par. 1). According to that fundamental act this sort of activity is fully voluntary. We do not find in the Constitution any suggestion that units could be forced to work together. This voluntariness must be interpreted as an act of leaving necessary independence in the area of decentralization.

Three forms of municipal cooperation have been created: unions, agreements and associations. The aim of an union is a joint performance of public tasks. Councils of interested municipalities shall adopt a resolution, in order to begin such cooperation. Creating such a union might be mandatory, but only according to an appropriate parliamentary act, which also specifies the range of tasks of the union (LGA, Art. 64). What is interesting, member municipalities do not have to border, so it is possible to establish cooperation between larger urban centers, in case of big investment projects.

Unions have a legal entity, which they get after registration by the minister responsible for public administration. The union should be regarded then as an independent entity, to which provisions on supervision apply. Although it is not a new unit of local government, it performs public tasks on its own behalf and at its own risk. The catalog of these tasks is strictly determined by member

municipalities (LGA, Art. 65). Unions can be also entrusted state administration tasks. In addition, importance of this form of cooperation is highlighted by the fact that unions have their own budgets, adopted the same as municipal ones (LGA, Art. 74).

Assembly of the union is the responsibility of the legislative and control body. Its competences, in regard to tasks delegated by central administration, are the same as municipal ones (LGA, Art 69). The assembly includes mayors of member municipalities (LGA, Art. 70).

Unions act according to principles of consensus, as a member of the assembly may make a written objection to a resolution within 7 days of its adoption and this objection stops implementation of the resolution and causes reconsideration of it. It is allowed to be made only once with respect to certain issue.

The executive body of a union is the board that is appointed and dismissed by the assembly from among its members. It is allowed that the board member is a person from outside the assembly (LGA, Art. 73).

The second form of cooperation is agreements. Within agreements of the parties takes certain rights and obligations, which refer to tasks entrusted to it (LGA, Art. 74). Z. Leoński explains that “the difference between the unions and agreements can be reduced to the fact that unions obtain separate legal entity, in order to perform common tasks, and to perform these tasks they create separate bodies, etc. and agreement is all about taking on, by one local government unit, tasks or competences of other bodies” (Leoński, 2006, p. 172). Within agreements you cannot transfer powers of a commanding character, which also distinguish this form of cooperation from municipal unions.

Municipalities, provinces and regions may establish associations. The aim of such an association of local government units, contrary to unions and agreements, does not directly equal implementation of public tasks. It acts in order to promote the idea of self-government and to defend its common interests.

To local government associations applied are provisions of the Act of 7th of April, 1989, – Law on Associations. “They are different from unions (...) in that aspect they are established not to perform public administration functions, and particularly not to adopt commanding acts” (Leoński, 2006, p. 171). This solution may raise some questions, as for example for supervision issues. It is explained in Art. 8 para. 5 of LGA, according to which the supervising body in the case of local government associations is the governor.

Municipalities may also join international associations (LGA, Art. 84a). LGA is consistent here with the most important international instrument relating to the issue of self-government – the European Charter of Local Self-Government.

More detailed regulations are found in the so-called Madrid Convention, namely the European Outline Convention on Trans frontier Cooperation between Territorial Communities or Authorities of 21st of May, 1980. Ideas contained in the above acts are reflected in the Polish Constitution in Article 172 para. 2. One of the most important legislation acts, in addition to constitutional law, is the Act of 15th of September, 2000, on the Principles of Local Government Units Joining International Associations of Local and Regional Communities (Sowiński, 2002; Modzelewski, Żukowski, 2007; Kalitta, 2008). Any forms of international cooperation of local government units, including joining an association, must obtain approval from the Minister of Foreign Affairs. As it was previously emphasized, relative autonomy in the sphere of international relations is therefore significant.

b. The decision-making process

Recognition of a municipality as an actor of decentralization of public power is associated with the need to identify other key criteria. As one of the fundamental it should be considered taking decisions outside the center, within legal boundaries established by the government. The number and nature of the tasks in turn causes, that local communities are unable to perform their activities directly. As a result the legislator decided that these jobs will be carried out by representative bodies. Thus, according to LGA, decisions are taken by the community by universal suffrage (through elections and referenda) or through municipal authorities (LGA, Art. 35).

Local Referendum

A body entitled to take decisions in the municipality is the local community (Piasecki, 2008). Decision-making process, to the highest level fulfilling the idea of empowerment, is the local referendum. This opinion has been confirmed by the Polish Supreme Administrative Court, which ruled that it is nobody else but the community, who is the highest authority in the municipality.

Under the Act of 15th of September, 2000, on Local Referenda “in a local referendum (...) inhabitants of the local government unit, as a self-governing community, members express their will by voting on how to settle matters related to this community, in the range of tasks and responsibilities of organs of that unit, or on the dismissal of the executive body of this unit”. In Art. 170 of the Constitution it is guaranteed that members of the self-governing community may decide in a referendum upon matters concerning their community, including dismissal of the directly elected local government authorities.

Classification, in which municipal referenda are distinguished according to the object, is very clear. The first type is a referendum on the dismissal of an executive decision-making body, while the second is the one in which citizens may express their opinions on how to solve some issues within their community.

The referendum is valid if at least 30% of people eligible to vote took part in it, but with one exception. A referendum on dismissal of directly elected local government authorities is valid, if no less than three fifths of those taking part in the election of that body participated. The result is conclusive, if for one of the solutions submitted to a referendum more than half of the valid votes were cast. In this case, the exception is a referendum on self-taxation of residents for public purposes. To introduce such a tax, it must get at least two thirds of the votes of support (LRA, Art. 55 and 56).

There are two municipal referendum initiating procedures. Application may be submitted by: a group of at least 5 people who have election rights to decision-making organs of local government units; local registered political party organization or a social organization which has a legal entity, of which the statutory area of activity is at least the area of this local government unit (LRA, Art. 11).

Appropriate decision of the municipal council is the second local referendum initiating procedure. In this case the resolution has to be adopted by an absolute majority of the statutory number of members, except in the situation when the mayor is to be dismissed, which will be analyzed and presented later (LRA, Art. 4).

What is interesting and above all important for the issue of relationship and dependencies between municipal authorities, exclusive jurisdiction on the dismissal of the legislative body has been entrusted to the citizens. A referendum is a form, in which the local community may express its opinion. Also a referendum on dismissal of the two bodies together is allowed. The legislator has not prepared a referendum initiating procedure on the dismissal of the municipal council within which the initiating actor would be the mayor.

Any other entity, than a municipal council which initiates a local referendum in a municipality, must notify the mayor in writing of its intention. In addition to identification data of this entity, information should contain a description of the object of the referendum. The initiator is responsible for notifying residents about the subject of the referendum. The initiative must be supported by at least 10% of people entitled to vote in that municipality. In the case of initiatives of other entities than the municipal council, on dismissal of the municipal authority, municipal council (from its members) appoints a commission whose purpose is

to check the legality of the proposal and its compatibility with municipal authority's competences. If this commission finds out that it meets these criteria, the municipal council is obliged, within 30 days, to pass a resolution on organizing a referendum. If there is no such resolution the initiator has the right to submit a complaint to the administrative court.

LRA also contains detailed provisions on the referendum campaign (chapter 6) and financing referendums (chapter 7) (Izdebski, 2008). It shall be noted that local referendums are only being used in regard to the most important issues. All others are carried out by representative bodies.

Art. 169 of the Constitution states, that "units of local government shall perform their duties through constitutive and executive organs". These are respectively municipal council and the mayor (LGA, Art. 11a). Every time when in Polish law – as well as in this monograph – mayor (*wójt*) is mentioned, it also refers to town mayor (*burmistrz*) and city presidents.

Within LGA the legislator did not seek to regulate all matters of the organization. Broad discretion has been left, in order to enable necessary (local / regional) adaptations. Documents, in which municipal authorities determine their own vision of the internal system of offices, is the statute.

c. Statutory and control organs

"Within the structure of local government, in municipalities, an exposed position is held by municipal councils, and it is due to the fact that is a representation of local residents" (Leoński, 2006, p. 119). The relative autonomy has been given to the whole community, and therefore it shall be considered as important, that the council is a collegial body. Thanks to its composition it may reflect the diversity of visions of local policy.

Election of municipal council

Election of members of the municipal council is described in the Municipal, Province and Regional Councils Elections Law of 16th of July, 1998, (EL)¹. Elections are: popular, equal, direct and by secret ballot (EL, Art. 2). In municipalities which have up to 20.000 inhabitants you have the plural voting system, so you vote for individual candidates (EL, Art. 87). Polish and other EU citizens have the right to vote (EL, Art. 6). No later, than on the election day they must be at least

¹ Important remark has to be made here. After this part of the text has been written a new electoral law has been introduced (Electoral Code of 5th of January, 2011). It has not changed major rules, so the fragment is based on old regulations.

18 years old and live in the territory of certain municipal councils (EL, Art. 5). Not entitled to vote are Polish citizens deprived of public or voting rights by the court or tribunal as well as incapacitated persons (EL, Art. 5), as well as other EU citizens who are deprived of the right to vote in their country (EL, Art. 6).

The right to run for office is granted to people who have the right to vote in elections to municipal council (EL, Art. 7). Deprived of the right to be elected is: (1) a person who has been punished for intentional offence by public prosecution, (2) a person against whom a final sentence has been issued conditionally discontinuing proceedings due to intentional offense by public prosecution, and (3) a person to whom a final court decision has been issued declaring void eligibility (EL, Art. 7). Such a right does not apply to an EU citizen who lost his eligibility in his country (EL, Art. 7).

Elections are organized and supervised by the National Electoral Commission (NEC) and election commissioners, but it is municipal, provincial and regional electoral commissions, who carry out municipal, provincial and regional elections (EL, Art. 10). A municipality is obliged to provide free access to its premises for election commission purposes (EL, Art. 24).

Elections to municipal councils are ordered no later than 30 days before the term of office, on a day off, which is within 60 days after the council's term of office (EL, Art. 25). This date, like others in the electoral calendar, after consultation with the NEC, shall be set by the Prime Minister.

The number of members of municipal council, is determined by the governor in consultation with the election commissioner. It depends on the number of people residing in a municipality, according to the census at the end of the year preceding the year in which elections are to be organized (EL, Art. 27).

Criteria are as follows:

- a\ 15 in municipalities with up to 20.000 inhabitants,
- b\ 21 in municipalities with up to 50.000,
- c\ 23 in municipalities with up to 100.000,
- d\ 25 in municipalities with up to 200.000 and 3 for each further 100.000 people, but not more than 45 (Art. 17 EL).

Election committees may be created by political parties (Sobolewska-Myslik, 2007), associations, social organizations and voters (EL, Art. 64a). The function of the electoral committee in a political party is held by organs authorized to represent it (EL, Art. 64c). Each election committee appoints its electoral and financial plenipotentiary (EL, Art. 64c). Parties may create electoral coalitions on territory of certain municipality (EL, Art. 64d) (Michalak, 2007).

The function of the electoral committee in an association is held by an organ authorized to represent this organization (EL, Art. 64e), and again this organ appoints electoral and financial plenipotentiary.

EL also allows citizens to create electoral committees of voters (ECV). Such committees must have at least 5 people, who have the right to vote. Also ECV must appoint the electoral and financial plenipotentiary. If ECV has its candidates only in one region, 20 votes of support must be gathered, and if in more than one – a 1.000. In elections to municipal council, in a municipality where the population does not exceed 20.000, signatures of support are not needed, plus in these municipalities ECV electoral plenipotentiary also acts as a financial plenipotentiary (EL, Art. 64f).

The status of members of municipal councils

“Alderman itself is not an organ, but as a member of a collegial body has certain competences and duties” (Leoński, 2006, p. 115). Members of municipal councils may form clubs. They are not obliged to follow voters instructions (free mandate), but according to LGA they should maintain a constant relationship with residents and their organizations (Jaworska-Dębska, 2001). Their role is communication between the council and citizens. The basic tasks of council members also include participation in proceedings of the council, its committees and other institutions to which they were elected (LGA, Art. 24). Obligation of participation in other institutions means assembly of a municipal union, if there is one.

A member of a municipal council cannot be employed in a municipal office, in the same municipality where his mandate is exercised. A newly elected member, who is in such a relationship, must ask for unpaid leave from his office. Failure to do so is tantamount to a renunciation of the mandate (LGA, Art. 24). Members of municipal councils cannot take additional activities that could undermine the trust of voters to them. Also they cannot use the fact of service for their own business (LGA, Art. 24e) and they are not allowed to engage in business activities which involve municipal property in the municipality in which they exercise their mandate (LGA, Art. 24f).

Members of municipal councils have certain rights, including a money refund for travel expenses as well as allowances. Its amount, within regulations issued by the minister responsible for public administration, is determined by the council. The amount of monthly allowance cannot exceed one and half times the base amount specified in the budget for senior state staff positions (LGA, Art. 25).

In regard to holding an office they are entitled to legal protection provided for public officers, which means stricter penalties for e.g. attacking a person with

such a status. They are also protected in another dimension. They may get fired from their job, only if the council agrees to do so. This body allows dismissal from work only if the reason is not related to being a member of the council.

Exercise of the mandate also equals certain restrictions. Members of municipal councils cannot participate in voting in the council, if it would relate to their own interest. You cannot, at the same time, be a member of the municipal council or an MP, governor or his deputy or member of other local government unit organs.

Members of municipal councils (and also mayor, deputy mayor, secretary of the municipality, the treasurer of the municipality, manager of a municipal organization, manager and a member of a municipal management organ which has a legal office issuing administrative decisions on behalf of a mayor) they must submit annual statements on their property status, on their separate property or on their joint marital property. Information in that declaration shall be public, except for information about the address and location of the property (LGA, Art. 24I).

The mandate of a council member may be terminated as a result of (1) refusing to take the oath, (2) if she/he fails to submit a declaration on their property, (3) written resignation, (4) breach of regulations on not holding other functions, (5) victory in elections for mayor, (6) loss or not possessing election rights on the election day, or (7) death (LGA, Art. 190). In case of such termination the mandate in municipalities up to 20.000 inhabitants, the governor announces a by-election (LGA, Art. 192), and in the case of larger units, the municipal council, during its next session, shall decide that the mandate is filled by the candidate from the same list that received the next highest number of votes. By-elections in these units are organized only when procedure described in Art. 192 of LGA fails to fill the office and the number of members of the council has decreased by more than 1/5, and there is more than 6 months till the end of the term (EL, Art. 194).

Proceedings of the Council

The council meets in a session mode. The session is convened by the chairman if necessary, but not less frequently than quarterly. The first session of a newly elected council shall be convened by the previous chairman at least 7 days after the election results are announced. The eldest member of the council conducts the session until the new chairman is elected (LGA, Art. 20).

The office of the chairman is important for the proper functioning of the council. The council elects the chairman along with one, two or three deputy chairmen, by an absolute majority, with the presence of at least half of the

council. In the same way, at the request of one quarter of the council, they may be called off. If the council fails to appoint its chairman and deputy chairmen it is terminated.

Duties of the chairman or, during his absence, of the deputy chairman, are organization of work of the council and carrying proceedings of that council (LGA, Art. 19). Sessions may be convened at the request of the mayor or of 1/4 of members of the council. At the request of the mayor, the chairman is obliged to place an item on the agenda, but it has to be submitted at least 7 days before the session (LGA, Art. 20).

Collegiate entities operating within the council, which take the form of internal organs, are commissions. Appointing them, except for the audit commissions is not mandatory, but usually it does not happen that any others have not been established. Participation in their proceedings is sometimes, depending on decisions included in the statute of the unit, which may be associated with a higher income. Also in the municipal statute it is specified how many members commission shall have as well as the range of its tasks. They are subject to the council, i.e. they are appointed by and must report to it. Functions of commissions are initiation, consultations and control. The legislator allowed also the establishment of the so-called special committees, for certain projects and purposes.

d. Management and executive organ

Unlike the council, the management and executive organ is not collegiate. Since local elections in 2002, it is the most significant “adjustment” within the system of local government in Poland. Act, which significantly changed the balance of power between statutory bodies and the executive, is the Act of 20th of June, 2000, on the Direct Election of Mayor, Town Mayor and City Presidents (DEM). In provinces and regions indirect elections of collegial boards had been maintained.

It is common opinion that a change in the presented dimension was significant. We have today numerous analyses, including legal, sociological and political science ones (Janik, 2007; Budzisz, 2007). As it is less important for this book, it is not further presented here. We should just remember about, both positive and negative, effects of that reform. Effects are mostly considered positive, which means that it will remain a permanent solution, within the local government system in Poland.

Election of the mayor

The executive body of the municipality is the mayor, but in the unit in which the office is located in a town, it is the town’s mayor. The President of the town (city)

is the executive body in units over 100.000 inhabitants and in those, where at the day of entry into force of the LGA the executive body has already had such a name (Art. 26, LGA).

Single management body and its direct election are under discussion since the beginning of the last decade of the twentieth century. Today many scholars and politicians, rather consider it positive (Janik, 2007), but still, voices that the mayor is too strong, do not fall silent (Popławski, 2008).

Currently the mayor is elected in elections which are: direct, general, equal and by secret ballot (DEM, Art. 2). His term begins when the term of office of the council begins and also ends at the same time. The mayor must be a Polish citizen.

The same people who have the right to vote in elections to the municipal council, are entitled to elect the mayor. The right to be elected belongs to Polish citizens, who meet the criteria to candidate in elections to the municipal councils, and at least on the election day are 25 years old. They do not have to be permanent residents of the municipality in which they candidate. However, you cannot run for mayor in more than one unit (DEM, Art. 3).

The Mayor becomes the person who received more than half of the valid votes. If the election does not bring a winner, two weeks later a second round is organized, involving the two candidates with the highest scores. The candidate, who got the majority of votes, wins (DEM, Art. 4).

Elections of mayors are held together with elections to municipal councils. They are announced by the Prime Minister (DEM, Art. 5). Same as election of the council, election of mayors is organized by the National Electoral Commission and election commissioners (DEM, Art. 6). The right to propose candidates belongs to political parties and their coalitions, associations and social organizations and to voters. Detailed provisions on who is entitled to propose candidates are identical to regulations referring to municipal councils elections. Entitled to register a candidate for mayor are committees that registered a list of candidates for councilors in at least half of the electoral districts in the municipality (DEM, Art. 7). DEM provides that a candidate must gain the support of voters from registers of the municipality in an amount of at least:

- a\ 150 – in municipalities which have up to 5.000 inhabitants,
- b\ 300 – in municipalities which have up to 10.000 inhabitants,
- c\ 600 – in municipalities which have up to 20.000 inhabitants,
- d\ 1.500 – in municipalities which have up to 50.000 inhabitants,
- e\ 2.000 – in municipalities which have up to 100.000 inhabitants,
- f\ 3.000 – in municipalities which have more than 100.000 inhabitants (DEM, Art. 7).

If in a municipality none or just one candidate has been proposed, the municipal electoral commission immediately calls to make additional proposals. If still no candidate has been registered, then the election is made by the municipal council by an absolute majority. If, despite the call, only one candidate is registered, the election shall be carried out. The candidate who received more than half of the votes is elected. In the case nobody has more than half the votes the mayor is elected by the municipal council. Within election procedure by the council, group of 1/3 of statutory number of aldermen has the right to propose a candidate. If still the mayor is not elected, his duties, till the end of the term, are performed by a person selected by the Prime Minister (DEM, Art. 11).

Status of the mayor

Also, in the case of the mayor it is not allowed to perform certain functions at the same time. Conflict arises when a person is:

- a\ mayor or deputy mayor in another municipality,
- b\ member of legislative body of a local government unit – also where he performs his or her duties,
- c\ employed in government administration,
- d\ MP (LGA, Art. 27).

He/she is also not allowed to take on other duties, which may undermine the trust of voters (LGA, Art. 28).

The Mayor takes his office after the oath, during first session of the council (LGA, Art. 29a). Mandate of the mayor expires if:

- a\ the oath is not taken,
- b\ annual statement on property status is not submitted,
- c\ written resignation is submitted,
- d\ he loses eligibility or does not have it on the election day,
- e\ provisions on not connecting certain functions are violated,
- f\ he/she is permanently incapable to work,
- g\ he/she dies,
- h\ he/she is dismissed in a referendum,
- i\ he/she repeatedly breaches the Constitution or other legal acts,
- j\ a new territorial division is introduced (DEM, Art. 26).

Compared to previous solutions, under which the council elected members of the municipal executive, currently the mayor is no longer so dependent on the

council. However, the council has retained its powers, which enables it to exercise supervision over the mayor.

The council may adopt a resolution on not granting the mayor a vote of approval, but no earlier than 9 months after the election and no later than 9 months before the election. A resolution must be adopted by an absolute majority of the statutory composition of the council. Adoption of the resolution is tantamount to a referendum on the initiative on calling off the mayor. The resolution on a referendum cannot be adopted sooner than 14 days after adoption of the resolution on granting a vote of approval. This resolution must be supported by an absolute majority of the statutory number of councilors. In this case voting is not secret (LGA, Art. 28a).

A resolution to hold a referendum on the mayors dismissal, can also be voted due to reasons other than not granting the vote of approval. Written request including substantiation of the decision must then be submitted, and it has to be supported by a quarter of the statutory councils composition. Such a request is subject to the opinion of the audit commission. The same timing criteria are in power, as in the case of not granting the vote of approval. However, the resolution requires support of three fifths of the statutory composition of the council. Voting also cannot be secret (LGA, Art. 28b).

Another attempt to pass a resolution on a referendum for reasons other than not granting the vote of approval can be performed not sooner than 12 months since the previous voting (LGA, Art. 28c).

If the mayor is dismissed, his duties, until the new mayor takes his office, are performed by a person appointed by the Prime Minister (LGA, Art. 28f).

In the case of the so-called “temporary obstacle”, i.e. detention, imprisonment for unintentional crime, arrest or incapacity for work due to sickness lasting more than 30 days, the duties of the mayor belong to the deputy mayor (LGA, Art. 28g).

Auxiliary division units

Imperfections associated with the need for compromise determination of units size, despite accumulating potential by creating unions or agreements, may also be alleviated using another system solution, introduced by the legislator, which are the auxiliary units. Their roles vary depending on the area they cover. In urban areas the position of auxiliary units remains marginal, which is confirmed by difficulties in filling public offices within those bodies (Hołub, 2005). The situation is different in rural areas, where the village administrator (*sołtys*), is traditionally the respected person, but also plays a big role within the structure

of local government administration (Bukowski, Jędrzejewski, Rączka, 2003; Zieliński, 2004).

Some freedom has been left to municipalities in the creation of auxiliary units. The first proof here is the lack of a compulsory formation. Still, the legislator has not left the council the possibility to determinate what the structure of auxiliary bodies should look like. It could have been done, e.g. by indicating several options of their system. A similar solution can be found in Norway, where the municipal council decides on the system by selecting one of options. The second dimension of independence within the issue of auxiliary units is optional formation, meaning municipalities are not obliged to establish them.

Auxiliary units have therefore appropriate bodies that differ from their counterparts at the municipal level. In village administration (*sołectwo*) the village administrator is the executive organ. The village administrator is supported by his council (village administrator's council), which is elected along with him, in a secret ballot, directly, among candidates who are permanent residents of the village and have the right to vote. The village administrators council is not an organ. The village administrator has legal protection equal to public officials (LGA, Art. 36).

In districts (*dzielnica*) and neighbourhoods (*osiedle*) the council is the legislative body. The number of its members is determined by criteria used for municipalities, but not higher than 21. The executive body of the district or neighbourhood is the council, headed by the chairman. It is acceptable that the statutory body is the district meeting. Such meeting shall take place each time when the executive is to be elected (LGA, Art. 37).

Another dimension of independence, which shall be noted within this matter, is the fact that in LGA it is allowed to grant the chairman and members of councils of auxiliary units allowances and travel costs (LGA, Art. 37b). Certainly it affects prestige and above all – interest in participating proceedings of these organs. We may assume that the ability to gain financial benefits causes that more people, with altruistic dedication, will be interested. Very interesting is the regulation expanding freedom of municipalities, according to which the statute of an auxiliary unit may provide an establishment of units at an even lower level than the ones described in LGA (Art. 35).

A slightly different situation is in Warsaw, where according to Art. 5 of the Act of 15th of March, 2002, on the Structure of the Capital City of Warsaw, auxiliary units (districts) are mandatory. Creating, dividing, merging and dismissal of districts is left to the competence of the city of Warsaw.

e. Supervision of municipalities

General characteristics of supervision

Within analysis of the definition adopted in the previous chapter, it is indicated that the type of relationship characteristic to decentralization of public authority is supervision. Checking whether actors are in such a relationship, allows us to indicate whether we may speak of decentralization. In the part ending analysis of subject of decentralization, the aim was to emphasize its detailed regulations.

H. Izdebski points to traditional typologies of supervision, existing in Polish law tradition. Within one of them we have supervision activities:

- a) in regard to legal acts – including approving, abrogation, suspension,
- b) in regard to persons – including approving election, appointment from among presented candidates, dismissal,
- c) in regard to organs – including dismissal of collective organ, dismissal of single organ (Izdebski, 2008, p. 301).

In typology based on criteria of supervision:

- a) legality – compliance with the law,
- b) expediency – compliance with standards within certain activity (Izdebski, 2008, p. 301).

In the first chapter of this study it has been indicated that for a decentralized structure the most appropriate is supervision with regard to legality (Szreniawski, 1997; Kotulski, 2000). However, the discussion about the use of supervision under the criterion of expediency, still does not seem to be finished. Some researchers believe that this type can be exercised only in regard to tasks delegated to municipalities by the government. According to Art. 85 of LGA and Art. 171 of the Constitution supervision over municipalities is exercised on in regard to compliance with the law (legality).

Within the supervision of local government units the key issue, in the broad sense, is transparency. Supervisory authorities may, therefore, request information and data concerning organization and functioning of a municipality, in order to exercise the supervision (LGA, Art. 88). Furthermore, the mayor is obliged to submit to the governor resolutions of the municipal council within 7 days from the date of their adoption, and with regard to order regulations – within 2 days. The mayor shall submit relevant acts (of financial matters), to the regional chamber of auditors (LGA, Art. 90). All parties must keep deadlines. If the supervisor does not resolve the issue of a resolution or ordinance within 30 days, he may only appeal to an administrative court (LGA, Art. 93).

Judicial protection works also in the opposite direction. The municipality may submit a complaint for supervisory decision to an administrative court, which shall organize a hearing no later than 30 days after the complaint has been submitted (LGA, Art. 92a).

Among general principles of supervision we may also mention the adequacy of penalties for violation of regulations. As an example, referring to insignificant violations, the resolution is not considered invalid. Only the statement that it was adopted for unjustifiably is formulated (LGA, Art. 91).

Intervention, in cases of suspected infringement, is also the right of third parties, outside the group of supervisors. “Anyone whose legal interest or right has been violated by resolution or ordinance made by municipal authority, on the field of public administration, it may – after an unsuccessful call to remove the violation – appeal against a resolution to an administrative court” (LGA, Art. 101). This regulation does not apply if the administrative court has already ruled, and dismissed it. Complaint on a resolution or ordinance may be submitted to an administrative court on someone’s own behalf or as a representation of a local residents group, who did give their written consent (LGA, Art. 101).

Supervision organs and procedures

Authorities of supervision include the Prime Minister and governors, and with regard to financial matters – regional chambers of auditors (LGA, Art. 86). They may interfere municipal activities only in cases specified by the law (LGA, Art. 87).

The highest supervisory power, if we take a look at the type of sanctions, has the Prime Minister, who “if probably there is no chance for quick improvement and prolonged lack of efficacy in the exercise of public tasks by municipal authorities (...) at the request of the minister responsible for public administration, may suspend municipal authorities and establish the so-called «government commission», for up to two years, but not longer than until the election of the council and the mayor for another term” (LGA, Art. 97).

Appointment of the commissioner is a very invasive operation, so it must be based on strong evidence. It is also believed that the supervisory authority before that must take a less comprehensive intervention. When the commission is established municipality authorities are informed of charges and called to immediately submit a program for improvement of the situation. When this fails, the Prime Minister, at the request of the governor, shall appoint the government commissioner – a person proposed by the minister responsible for public administration. The commissioner takes over execution of the tasks and competences of the municipality from the date of appointment (LGA, Art. 97).

The Prime Minister also has other sanctions. First, in case of repeated violations of the most important legal acts by a municipal council, parliament, at the request of the Prime Minister, may call off the municipal council. In case of dissolution of the municipal council the Prime Minister, at the request of the minister responsible for public administration, appoints a person who until the election of the next council takes over its functions (LGA, Art. 96).

Similar legal intervention instruments are to be used in regard to the executive body. If the mayor repeatedly violates the Constitution or other laws, he is called by the governor to stop it, and if this call has no effect – the governor request the Prime Minister to recall the mayor. If this happens, at the request of the minister responsible for public administration, the Prime Minister shall appoint a person who, until the new mayor is elected, takes over his functions (LGA, Art. 96).

The body, which is “in between” of supervision is the governor (Romanowski, 2002). Moreover, regardless of the Council of Ministers, he has the competence to issue a “changing order” in regard to calling off the mayor, secretary, treasurer, or the termination of a contract with a manager of the municipal organizational unit, as well as to abrogate agreement with a person who manages or members of municipal management authority of a municipal legal entity (as defined by law, in cases described in LGA, Art. 98a).

Regional chambers of auditors (RCA), are responsible for the supervision of financial affairs of municipalities (and provinces and regions). Their status is regulated in detail in the Act of 7th of October, 1992, on Regional Chambers of Auditors (RCAA). Within their structure two organs function. It is the board and the president. In both cases, members are appointed and dismissed by the Prime Minister.

According to RCAA supervision of regional chambers of auditors in regard to financial management and public procurement, covers:

- a\ local government units,
- b\ municipal unions,
- c\ municipal associations, and associations of municipalities and provinces,
- d\ unions of provinces,
- e\ associations of provinces,
- f\ local government organizational units, including local government legal entities,
- g\ other actors, in regard to use of grants from the budgets of local government units (RCAA, Art. 1).

The Supreme Administrative Court had in detail presented its verdict on 22nd of March, 2001, which stated that the RCA takes up issues relating to resolutions on:

- a\ procedures of enacting budget and its changes,
- b\ budget and its changes,
- c\ incurring liabilities affecting the amount of debt of local governments and lending,
- d\ principles and scope of giving grants,
- e\ local taxes and charges,
- f\ vote of approval for the board.

According to Art. 8 of RCAA, within control, inspectors are entitled to:

- a\ request necessary information concerning activities of audited entities, in particular their financial management of budget execution and financial management,
- b\ access to land and premises of controlled entities,
- c\ inspect documentation related to the disposal of cash, including control of cash register,
- d\ inspect records relating to the management of material resources,
- e\ inspect documentation relating to the financial management of the controlled entity,
- f\ secure documents and other evidence,
- g\ insight into personal tax records of entities paying taxes to local government units,
- h\ access personal data relating to qualifications and salaries of local government employees,
- i\ prepare or order to prepare necessary copies and extracts of documents.

Entities with a specific function in the matter of supervision are self-government appeal courts (SAC). Their position and functions are regulated by the Act of 12th October, 1994, on Self-government Appeal Courts. On 1st of January, 1999, its substantial amendment entered into force under which the president of SAC is appointed by the Prime Minister, and not the regional council, as it was before.

In legislation we will not find an explanation, which would indicate that SAC belong to a group of bodies that supervise municipalities, however, because of their powers, we shall consider them as authorities involved in safeguarding the rule of law from municipalities. SAC, among others, have the right to suspend decisions issued in the first instance by local government bodies. They also use

the signaling procedure that is initiated in the case of faults within work of, e.g. municipal bodies (Bąkiewicz, 2008).

Bodies of those units are (1) the college (general assembly) and (2) president of the college. The college consists of: president, vice president and members. The number of members of the college is determined by the college, at the request of the president. Membership may be full-time or part-time. The term of office lasts 6 years. Like the president also members of the college are appointed by the Prime Minister. They cannot join membership with a seat in the parliament, employment in the office of any of the three levels of self-government, or membership in RCA.

5. Tasks, Competences and Resources of Municipalities as Objects of Public Power Decentralization

a. Subject of the transfer

Municipality as a participant in decentralization of public power, in the sphere of subject has a number of specific features characteristic to particular types of entity. Between the entities we have transfer, of which objects the tasks, competences and resources. In case of municipalities in particular, a slightly superior position of the tasks as part of the transfer catalogue, is easy to prove. Diagnosis presented by the legislator, in the form of legal regulations, is some sort of response to specific conditions, interpreted in accordance with the principle of subsidiarity. Tasks therefore equal needs, which must be met at the optimal level (within socio-institutional structure of the state).

Superiority of the tasks over other components is a result of close relationship of the elements of the transfer. Opportunity to perform them well is therefore closely dependent to resources and competencies that lower entities of decentralization are able to take over.

b. Tasks

Within the matter of municipal tasks, one of the most important issues is presumption of property of the municipality, which means that a level of local government possesses all public matters of local importance, that are not allocated to other entities (LGA, Art. 6).

Municipal tasks can be divided according to various criteria. Directly from the legislature we may take the basic division – own and delegated by the government. They are different in that sense that *inter alia* they have different sources of funding. Costs of own tasks are covered by the municipality from its own

resources. The municipality implements them in its own name and on its own responsibility. Independence of performance of those tasks is also, including courts arbitrage, guaranteed in the acts of law (LGA, Art. 10). Independence of tasks delegated by the government is much smaller, as they must be performed the same across the whole country.

In LGA their catalogue has been presented. It should be emphasized that it is not exhaustive in nature. Own tasks, according to LGA, primarily include:

- a\ spatial order, real estate management, environmental protection and water management;
- b\ municipal roads, streets, bridges, squares, and organization of the traffic;
- c\ waterworks and water supply, sewage disposal and waste water treatment, cleaning and order of sanitation, landfill and municipal waste disposal, electricity and heating and gas supply;
- d\ local public transport;
- e\ health;
- f\ welfare, including welfare centers and facilities;
- g\ municipal housing;
- h\ public education;
- i\ culture, including municipal libraries and other cultural institutions, and preservation of historic monuments and care of historic monuments;
- j\ physical culture and tourism, including recreational areas and facilities, and sports infrastructure;
- k\ marketplaces and trading halls;
- l\ municipal green areas and trees;
- m\ municipal cemeteries;
- n\ public order and public security and fire protection and flood control, including equipment and its storage;
- o\ maintenance of municipal public utility facilities and administrative buildings;
- p\ family policy, including provision of social, medical and legal assistance to pregnant women,;
- q\ support and promotion of the self-government idea, including creating conditions for operation and development of auxiliary units and implementation of programs aimed at the stimulation of civic participation;
- r\ promotion of the municipality;
- s\ cooperation with NGOs;
- t\ cooperation with local and regional communities of other countries (LGA, Art. 7).

The task of municipalities, according to LGA, is also taking action to promote the idea of local self-government among local residents, including young people in particular. (According to LGA it is also possible to create a municipal youth council, which has a consultative character) (LGA, Art. 5b).

After a closer examination of the catalogue, it can be concluded that its elements in detail must be regulated by other laws. "The role of the Art. 7 para. 1 (...) boils down therefore to highlighting some general directives setting out what areas the legislator shall, within substantive (or systemic) law, include in the municipality's own tasks" (Leoński, 2006, p. 35).

In Art. 7 of LGA it is stated which tasks are mandatory. "The category of mandatory tasks, includes tasks of special social importance, execution of which cannot be omitted" (Tarno, 2004b, p. 49). This arises from the belief that some projects must be implemented, while others may wait. "It is an unbelievable situation, in which a municipality does not make a funeral (...) the municipality cannot evade its implementation, when provided by statute. Satisfying sequences of public needs cannot depend on the opinion of current municipal authorities. By the introduction of mandatory tasks the legislator secures their implementation and ensures certain community residents a certain level of fulfilling their needs. It is also a legal guarantee of being equal to the law, striving for equal access to benefits across the state, regardless of where you live" (Dolnicki, 2003; Leoński, 2006). "Mandatory" means that you cannot refuse to perform the task, meaning in the annual financial plan you must place the need for implementation of these projects.

The municipality may therefore be delegated tasks to perform. It is done by a legal act or by an agreement with government authorities. It is also possible to perform tasks of provinces or regions. Also in this case an agreement is necessary. In each case tasks from the abovementioned categories are performed, the municipality must receive adequate financial resources (LGA, Art. 8). Detailed rules are contained in relevant laws, which impose such obligations, or in agreements. Act, which explains the intricacies of the distinction between own and delegated tasks, is the Act of 17th of May, 1990, on the Division of Tasks and Responsibilities between Municipal Authorities and the Government Administration.

An important category is public purpose tasks. These are tasks from previously presented catalogues (LGA, Art. 7 para. 1), of which the goal is ongoing and continuous satisfaction of collective needs of the people, through provision of public access services (LGA, Art. 9).

c. Competences

Possession of tasks performed does not close the whole space of relative autonomy, within which a municipality exists. Local authorities perform their tasks through their competences.

Municipal competencies materialize as powers to enact local law, which are in force in certain unit. This includes:

- a\ the internal system of a municipality and auxiliary units,
- b\ the organization of municipal offices and institutions,
- c\ the municipal property management policy,
- d\ rules and procedures for use of municipal buildings and public utility facilities (LGA, Art. 40).

Local law acts are enacted by a municipal council as resolutions, and in the case of urgent issues the mayor may enact order regulations himself. Such act is subject to approval at the next session of the council (LGA, Art. 41). Local law must be published in accordance with provisions of the Act of 20th of July, 2000, on Publishing Normative Acts and some other legal acts (LGA, Art. 42).

Competences of municipal councils

The competence of municipal councils is, according to Art. 15 LGA, divided into regulatory and control. Regulatory competences, which are related to superior function which the council uses in its work, are issuing law in the form of resolutions and other acts. Resolutions, if other legal acts of law (other than the LGA) do not state otherwise, are adopted by a simple majority of votes in the presence of at least half the statutory composition of the council.

The municipal council is responsible for adopting local law. "Local law is understood as a normative act, that contains provisions universally binding in certain parts of the state" (Tarno, 2004b, p. 110). Joanna Wyporska, in regard to Art. 40 of the LGA, suggests dividing acts of local law into:

- a\ "universally binding provisions, issued on the basis of a legal delegation (also called executive provisions),
- b\ internal system provisions (also called system-organizational provisions),
- c\ "order regulations" (Tarno, 2004b, p. 114).

In the LGA presumption of competence of the council has been introduced. This means that if a law does not clearly attribute the issue to the mayor or local referendum, the entity responsible for each such issue is the council. Its exclusive properties in the following areas are:

- 1\ adoption of municipal statutes;
- 2\ determining the salary of the mayor, adopting directions of his activities and adopting reports on his performance;
- 3\ appointing and dismissing the treasurer of the municipality, which is the chief accountant of the budget – at the request of the mayor;
- 4\ adopting the municipal budget, discussing reports on implementation of the budget as well as a vote of approval in regard to that issue;
- 5\ adopting a feasibility study and municipal spatial development directions and local spatial development plans;
- 6\ adopting economic programs;
- 7\ determining the scope of activity of auxiliary units, rules of transfer of property to them and rules of transfer of budgetary resources for performance of their tasks;
- 8\ adopting resolutions on taxes and tasks within the limits specified in separate acts;
- 9\ adopting resolutions on municipal property, falling outside the scope of ordinary administration,
 - a\ principles of purchasing, selling and encumbering properties and leasing or renting them for a fixed period of more than 3 years or for an indefinite period, unless special laws stipulate otherwise; resolution of the municipal council is also required when, after a contract is set for a definite period up to 3 years parties enter into another contract, which refers to the same property; until appropriate principles are adopted, the mayor may make such operations only with the consent of the municipal council,
 - b\ issuing bonds and determining rules for their sale, purchasing and redemption by the mayor,
 - c\ incurring long-term borrowings and credits,
 - d\ determining the maximum amount of short-term borrowings and credits incurred by the mayor during the budgetary year,
 - e\ taking a loan when investment or renovation is in progress and value of such loan exceed limits fixed annually by the council,
 - f\ forming and join companies and cooperatives, and liquidating and withdrawing from them,
 - g\ defining rules for contributing, withdrawing and selling shares by the mayor,
 - h\ creating, liquidating and reorganizing enterprises, facilities and other municipal units and equipping them with property,

- i\ determining the maximum level of loans and guarantees, granted by the mayor during the financial year;
- 10\ determining the sum, up to which the mayor is free to take loans;
- 11\ adopting resolutions in regard to tasks, determined in Art. 8 para. 2 and 2a;
- 12\ adopting resolutions on cooperation with other municipalities and securing relevant property for this purpose;
- 13\ adopting resolutions on cooperation of local and regional communities from abroad and joining international associations of local and regional communities;
- 14\ adopting resolutions on the municipal coat of arms, names of streets and squares, which are public roads or on named internal roads, according to the Act of 21st of March, 1985, on Public Roads;
- 15\ give honorary citizenship of the community;
- 16\ adopting resolutions on principles of providing scholarships for students;
- 17\ enacting in regard to other matters, reserved to the competence, though law, for the municipal council (LGA, Art. 18).

This list is not exhaustive and it may be extended by separate legislation (LGA, Art. 15).

Dolnicki (2003) suggests to distinguish the following types of competences:

- a\ of a system and organizational character,
- b\ economic and referring to properties,
- c\ financial,
- d\ administrative,
- e\ in the field of international cooperation,
- f\ local order,
- g\ to give honorary citizenship of the municipality,
- h\ to enact municipal provisions,
- i\ control and supervisory,
- j\ process.

The second of the above mentioned groups refers to control functions. In accordance with Art. 18a of LGA the municipal council controls activity of not only the executive (the mayor), but also of municipal organizational units and municipal auxiliary units. For this purpose an audit committee is appointed, which comprises of representatives of all clubs that exist within the council. It is a statutory requirement of a practical nature, since the council would not be able to bring all members, to control activities of these entities, while working on other

tasks. The chairman or deputy chairman cannot be members of that committee. Tasks of the committee include giving opinions on the budget and a request for granting or not granting the mayor the vote of approval. This proposal is subject to the opinion of the regional chamber of auditors (LGA, Art. 18a).

The audit committee, as well as other committees, carry out control tasks. The Council may appoint standing committees and *ad hoc* committees from it, which are subject to the municipal council (LGA, Art. 21).

Competences of mayors

According to the LGA, the mayor executes resolutions of the council and municipal tasks defined in law, but “it does not mean literal execution (such execution belongs to the subsidiary body, especially the municipal hall)” (Leoński, 2006, p. 128).

Statutory competences are not very extensive. According to the LGA these are mainly:

- a) preparing drafts of resolutions of the municipal council,
- b) determining how to execute the resolutions,
- c) management of municipal property,
- d) implementation of the budget,
- e) hiring and firing managers of municipal organizational units (Art. 30, LGA).

In addition to the above, the mayor manages current affairs and represents the municipality on the outside (LGA, Art. 31), develops an operational plan in case of floods, announces flood alarm and calls it off (LGA, Art. 31). In special cases, the mayor may order an evacuation (LGA, Art. 31b). He also makes, on behalf of the municipality, declarations of will in regard to management affairs of the municipality.

A deeper analysis, which consists of a detailed indication of measures taken by the managing body, allows us to notice that this catalogue is wide and is not closed. Competences are delegated also through other laws.

“An important competence of the mayor is issuing administrative decisions (...) This refers to decisions as defined by the Administrative Procedure Code, it also refers to individual acts aimed specifically at the market on the outside and issued according to procedures separate to the APC” (Leoński, 2006, p. 128). Administrative decisions, because of practical and technical reasons, may be issued by persons on various positions (deputies, employees of the town hall), who have been authorized by the mayor.

Among the specific competences of the mayor is the duty of keeping the proper financial management of municipalities. His exclusive competences are:

- a\ incurring liabilities with a fixed payment from budget expenditures, under authorization granted by the municipal council,
- b\ issuing securities under authorization granted by the municipal council,
- c\ making budget expenditures,
- d\ submitting proposals for changes in the budget of the municipality,
- e\ managing the municipal budget reserve,
- f\ blocking the budget in cases specified by law (LGA, Art. 60).

Sieniuc proposes the following categories of competences of the mayor:

- a\ strictly regulations,
- b\ regulatory,
- c\ economic and property,
- d\ financial,
- e\ control,
- f\ related to state of emergency,
- g\ administrative process (Tarno, 2004b, p. 154–155).

d. Resources

The element that to the utmost extent determines the range of tasks and competences are resources. Resources can be described in many perspectives. These are e.g.: funds, to which access is permanently guaranteed by the legislator. As resources we also understand assets transferred in the process of decentralization, or acquired during the activity of the lower body. Finally resources are the whole experience and knowledge that the local community had before decentralization.

In order to show this multilayer character (and to carry on the analysis in proper order), the various “ingredients” of resources have been arranged by character. These are (a) human resources, (b) property, and (c) finance.

Auxiliary apparatus of the mayor as municipal human resources

To the “wide group” of municipal human resources, in the broad sense, we may put municipal executive and legislative organs, as well as auxiliary apparatus (meaning administration). Due to the fact that the first two categories of resources cover the subject of analysis, and have already been discussed, the last element is analyzed.

The auxiliary apparatus of the mayor is the municipal office. The Mayor is manager of that office, head of the municipal offices staff and head of other

municipal units (LGA, Art. 33). Special positions among office staff have the secretary and the treasurer. They are the closest associates of the mayor. In accordance with Art. 18 of the LGA they are appointed and dismissed by the council, which must be based on proposals put by the mayor. The role of the secretary is to manage affairs of the municipal office.

The treasurer is the chief accountant in the municipality. He is therefore responsible, in just a technical dimension, for municipal financial policy, but it should be clearly noted that the actual legal responsibility belongs to the mayor. An example is the countersignature in regard to expenditure, on which the LGA states that “if a legal action could result in financial liabilities, to its effectiveness the countersignature of the treasurer of the municipality (the chief accountant of the budget) or a person authorized by him, is required” (LGA, Art. 46). The treasurer may refuse to countersign. He is forced to, if he receives written instructions from the mayor. The tasks of the treasurer have been regulated in detail mainly in the Act of 27th of August, 2007, on public finances.

In addition to the abovementioned positions, the mayor has a large, hierarchical and specialized group of office workers, as well as many other local government organizational units.

Organizational units serve, broadly understood, the performance of public tasks (LGA, Art. 9). Within the division of these units we may identify the ones with and without legal entity. Within the second category we also have – budgetary units and budgetary enterprises. Budgetary units are entities that cover their expenditures directly from the budget (in this case municipal budget), and collected revenue is fully transferred to the account of that budget. Budgetary enterprise is an entity that for a fee performs separate tasks, and covers costs of its activity from its own revenues and grants (not exceeding 50% of expenditures).

The legal entity of organizational units is acquired in terms determined by the law. H. Izdebski indicates that “special category of municipal legal entities, are sole shareholder companies of local government units” (Izdebski, 2008, p. 196). Its sole shareholder is the local government unit. They were created as a result of the transformation of municipal companies.

Within the auxiliary apparatus we also have local government employees. This issue, in the context of recent legislative changes, is currently the subject of many studies. The new law on Local Government Employees – (LGE), was adopted on the 21st of November, 2008, and entered into force on 1st January 2009. LGE refers to persons employed in (Mroczkowska, 2009; Mordel, 2009):

- a) municipal offices, municipal auxiliary units and municipal budgetary units and enterprises,

- b\ offices (and their equivalents) of local government unions and budgetary enterprises set up by these unions,
- c\ offices (and their equivalents) of local government administrative units (LGE, Art. 2).

Due to the perspective of this monograph, it is worth to mention three categories of workers:

- a) hired under an election – in the municipality these are the mayor and the chairman of local government units union and other members of the executive;
- b) hired under an appointment – deputy mayor and treasurer of a municipality;
- c) hired under a contract of employment – employees who do not belong to the two previous groups.

Local government employees should have Polish citizenship (in some cases, described in LGB, Art. 11 para. 2 and 3, also a citizen of the EU or another country), who has full legal competency and has full civil rights, and most important, has qualifications required to perform the work in a given position. Furthermore, in accordance with the statutory requirement, high rank employees of local government unit must have an academic degree, while others – at least secondary education (LGE, Art. 6 para. 3 and 4).

Property

Non-personal municipal resources are properties, called the “communal property”. In accordance with the statutory definition “communal property is a property and other property rights, belonging to individual municipalities or municipal unions as well as property belonging to other municipal legal entities, including companies” (LGA, Art. 43).

The category of “communal property” is not mentioned in the Constitution of Poland, but in its Art. 165 para. 1 it is stated that “units of local government shall possess legal entity. They shall have rights of ownership and other property rights”.

The concept of “ownership”, given the economic definition (“owner is the one who actually manages assets in his own interest, and it does not matter in what legal form this management takes shape”) (Tarno, 2004b, p. 68), may raise certain doubts. On the basis of regulations of Art. 140 of Polish Civil Code, it can be concluded that “local government units and other local legal entities may, within

limits set by law and principles of social intercourse, use things (...) according to their socio-economic purpose, and in particular, they may get benefits and other income from property, and in the same limits they may dispose of it” (Tarno, 2004b, p. 68).

In regard to the LGA we may conclude that the primary subject of municipal property is the municipality. In addition, this category also includes municipal unions. As subjects of municipal property they should also consider all municipal legal entities. This includes associations of municipalities, which have legal entity from the moment they have been placed in the National Court Register as well as municipal enterprises. In this category we do not have municipal auxiliary units, except for situation when before the introduction of the new system certain village administration administered particular property.

The catalogue listed above is not exhaustive, i.e. other municipal entities belong to it while acquainting legal entity. Property is acquired:

- a\ on the basis of a legal act (see: regulations implementing LGA);
- b\ through the transfer of municipal property, in regard to the establishment or change of municipal boundaries, as described in Art. 4 of the LGA, transfer of property shall be by agreement of interested municipalities, and if there is no such agreement – by the decision of the Prime Minister, made at the request of the minister responsible for public administration;
- c\ as a result of transfer from government administration, based on principles defined by the Council of Ministers in a proper regulation;
- d\ as a result of its own business;
- e\ by other legal activity;
- f\ in other cases specified in separate legislation (LGA, Art. 44).

The most important issue, from the perspective of municipal property, now possessed by municipalities, is the first of the above listed modes. It refers to regulations of the 10th of May, 1990, which allowed the newly established municipalities to seize property owned by the state. This act described two procedures of purchasing property through such an acquisition. The first one was acquisition under that act, the latter – a decision of the governor. This way municipalities acquainted state property, belonging previously to national councils and their local level bodies. Among others they came into possession of enterprises belonging to these bodies. Similarly, but on the decision of the governor, municipalities may have taken over property belonging to (government) regions. Property from this level could have been taken over by municipal unions. Municipalities could

have also received property previously belonging to other entities, if it served them performing their tasks (Leoński, 2006).

The most important issue in this matter is a statement in article 45 of the LGA, according to which “the municipality, with regard to the law, decides itself on the use of their property”. This provision constitutes the essence of relative independence within municipal property management. At the same time all restrictions (reducing this autonomy) must be specified in the law, as well as resolving issues of property management in local government, which belongs to the courts. Civil law is the basis here. However, there are some exceptions, referring to which administrative law must be used. These include management of municipal road network, schools, museums and libraries.

In the literature, it is questionable whether municipalities are permitted to run a business. According to law it is allowed to extend, as long as it does not go beyond public utility tasks, by which we mean here “only their own local government tasks, of which the aim is an ongoing and uninterrupted meeting dealing with the collective needs of the local or regional community, by delivering services widely accessible” (Bandarzewski, Chmielnicki, 2006, p. 187). In special cases, described in the law, it is allowed to run business activities also within tasks which are outside the public utility group.

The responsibility of individuals participating in the management of municipal property is to keep special diligence in the performance of management, in accordance with the use of certain property and to protect it, as provided in article 50 of the LGA. “From this article we get to know that it is about special care, higher than that required in «normal» business” (Leoński, 2006, p. 87). A person managing municipal property is responsible for public property, and therefore his responsibility should be special. This principle, known as “the principle of special diligence” has been repeatedly reinforced in terms of the procedure, for example by spreading the responsibility for management of real estate between the executive and legislative body.

The responsibility of the municipality and municipal legal entities, as described in the LGA, is sometimes distributed. Separation is “mutual”, i.e., “the municipality is not liable for obligations of other municipal legal entity, and they shall not be liable for obligations of the municipality” (LGA, Art. 49). What we have here is to a certain extent, independence of other municipal legal entities.

Finances

Finances are the third element of municipal resources. Financial management is carried out independently within the municipal budget, which is adopted for each calendar year (LGA, Art. 51). Preparation of an annual financial plan belongs to the mayor. Without his consent the council cannot make changes to the draft budget, resulting in increased spending not being covered by revenues or cannot increase planned revenues without indicating their source. The mayor shall submit a draft budget to the council no later than November of the preceding budgetary year. The project should also be sent to the RCA, which gives its opinion. It should be adopted by the end of the year preceding the budgetary year. By the time the budget is adopted, but no later than March 31st of each budgetary year, the basis for financial management is the draft. If the budget has not been adopted until March 31st, it is prepared by the RCA. In addition to timing, the basic principle is the requirement of a balance budget, i.e., the plan should indicate the source of funding for any expenditure and of the use of any revenue. It must be therefore indicated from which funds the budget deficit will be covered, if there will be any. Other points of the budgetary procedure, municipal council shall determine on its own (LGA, Art. 52, 53, 57) (Dolnicki, Ruśkowski, 2007).

J. Adamiak (2005, p. 136–141), next to the above mentioned principle of balanced budget, points to other rules relating to the municipal budget. These are:

- a\ principle of completeness of the budget – it means the demand for inclusion in the budget revenues and expenditures of local government units;
- b\ principle of unity of the budget – all revenues and expenditures of the local government unit should be in the financial plan;
- c\ principle of a detailed budget – the budget should be prepared and adopted not in one total amount, but in an extensive manner, divided by income from various sources and expenditures for each task;
- d\ principle of transparency of the budget – income and expenditures should be compiled in an orderly manner and grouped according to specific criteria.

The funds flow into the budget from various sources. The basic division of sources is as follows:

- a\ taxes, fees and other revenues, specified in separate acts as municipal revenues,
- b\ income from municipality property,
- c\ general subsidy from the state budget,
- d\ grants from the state budget.

Details regarding municipal revenue sources can be found in the Act of 13th of November, 2003, on Local Government Units Income (LGUI). In accordance with Art. 4 of the LGUI own municipal revenue sources are:

- 1\ tax revenues:
 - a\ property,
 - b\ agriculture,
 - c\ forests,
 - d\ on means of transport,
 - e\ personal income, paid in the form of a tax card,
 - f\ on inheritance and gifts,
 - g\ on civil law;
- 2\ receipts from the following fees:
 - a\ stamp-duty,
 - b\ market dues,
 - c\ local, wellness and on dogs,
 - d\ exploitation – in part referred to in the Act of 4th of February, 1994, – Geological and Mining Law,
 - e\ others which are municipal revenues, paid under separate regulations;
- 3\ income received by municipal budgetary units and contributions from municipal budget enterprises;
- 4\ income from municipal property;
- 5\ inheritances, bequests and donations to the community;
- 6\ revenue from fines and penalties specified in separate regulations;
- 7\ 5% of revenues received go to the state budget, in regard to performing the tasks of government administration and other tasks assigned by laws, unless other regulations provide otherwise;
- 8\ interest on loans made by the municipality, unless separate provisions provide otherwise;
- 9\ interest on late charges, which are municipal income;
- 10\ interest on funds deposited in municipal bank accounts, unless separate provisions provide otherwise;
- 11\ grants from the budgets of other local government units;
- 12\ other revenue which shall be transferred to a municipality, on the basis of separate regulations (Adamiak, 2005, p. 157).

One of the main sources of own revenues, the amount of which can be stimulated by municipalities, is participation (39.34%) in shares in revenues from individual income tax. Municipalities also benefit from participation (6.71%) in

corporate income tax, from companies when they have their headquarters on their territory (LGUI, Art. 4).

According to Art. 8 of the LGUI, sources of income are also grants from the state budget. Grants must be spent for specific purposes, including:

- a) tasks of government administration and other tasks assigned by laws;
- b) tasks carried out by local governments under agreements with government authorities;
- c) removing direct threats to public security and order, effects of floods and landslides and effects of other natural disasters;
- d) financing or co-financing of their own tasks;
- e) tasks arising from international agreements.

In the RLGU we may also distinguish other sources of income – subsidies, which can be spent for various purposes. The types of subsidies are:

- a) compensatory,
- b) balancing,
- c) educational (LGUI, Art. 7).

* * *

In this chapter the fundament of analysis of the category – local government – was examining its legal status. The most up-to-date version of acts has been analyzed. I have also reached for studies, in which law sciences tradition is presented, which even today affects the understanding of certain terms, and which is a source of classical typologies.

Results that emerge at this stage, allows us to state that municipalities, in terms of legislation, are an important part of the administrative and political system. In the Constitution an entire separate chapter (VIIth) has been dedicated to local self-government. The political system and other matters, of each self-government tier, are regulated by a separate act, which is not a common practice in other European countries. Separation from government administration is emphasized by the so-called special laws (e.g. Act on Local Government Employees or Act on Local Government Units Income). Thanks to that, parliamentary discourse on issues of local and regional authorities is not dominated by debate over the whole of state public administration.

In the course of the analysis a reference has been made to the non-legislative meaning of the term “local government”, through an indication of its

interdisciplinary features. The literature does not appear to dispute this matter, so pointing the correct definition was not difficult.

It has also been shown how over the years the process of coming to today's solutions took place. Given the difficult history the Republic of Poland does not have a long-standing tradition in this matter. During the interwar period Poland had only a short time to build a modern local government. The transformation of the political system after over 40 years of socialism and restitution of self-government began in the early nineties of the last century was a big step, therefore, exposed to some risk, but – as researchers assess the issue today – is largely successful.

The first subsections made the proper ground for a more detailed analysis that refers to the subject and object of decentralization. The role of the lower body of decentralization belongs here to the local community, living on territory of that certain municipality. It is it, which, through its representative bodies, takes important decisions. In regard to the most vivid issues the community may express its will directly, in the form of a referendum.

There are certain relationships between representative bodies. The office of mayor focuses the attention of the community. Slight superiority of the council is proved by the fact that the legislative-control authority may not give the mayor the vote of acceptance, which in turn may result in a referendum on the dismissal of the mayor. Lack of support for projects in the council may also permanently prevent effective management by the mayor.

The activity of municipal authorities, in accordance with principles of decentralization of public power, is subject to government supervision. It takes place in order to ensure lawful operation of local community representatives. At the same time, a separate business of the lower body is secured as an opportunity of recourse to the courts is secured. Municipality may use that legal solution when it considers intervention of the public center as unfair, and is of the opinion that it has not crossed borders of its relative autonomy.

The second pillar of decentralization of public power is the transfer of tasks, competences and resources to a lower level, so that the way they are used is more satisfactory to the recipient, which in this case is the local community.

Municipalities have a wide range of public tasks to perform. The most important are their own tasks, made “on behalf of themselves and of their own responsibility”. Thanks to this, communities have an impact on many small, only seemingly less importance issues. Their interest is therefore seen as separate (local) in relation to the interest of neighbouring villages or citizens of the whole country.

The matter of resources, its amount to be precise, is under ongoing and never-ending discussions. The value of assets transferred in a form of property (e.g., from the Agency of Army Property) and amount of funds that go to municipalities, to a large extent determine the quality of life in a city, town or village. The right to possess it, in turn generates an important impulse to stimulate business in communities. Infrastructure development is important for investors, and potentially is a path to a significant rise in the standard of living of local communities.

Chapter III

Local Associations as Subjects of Public Power Decentralization

1. Introduction

a. Local association – the social nature and definitions

Analysis aimed at determining the definition of “local associations” should obviously relate to the essential characteristics of those entities. It is therefore appropriate to refer to a wider group – third sector entities. This strategy seems to be correct, as in many countries, including Poland, principles of establishment and continued functioning of associations are defined in legislation relating to the whole group of NGOs. Association is a specific form of an institution, operating within this group. The first characteristics proving that this is an NGO, have to be presented, and further study will relate to additional (legal) criteria.

It is assumed that “first, the term «third sector» was coined by Etzioni” (Jenei, Kuti, 2008, p. 12) in the “Public Administration Review” journal in 1973. An American sociologist used it in a text devoted to the effectiveness of non-governmental organizations just mentioned semantic inconsistencies of terminology relating to various types of organizations. In dichotomy – public organizations and private organizations, in the first group, apart from the government, he located voluntary organizations. In the later one were for-profit entities, but also ones that resign from income. At the same time adjective non-profit was correlated with government bodies. Etzioni pointed out the fact that non-governmental organizations combine characteristics of both groups, and the term “third sector” must be used, which will represent actors operating between “the state” and “the market” (Etzioni, 1973).

Etzioni's concept of three sectors is relatively straightforward. The first one – public sector – also named as the government sector, includes all those involved in public administration. The other two are private, but differ in nature. Activity of the second sector is focused on profit for owners, shareholders and employees. We put here enterprises, companies and corporations. The third sector has

substantially different attributes. The activities of actors from this group, is for-profit, and they are not under government control (Babiak, 2009).

In the literature you can find other typologies, based on division into sectors. For example, Jon Van Til as the most traditional, somewhat historic, recognizes distinction between market and state. He is also an author of modification of division to three sectors. He adds a fourth one – households. Their members, he says, earn money and spend it in the corporate sector, create and operate within the third sector, as well as interact with government when they pay taxes and vote.

David Horton Smith approached the problem somewhat differently. He created a typology which assumes the existence of four sectors. He did not indicate a new sector, but subdivided the third one by distinguishing “public benefit” from “private benefit” organizations. Folke Schuppert identified seven sectors: market, state, self-administered organizations, self-organized groups, associations, organized interests and private governmental organizations (Til, 2008).

The above concepts are examples that the division into three sectors is not the only one with which you can find, which means its content is not fully exhaustive. Use of other examples of division communicates an important issue. As in presented earlier, a relatively simple characterization of the third sector (non-state actors and non-profit), is extremely useful in the demarcation of types of entities, it is not without a certain degree of briefness. It is a negative definition, which means that a recipient, of third sector actors, learns through the elimination of institutions that do not belong to that sector. But he does not obtain further information on particular characteristics of associations or foundations.

Determining these features is a much more complicated problem, and therefore developing a non-negative definition is not easy. We are dealing with a relatively non homogenous set of entities. That heterogeneity may be illustrated with quasi-typologies of third sector organizations. It should be made clear, that the claim on imperfection of typologies, by calling them quasi-typologies, is caused by the lack of use of explicit criteria of demarcation. The list, presented below, is built solely on the basis of the most prominent features, which often is stressed by members of the organization.

György Jenei and Éva Kuti indicate that the constant element in nomenclature of those entities is “Non-Governmental Organization” (NGO), to which appropriate prefixes are added:

- a) INGO – international NGOs;
- b) BINGO – business-oriented international NGOs;
- c) RINGO – religious international NGOs;

- d\ ENGO – environmental NGOs;
- e\ GONGOs – government operated NGOs;
- f\ QUANGOs – quasi-autonomous NGOs (Jenei, Kuti, 2008, p. 14).

The scale of heterogeneity is even better illustrated by Adil Najam. In his list, which, as he underlines, is not exhaustive, we can find about fifty names.

Table 2.

Terminology used in the different types of NGOs.

abbreviation	description
AGNs	advocacy groups and networks
BINGOS	big international NGOs
BONGOS	business-organized NGOs
CBMs	community-based management system
CBOs	community-based organization
DONGOs	donor-organized NGOs
ENGOS	environmental NGOs
GDOs	grass-roots development organizations
GONGOs	government-organized NGOs
GRINGOS	government-run/initiated NGOs
GROs	grass-roots organizations
GRSOs	grass-roots support organizations
COs	global social change organizations
Os	grass-roots support organizations
ELs	interest associations
IDCIs	international development cooperation institutions
INGOs	international NGOs
IOs	intermediate organizations
IPOS	international peoples organizations
Ls	local development associations
LINGOs	little NGOs
LOs	local organizations
MOs	membership organizations
MSOs	membership support organizations
NGDOs	nongovernmental development organizations

abbreviation	description
NGIs	nongovernmental interests
NGOs	nongovernmental organizations
NNGOs	northern NGOs
NPOs	nonprofit organizations
OEPs	organizaciones economicas populares (Span.) (Eng. – popular economic organizations)
Ps	popular development agencies
POs	peoples organizations
PSCs	public service contractors
PSNPOs	paid staff NPOs
PVDOs	private voluntary development organizations
PVOs	private voluntary organizations
QUANGOs	quasi NGOs
RWAs	relief and welfare agencies
SHOs	self-help organizations
SHPOs	self-help support organizations
SNGOs	southern NGOs
TIOs	technical innovation organizations
TNGOs	transnational NGOs
Vs	village development associations
VIS	village institutions
VNPOs	volunteer NPOs
VOs	village organizations
VOs	volunteer organizations

Note. Najam, A. (1996). Understanding the Third Sector: Review of Prince, merchant, and of the Citizen. *Nonprofit Management Leadership*, 7(2), p. 206.

Despite this heterogeneity, which potentially may cause some confusion, we may point out many works in which problems of a definition broader than the negative, has been undertaken. For example, we may take a look at the list of characteristics prepared by Mark Lyons. According to the researcher third sector organizations:

- a) are private – independent from the government, which cannot be their owner and cannot control them;

- b\ are organizations – they are formal institutions, which have the objective and internal rules. Informal groups, such as family or friends, are not included in the third sector;
- c\ act voluntarily – membership is a result of the free will of people involved. Apart from certain exceptions, such as some professional or business associations, we become members voluntarily;
- d\ are not oriented to their own profit – membership in the third sector organization cannot be a source of profit;
- e\ can bring benefits for members – members can benefit by participation in various non-governmental organization. Examples are: prayers in a group, organizing leisure time, social empowerment, etc.;
- f\ work both for members and people from the outside – both directions are allowed;
- g\ are subject to self-control through democratic mechanisms – almost all of third sector organizations are democratic and have introduced mechanisms of self-control. It means that members of each body shall be elected by other members and this election is based on clearly defined principles (Lyons, 2001, p. 5–7).

The character of the third sector entities can be, and indeed is, the subject of various discussions. In this monograph a classic concept, which the negative definition, seems to be the best one. Transparent and coherent are suggestions of Maciej Kisilowski (2008, p. 35), who states that the subject of the third sector is an organization, “which is not part of the state administration and in accordance with the law cannot share its profit between owners or other people who control the organization, i.e., members, shareholders, founders, employees or board members”.

This definition is accepted and will be used for further analysis. With it space in which associations function has been outlined. This, in turn, cannot be clearly defined, without analysis of current legislation.

From the Constitution and other laws, dealing with non-government organizations, we cannot get any information about “local” character, which is important as the group of associations has been narrowed to these that function locally. Such a reduction of that group is allowed because of some circumstances. One of them is the requirement to maintain an appropriate level of compared subjects. It was assumed that in this research such scale is not really designated by the number of human resources, financial resources or potential powers, which the actors could use, but it is the community towards which action is directed. To illustrate relationships and mechanisms of supporting decentralization of

public power, the municipal level has been chosen as the closest to the citizen and the oldest in the Republic of Poland. Local character is therefore the appropriate scale, within which also other groups (associations) should be analyzed.

The locality of municipalities is described in Art. 6 para. 1 of the LGA, where it says that “to municipalities belong all public matters of local importance, not defined for other entities”. Authors of the Constitution refer to locality in a more laconic way. Art. 15 para. 2 states that “the territorial division of the country must take into account social, economic or cultural ties and ensure that territorial units capacity to perform public tasks specified by statutes”. The meaning of “local” results, however, from the subjective feeling of citizens, of which the essence is community ties (Piasecki, 2009). Locality is not created by a statute, but is the result of many years, often centuries – of a process during which a group takes shape, develops its own standards, behavior and finally – identity.

Joanna Kurczewska indicates that for many concepts of localness the common denominator, along with other factors, is certainly the territorial dimension – space structure of a settlement (Kurczewska, 2007). Among inhabitants of this space local identity may appear – a special example of social and cultural identity, based both on local traditions of certain territory, its specific social, cultural, economic or even geographical features (Śliz, Szczepański, 2007).

Such identity, as A. Śliz and M. Szczepański (2007, p. 34) emphasize, contains a number of dimensions. Psychological dimension refers to individual identification with the community and local culture as well as the will to act unselfishly within this community. Sociological dimension of local identity equals “functioning in a collective dimension division to: *us* and *them* as well as accompanying its sense of separateness”. Aspects related to economy and trade are reflected in the economic dimension of local identity. Political dimension is built of elements of political life, which manifests through behavior and attitudes which are in fact “political culture”. Also all political institutions are here. Relationship with history of a settlement, its heroes and institutions are expressed in historical identity. Important here is time, in which institutions and structures undergo changes (Śliz, Szczepański, 2007).

Ethnographic and anthropological dimension, according to A. Śliz and M. Szczepański (2007), are determinants of local identity in the sphere of cultural heritage, of which are manifestations, dress or customs. Its element is also the language and various aspects associated with it. Within an urban and architectural dimension we have specific to that location buildings. We mean here especially older objects. New architecture is too unified to distinguish one community from another.

Axiological elements of local identity can be found in the ideological dimension. We talk about a set of beliefs, which are based on religion and a set of values that a community shares. Environmental dimension means “integration and self-awareness of environmental parameters, a kind of symbiosis and specific local ecosystem” (Śliz, Szczepański, 2007, p. 37).

From dimensions of local identity, outlined by A. Śliz and M. Szczepański, we may deduct its multi-element nature. At the same time all of these aspects relate to the same group. Recognition of the most fundamental characteristics provides insight into what can be considered “local”.

First of all locality functions within some space. Local association should then be linked to one settlement or their group, but not with a region which is a more spacious territory. Secondly, this organization should be created primarily by individuals who are members of certain communities, who live in the place. Thirdly, activity of the organization should be directed primarily at members of that community.

The third condition refers to the problem of narrowed recipients. Does a group of third sector activists from one town, who share local values, shaped by the same local heritage, working on a broader field (regional, national, international), shall still be recognized as local? Many arguments for such a qualification can be provided. It is not incorrect. In this study, however, a more strict criteria has been adopted.

Local association, according to adopted assumptions, is an organization which has a legal form of an association, that gathers a group of people from a community and this group works within the community. It is a space that members of the association know and understand. They have the legitimacy to particular action therefore you may *a priori* trust them. As people from “here”, who are on “our” side of the *us* and *them* dichotomy. In this division they are closer than in the regional dichotomy criterion. As Śliz and Szczepański stated, in relation to the psychological dimension of local identity, community members are ready for altruistic actions, directed towards its members. It must therefore be concluded that attitude towards members of their community is better than towards strangers. An additional factor in favor of the (above mentioned) third condition is a reference of functioning of associations to municipalities, whose activity is directed at certain community.

Any formal aspects of activity of these associations are based on legislation. Its analysis will help us evaluate what rules apply to members of local communities that take part in non-profit activity.

2. Features of Local Associations as a Subject of Public Power Decentralization

a. The Legal status of associations – an outline

The Constitution in Article 12 provides that: “The Republic of Poland shall ensure freedom for the creation and functioning of trade unions, socio-occupational organizations of farmers, societies, citizens’ movements, other voluntary associations and foundations”. This declaration corresponds with Art. 58 para. 1 of the Constitution, according to which “The freedom of association shall be guaranteed to everyone”.

The above provisions of the Constitution are the backbone in the area of guarantees of the right of citizens to organize, but according to the nature of that act, no detailed issues have been specified – these are outlined in other laws. Among the most important must be mentioned:

- Act of 7th of April, 1989, Law on Associations, (LOA),
- Act of 18th of January, 1996, on Physical Culture,
- Act of 29th of July, 2009, on Qualified Sport,
- Act of 20th of August, 1997, on National Court Register,
- Act of 17th of November, 1964, Administrative Procedure Code,
- Act of 24th of April, 2003, on Public Benefit Activity and Volunteerism, (PBA).

The above list, of course, is not exhaustive. Here we have acts, which to a large extent, influence the formal and legal situation of associations. Many aspects of their organization and functioning are regulated by other laws, regulations, notices, etc.

Given the objectives of this chapter, closer examination of fundamental assumptions made in two pieces of legislation is necessary, relating to the matter of internal system, tasks, competences, resources, and finally to the supervision of associations.

The act of 7th of April, 1989, Law on Associations is definitely the most important here, if we consider chronological and subject aspects. It is worth noting that the following organizations do not act under LOA provisions:

- a) social organizations acting under separate laws or international agreements of which Poland is a party;
- b) churches and other religious organizations and their legal entities;

- c\ religious organizations, of which legal status is regulated by laws on state relations to churches and other religion associations, operating within those churches and associations;
- d\ election committees formed in connection with elections to the Sejm, the Senate, elections of the Polish President, European Parliament elections and elections to local government bodies;
- e\ political parties (LOA, Art. 7).

In matters not regulated by legal acts, the LOA is still applicable to entities listed in points “a” to “c”.

In the act we may find the legal definition of an “association”, functioning in Polish law. In accordance with Art. 2 para. 1 of the LOA, an association is therefore “a voluntary, self-governing, stable, non-profit group”. Grzegorz Bonusiak (2009) points to a double meaning of voluntariness of associations. First, it means freedom in setting and liquidating this type of an organization. Secondly, this guarantee voluntariness causes that no one can be forced either to join or withdraw from an association. This principle is reinforced in Art. 6 of the LOA. Voluntariness distinguishes associations from e.g. local government units, where without specifying individual will, you become a member of a municipality, province or region. Later in the Art. 15, in para. 2, other fundamental features of associations has been presented, i.e., “self-government” character. According to it, members of an organization, within limits set by law, independently decide on the structure, forms and purposes of their organization. In the LOA it is also emphasized that associations shall have a permanent nature, and their activity is independent from individual units (people) performing specific functions within its structures. The activity of associations cannot therefore just be the implementation of a short-term plan, but must be an expression of a long-term strategy, which in some context has to be universal and abstract (regarding targets and tasks).

The last feature outlined in the LOA is a non-profit goal, which allows you to easily distinguish an association from other institutional actors. For this reason it is used in classification of the three sectors, where associations, as non-profit organizations, make up the third sector (Bonusiak, 2009).

In the LOA we find a direct reference to the constitutional guarantee of freedom of association. According to this act only in cases described in law, the right of association may be limited. Such limitation can be used due to a need to ensure national security, public order, health, public morality and protection of rights and freedoms of others. The LOA emphasizes the role of associations, stating

that they “have the right to speak in public matters” (LOA, Art. 1 para. 3). This strengthens their position as representatives of institutionalized groups, discussing issues often unpopular, but essential.

The basic principles laid down in Polish legislation may also be inferred from the PBA. The moment of entry into force of that act is considered as a significant breakthrough in the history of the Polish third sector. The most important issue found in the PBA, in Art. 1, is the legal definition of “public benefit organization”. Also, in the same article it is emphasized, that activities of these organizations are aimed at implementing public tasks in cooperation with public administration. The act describes the procedure of obtaining such status. NGOs may apply for it. PBA also regulates procedure related to the current activity of public benefit organizations, as well as issues relating to supervision over them. The second important element of the PBA, which previously for many years required detailed and modernized framework, is the issue of volunteering (Araczevska, 2009).

The fundamental concept introduced by the PBA is the “public benefit organization”. According to the Act it is a “socially useful activity, carried out by NGOs in the field of public tasks specified in law” (PBA, Art. 3 para. 1). This definition includes some important statements, which determine the direction of public benefit activity. First of all, a normative emphasis has been used, that it is a “socially useful activity”, which means that the legislator recognizes this type of activity, within the socio-political sphere, as beneficial and therefore (highly) desirable. Question for the subject, is an attempt to determine which activities are “socially useful”, has to be stated. Further statements in the legal definition reveal that the legislator (the central body) has prepared a catalogue of “public benefit activity”. It should be stressed that these activities must be within the public tasks catalogue.

As it was mentioned before, public benefit activity may be conducted by NGOs, but according to the PBA it can also be performed by “legal entities and units operating under regulations on the state’s relationship to the Catholic Church in the Polish Republic, on the state’s relationship to other churches and religious associations and on the guarantees of freedom of conscience and religion, if their objectives include carrying out public benefit activities” (PBA, Art. 3 para. 3), and also associations of local governments, social cooperatives, joint-stock companies, limited corporations and sports clubs. In this monograph, the issue of sport and the economic actors is of secondary importance, and therefore their status is barely analyzed.

Subjectivity of associations

Fundamental to the whole sector is the meaning of the term “non-government organization”. In Art. 3 para. 2 of the PBA we find its negative definition, according to which “non-governmental organizations are non-public sector subjects within the meaning of public finances (...) not acting for profit, legal entities or entities without legal entity which separate law grants the legal capacity, including foundations and associations”. Just to remind you – this definition does not include political parties, trade unions and employers organizations, foundations established by political parties (PBA, Art. 3 para. 2 and Art. 4).

NGOs are therefore a large group of actors, including associations. Their main types are associations with legal entity, acquired from the moment of entry into the National Court Register, which is why these associations are called “the registered” (Suski, 2008).

International associations may be considered as a subtype of “the registered” associations. The distinguishing feature in this case is the scope of action, while other issues related to the formal-legal status are the same as in other associations. It is worth mentioning that an example of “an international dimension of functioning of associations” is also the right of NGOs for membership in international associations (LOA, Art. 5).

The act also allows the creation and functioning of “ordinary associations”. These do not have legal entity or authorities, but only have a representative, who represents them on the outside. In order to establish them, which is much easier than in case of “the registered” associations, you need three people who adopt organizational regulations. In a relevant document such issues must be specified: name, purpose, area and means of action, and person representing the organization. Data should be delivered to the competent supervisory authority (LOA, Art. 40).

Within the matter of subjectivity of associations it should also be noted that they may form a union. To establish one you need at least three subjects. In contrast to associations – unions are established by legal entities. Provisions contained in the LOA are also in power here (LOA, Art. 22).

Procedure of establishment of an association has been described in articles 9–22 of the LOA. Group of at least fifteen individuals may set up an association, who:

- a\ have Polish citizenship,
- b\ have full legal capacity,
- c\ are not deprived of public rights.

People aged 16–18 years may be association members. They are allowed to both, be elected and to elect. Due to their limited legal capacity, the number of them in the board of an association cannot exceed 50% of the registered number of board members.

Members of associations may also be, with the consent of legal representatives, children who are under the age of 16. However they cannot be entitled to vote at general meetings of the association and are not allowed to elect or to be elected in general elections of the association. If in an association we have only people who are under 16 these restrictions do not apply.

Associations may be established by foreigners who permanently live in Poland. Procedures are the same as for Polish citizens. For those who live outside the Polish borders, just simple membership is possible, and only when the statute of that organization permits so (LOA, Art. 4).

The act imposes an absolute prohibition of membership of regular soldiers in associations which have a political character. Membership in NGOs of a different nature is allowed. In the case of national associations, a regular soldier must notify his commander, and in the case of foreign or international organizations he must get approval from the Minister of National Defense or another entity specified in law (LOA, Art. 44).

Similarly, legal regulations impose restrictions on associations dealing with defense or national security. Before registering such an association you must determine the scope of activity of such association together with the Ministry of Defense or another entity specified in the statutes (LOA, Art. 45).

Establishment of an association includes several points. First of all you must adopt a statute and elect the founding committee. LOA specifies what elements must be included in the statute and these are:

- a) name of the association, which distinguishes it from other associations, organizations and institutions,
- b) territory of activity and place of the headquarters,
- c) goals and ways of achieving them,
- d) procedure of acquisition and loss of membership, reasons for loss of membership and rights and obligations of members;
- e) association authorities, the procedure of their election and competences,
- f) how the association is represented and how property may be acquainted, as well as the conditions for validity of association resolutions,
- g) how funding is acquainted and how membership dues are set,
- h) rules for making changes in the statute,
- i) how the association may be dissolved.

Furthermore, if the establishment of local branches is expected, it must be described in the statute how these will be formed and what will be their structure.

An application for registration shall be examined within three months by the registry court. A copy of the application must be submitted to the appropriate supervisory authority (LOA, Art. 13). There is no registration fee (LOA, Art. 17). In some cases, before issuing a decision on registration, the court may order a meeting, during which certain issues shall be explained. To such meetings parties of the proceedings are called (LOA, Art. 15).

The basis for the court to register is that the statutes and members meet the requirements described in law (LOA, Art. 16). Association acquires legal entity from the moment of registration in the court registry. Such an entity can be acquired also by the local branch of an association, provided that its statute allows it. The board of the local branch is then obliged to notify a proper supervisory body about such action. Information should include: who are the members of the board and what is its address. It is also necessary to submit its statutes. The board of a local branch has 14 days to do that (LOA, Art. 17 and 20).

Any changes in the statutes must be approved by the registry court. The same procedures as in the case of registration apply here. The entity responsible for reporting changes is the board of the association (LOA, Art. 21).

As in the case of establishment, freedom of associations also includes the possibility to dissolve them. In accordance with Art. 36 of the LOA, an association can be dissolved in two different ways (if we distinguish who is dissolving). The first mode is self-dissolution. A decision is taken by a resolution by the general assembly of members, and members of the board become its liquidators. It should be noted, however, that the statutes of an association may contain different provisions on this matter. The second situation, leading to its dissolve, is a decision by the court, issued in the case of events described in detail in part of this book dedicated to supervision over associations.

The liquidator, executing further steps after the court decision to dissolve an association, is obligated to: (a) notify the court on initiation of liquidation, (b) provide his personal data, including contact details, (c) execute legal acts necessary for the liquidation, (d) make public information about the liquidation, (e) and after finishing his duties he must submit an application on dissolution of the association to the NCR. The liquidator must complete his duties within a year. If he does not, he should make an appropriate explanation before the court, which has the right to extend this period, or to appoint another liquidator (LOA, Art. 37).

Public benefit organization – an association with a special status

Public benefit organization is an NGO, which has a special status, of which acquainting criteria are set out in article 20 of the PBA. This status offers many benefits, because its acquisition requires high standards from an organization. It should be noted that the status cannot apply to a “non-registered” association.

The basic criteria refer to its activity. PBO (“Public benefit organization”) must act to the advantage of the general population. The only exception is when a certain activity is directed toward groups which have a difficult life or material situation (compared to the rest of society). For example, these are disabled people or single mothers raising children. The PBO cannot engage in activities other than that described in its statutes. The exception to this rule applies to associations, including associations of a physical culture. At the moment that an application for PBO status is submitted the organization must demonstrate that this activity is actually performed.

The business activity of a PBO is limited. According to the PBA, a PBO is allowed to do business, but only as additional to public benefit activity. Any income from business activities must be spent on statutory activity (PBA, Art. 20 para. 1–5).

Legal entities and organizational units, operating under regulations on the states relationship to the Catholic Church in the Polish Republic, on the states relationship to other churches and religious associations and on the guarantees of freedom of conscience and religion, of which the statutory objectives include activities of public utility and want to carry out such activities, are required to exclude it (in terms of organization and accounting). They may also engage in activities other than public benefit. Its income has to be spent on public benefit activity, but not as a whole, just the part which comes from that sort of activity (PBA, Art. 21).

Public benefit status is obtained if an application submitted to the registry court is accepted, it is not permanent. If an organization fails to comply with any of the criteria previously described, the status is removed from the register.

A PBO has certain privileges. It does not (in that sphere of public benefit activity) cover costs of:

- a\ corporate income tax,
- b\ property tax,
- c\ tax on civil law action,
- d\ stamp duty,
- e\ court fees (PBA, Art. 24 para. 1).

In the past a PBO also benefited from support in the field of human resources. Work in an organization may have been provided by a person sent to a substitute military service. In accordance with regulations contained in the Act of 28th of November, 2003 (no longer in force), on Substitute Service groups that could have benefited from this support, were limited due to the nature of work that conscripts could have performed. This had to be related to environmental protection, fire protection, health, welfare, care for the disabled or homeless, as well as be provided to public administration and justice (PBA, Art. 27).

Another advantage for a PBO is the right to inform the public about their activities through public radio and television. It should be noted that separate provisions mentioned in the PBA, defined rules of access to public media (regulation of the National Broadcasting Council), has not yet been issued (Blicharz, Huchla, 2008).

PBOs may, on preferential terms, rent apartments that are owned by the state or by local government units. Statutory privilege, which at the time of introduction was widely commented by the media and public opinion, is the possibility to annually transfer 1% of your income tax (PBA, Art. 27). Procedures associated with the transfer are mainly described in detail in the Act of 29th of July, 1991, on Income Tax on Individuals. According to Art. 45c of the aforementioned act chiefs of tax offices are responsible for submission of that 1%. The chief of a tax office transfers the money at the request of the taxpayer. Such statements are included in annual tax declaration forms. A taxpayer must indicate the NCR number of certain PBO's and the amount he wants to transfer. In the Act on Income Tax of Individuals it has been clarified that this amount is a maximum of 1% of tax due. If the taxpayer agrees, the tax office, together with the amount of disposals, sends the PBO selected personal data of the taxpayer. The transfer of the 1% may be made only by persons who paid their taxes on time. Condition of the transfer is also provided by the PBO a proper account number, which is placed on a special list. As a result of failure to do so or of providing wrong data, the head of the tax office does not transfer the money. The list shall be published on the website of the Public Information Bulletin. It does not provide information on PBOs running business within following industries: electronic, oil, tobacco, spirits, wine, beer (and other alcoholic products with an alcohol content exceeding 1.5%), and precious metals (PBA, Art. 27a para. 4). PBOs which have such activity in their statutes, but do not conduct it, can be found on the list, on the condition that they submit a statement to the Department of Public Benefit of the Ministry of Labour and Social Policy.

b. Bodies of Associations

The highest authority of the association is the general assembly. It is allowed, if provided in the statutes, that functions of that assembly are transferred to the general assembly of delegates, or to a meeting of delegates. The condition to use such a mode is inclusion in the statute of the description of how delegates are elected and how long their term of office is (LOA, Art. 11).

Obligatory authorities of a registered association are: a board and an internal control body. The mode of their operation must be specified in the statute (LOA, Art. 12).

Regulations referring to PBOs bodies are more stringent. Control or supervisory body, as in the case of regular registered associations, cannot whilst exercising control or supervision, be subject to the management authority (the board). The difference here is the fact that members of the control and supervision body:

- a) cannot be members of the board or be in a relationship or a marriage, cohabitation, affinity or subordination;
- b) cannot be convicted for a fiscal or willful indictable offense;
- c) can receive, for performing the functions in such bodies, reimbursement of reasonable expenses paid in an amount not greater than the average monthly salary in the enterprise sector, as announced by the Central Statistical Office for the previous year (article 8, paragraph 8, of the Act of 3 March 2000 on remuneration of managers of certain legal entities, Laws of 2000 No. 26, item. 306th, as amended. (PBA, Art. 20 para. 6).

The above-mentioned remuneration is a maximum of one average monthly salary in the enterprise sector excluding payments of awards from profits in the fourth quarter of the last year, which had been announced by the Polish Central Statistical Office. It is now around 3.500 PLN (1.050 USD).

c. Supervision over associations

According to article 25 of the LOA, a state supervisor has the right “to require the board to provide, within a prescribed period, copies of resolutions of the general assembly (meeting of delegates)”. In the case of failure, a court, at the request of the supervisory authorities, may fine an association (up to 5.000 PLN) (1650 USD). If the situation is brought back to normal without any further, unnecessary delay the court may release the association from the obligation to pay the fine (LOA, Art. 26).

Local branches of an association are subject to supervision by competent authorities, according to the place of headquarter of that entity. This means that supervision over that unit belongs to an appropriate province governor and district courts. (LOA, Art. 28).

If a supervisory authority finds out that an association violates legal provisions referring to its statutes or its local branches, it can take one of the following measures: request to remove the faults, give a warning, and even ask the court to take appropriate action (LOA, Art. 29).

The above steps may be severe. The Court or a prosecutor, which gets such a request, may:

- a) reprimand the associations authorities,
- b) repeal the associations resolution which violates the law or its statutes,
- c) dissolve an association, if its activity shows a flagrant or persistent violation of the law or provisions of the statute and there is no hope for lawful activity (LOA, Art. 29 para. 1).

When examining a request for dissolving an association, the court may temporarily suspend the association's board, and appoint a representative to manage its current affairs (LOA, Art. 29 para. 2). The courts also have an authority to demand a promise of correction from an association, within a specified period. At the time of proceedings its activity is suspended. If the promise is broken, its dissolve is continued (LOA, Art. 29 para. 3).

Court can also appoint a probation officer for an association, where it is found out (at the request of the supervisory authority or on the initiative of the court) that the board does not have legal title to act. The probation officer represents the association in current property issues, until a new board is elected, which takes place during a general meeting of members convened by the probation officer not later than within 6 months. The probation officer receives a remuneration paid from the property of the association (LOA, Art. 30).

There are other two legal situations when an association is dissolved. The supervisory authority may request it, when the number of members has fallen below the number of members required in LOA, and when an association does not have the required authorities for a year and is unable to elect them.

PBO status imposes other obligations, related to the matter of supervision. One of them is an obligation to submit two annual reports – substantial and financial – and to present them to the public. Content, that must be included in these reports, has been determined in a Decree by the Ministry of Justice of 8th of

May, 2001, on the framework scope of the report on the activities of a foundation. According to that regulation there must be such information, as: identification data and address, members of organs, data on statutory activities, any information about business activity, copies of resolutions of the board, detailed information on revenues and incurred costs, detailed information about personnel of the organization, about fixed assets acquired, possessed financial resources, given loans, information on fiscal accounts, performed public tasks and audits in the organization and its results (PBA, Art. 23).

Provisions contained in two statutes refer to financial reports. In the case of running business it is the Act of 29th of September, 1994, on Accounting, and for organizations not engaged in such activities – The Resolution of the Minister of Finance of 15th of November, 2001, on Detailed Principles of Accounting for Certain Entities Which Are Not Trading Companies, and Which Are Not Engaged in Business Activities. Financial reports comprise the balance sheet, additional information, and in the case of organizations not running business activity it also must contain an account of results. Organizations engaged in such activity in the report present their profit or loss.

According to existing provisions on accounting, only part of the PBO accounts shall be examined by an auditor. In other cases there is such requirement if they: carry out public tasks (both in the case of the “entrusted mode” or the “support mode”), and have received during a fiscal year a total amount of grant of at least 50.000 PLN (16.500 USD), and also achieved during a fiscal year revenues of at least 3.000.000 PLN (1.000.000 USD)

In the case of PBOs, supervision, in regard to benefits from the public treasury, is exercised by the minister responsible for social security. An exception here is that entities engaged in lifesaving and civil protection. In the sphere of public tasks performance and proper use of public revenues, supervision is exercised by the minister responsible for home affairs (PBA, Art. 28).

PBOs are therefore subject to supervision by a proper minister. He can order a control independently, or do it at the request of government, other PBO or any NGO. It is performed by people authorized by the minister. The minister may also entrust it to the governor or minister responsible for PBOs. The minister may also apply for control to an authority specializing in certain fields (PBA, Art. 29). Representative of the Public Benefit Works Council may take part in the audit. A proper minister, public administration organ or an NGO may demand it.

People performing inspection activities have the right to enter the property (or part of it), where the PBO has its office. They may request written or oral explanations, demand the presentation of documents or other information media,

as well as access to data relating to the subject of control. A person performing the audit must be authorized by the competent minister (PBA, Art. 30).

After an audit a proper protocol is necessary. It has to be signed by the person who carried out the inspection and a member of the PBOs board, authorized to represent it or by a person authorized by this member. The representative may refuse to sign the protocol. He has 14 days to submit his objections. The next step is preparation of a post-audit report. This document provides the description of facts, including any faults and their causes, as well as scope, impact, personalities of those who are responsible and a deadline to remove these shortcomings – no less than 30 days after this document is delivered (PBA, Art. 31 and 32).

The minister responsible for social security is responsible for calling on the PBO to remove the detected faults. The sanctions provided in the event of failure to remove the deficiencies can be very serious. If it is detected that a PBO does not meet any of the requirements from Art. 20 or 21 of the PBA, the appropriate minister deletes information about the PBU status from the NCR. When the status is deleted all funds that the organization obtained from public fund-raising during the use of status, should be disbursed within 3 months. If they do not comply with this requirement, all funds which are left must be immediately transmitted, to a PBO who is involved in similar activity, and is indicated by the competent minister. The minister uses the opinion of the Public Benefit Works Council.

Serious consequences may also result if the PBO fails to submit one of the two reports or provides documentation which is incomplete or causes doubts in regard to the proper functioning of an organization. The minister responsible for social security first calls the PBO to stop this violation and to explain its situation. If this organization does not comply with the call, then he requests the registry court to delete information about PBA status (PBA, Art. 33a para. 1).

The minister does the same if an PBO does not comply with provisions on public fund-raising, namely (1) an obligation to submit to the authority which granted permission to collect, a report on results and how the money is spent, (2) not preparing information on the amount collected and (3) failure to provide information on donations received (PBA, Art. 33a para. 2).

In the case of repeated, incorrect use of received grants, proved by a public administration decision or in front of a court, the minister responsible for social security may request the court to delete PBU status from the register (PBA, Art. 33a para. 3).

Supervision powers result from other acts other than the PBA, however, given the scope of this monograph analyzed acts allow, however, to formulate sufficient findings on the scope and nature of this supervision.

3. Tasks, Competences and Resources of Local Associations as Objects of Public Power Decentralization

a. Tasks

In the course of applying for PBU status it is vital to get acquainted with the catalogue of public tasks, which have been enumerated in the law and are named “public benefit activity”. From Art. 4 para. 1 of the PBA we know that this list is as follows:

- 1\ social welfare, including assistance to families and individuals in difficult situations, and the equalization of opportunities, for these people.
- 2\ activities to promote vocational and social integration and reintegration of those at risk of social exclusion;
- 3\ charitable activities;
- 4\ support and dissemination of national tradition, cultivation of Polish culture and development of national, civic and cultural identity;
- 5\ activities in favor of national and ethnic minorities and regional language;
- 6\ protection and promotion of health;
- 7\ activity in favor of people with disabilities;
- 8\ promotion of employment and participation of the unemployed and those threatened with dismissal;
- 9\ acting on behalf of equal rights of women and men;
- 10\ activities for retired people;
- 11\ activity supporting economic development, including development of entrepreneurship;
- 12\ activity supporting the development of technology and innovation as well as dissemination and implementation of new technical solutions in business practice;
- 13\ activity supporting development of local communities;
- 14\ science, higher education, education and upbringing;
- 15\ recreation for children and youth;
- 16\ culture, art, protection of cultural and national heritage;
- 17\ support and promotion of physical culture and sport;
- 18\ ecology and animal protection and conservation of natural heritage;
- 19\ tourism and sightseeing;
- 20\ public order and safety;
- 21\ defense of the state and activity of the Polish Armed Forces;
- 22\ promotion and protection of freedom and human rights and civil liberties, as well as activities supporting development of democracy;

- 23\ rescue and protection of citizens;
- 24\ help victims of catastrophes, natural disasters, armed conflicts and wars at home and abroad;
- 25\ promotion and protection of consumer rights;
- 26\ activity in favor of European integration and development of contacts and cooperation among nations;
- 27\ promotion and organization of volunteer work;
- 28\ help to Polish diasporas, and Poles abroad;
- 29\ activities in favor of veterans and oppressed people;
- 30\ promotion of the Polish Republic abroad;
- 31\ activity in favor of the family, motherhood, parenting, promotion and protection of rights of the child;
- 32\ counteraction against addictions and social pathologies;
- 33\ activities in favor of NGOs and entities mentioned in Art. 3 para. 3 [of PBA].

“Organizations whose work is in one area of public tasks specified in article four [of the PBA], are called organizations running activity in the sphere of public benefit” (Gluziński 2005, p. 18–19).

There are a few types of PBOs. Statutory activity of an NGO within the public benefit profile cannot be a business activity. PBA provides that a statutory activity can be (1) chargeable or (2) free of charge. Another type of activity undertaken by PBOs is (3) public benefit activity. This division is important for several reasons. It is possible, if the statutes of an organization allows so, that all its activities will be fully chargeable or fully free of charge. It must not be wholly or even partially a business. The type of activity, according to the above criteria, is also important due to fiscal duties.

Activity free of charge is defined as absolute resignation from charges (PBA, Art. 6 and 7). Chargeable activity means here “activity conducted by non-governmental organizations and entities mentioned in Art. 3 para. 3, in the field of public tasks enumerated in article. 4, for which they collect charges” (PBA, Art. 8 para. 1). Such status also has “sale of goods or services produced or provided by persons directly benefiting from public benefit work, particularly in the field of rehabilitation and adaptation to the work of people with disabilities and vocational and social reintegration of those at risk of social exclusion, and sale of donated articles” (PBA, Art. 8 para. 1). Total income, which means here a surplus of revenue over cost of obtaining it, from chargeable public benefit activity, must be used to carry out public benefit activities (PBA, Art. 8 para. 2).

Public benefit activity becomes a business activity if:

- a) wage, described in Art. 8 para. 1, is in relation to activities of a certain kind higher than that which arises from the costs of this activity, or,
- b) average monthly salary of an individual for employment during performance of chargeable statutory activities of public benefit, for the last three months more than 3 times exceeds the average monthly wage in the enterprise sector as announced by the Central Statistical Office for the previous year (PBA, Art. 9 para. 1).

According to the PBA it is not allowed to, in regard to the same subject, run public benefit activity and economic activity (PBA, Art. 9 para. 3). There are no such restrictions in the case of charge-free public benefit activity and business activity (Gluziński, 2005, p. 24).

If an organization, is at the same time engaged in both free-of-charge and paid public benefit activity, it is required to separate the accounting of these activities. This condition should be implemented in a way to determine income, expenses and results of operations (PBA, Art. 10 para. 1).

b. Competences

Competences of associations, relating to the issue of decentralization of public power, should be considered in the context of interactions with public entities. There are certain regulations in Polish legislation, according to which cooperation of public administration and NGOs is required within implementation of public tasks listed in the PBA (PBA, Art. 5).

Hubert Izdebski (2003b, p. 35) suggested we consider in that context, who is a public administration organ? He emphasizes that these are, in particular: a minister, head of a central office, a governor, municipal, province and region authorities, as well as a union of municipalities and a union of provinces. The legislator proposed seven forms of cooperation:

- a) “contracting out to NGOs (...) implementation of public tasks, in regard to principles defined in the act;
- b) mutual notification on planned activity directions;
- c) consult with NGOs (...) projects of normative acts on issues relating to statutory activities of these organizations;
- d) consult draft legislation concerning the sphere of public tasks, enumerated in article 4 [of the PBA], with public benefit works councils, if such councils have been established by competent local authorities;

- e\ creation of joint teams of advisory and initiative character, composed of representatives of NGOs (...) and relevant authorities of public administration;
- f\ contracts on performance of local initiatives on principles defined in the act;
- g\ partnership agreements specified in the Act of 6th December, 2006, on the Principles of Development Policy”. (PBA, Art. 5 para. 2)

Certainly, the presented list does not mean that all forms of cooperation are mandatory. The legislator left a sphere of freedom, in the selection of forms of cooperation. The criteria that must be kept, can be summarized as follows: (a) basis of cooperation is performed, by an NGO, public benefit activity as specified by law, (b) this activity coincides with public tasks of certain public administration, (c) territorial jurisdiction of public administration unit (in regard to this cooperation) is preserved.

Before a PBA has been enacted, issues relating to cooperation on the line: public administration – NGOs, were not sufficiently regulated. Since then forms are unified and freedom to choose has been maintained. It is also very important that forms presented above, are applied not to only entities with public benefit status, but to all NGOs.

Among forms of cooperation as the most engaging NGOs in decentralization of public power processes shall be considered outsourcing of public tasks. It is worth noting that the PBA contains two forms of contracting out public tasks. Their nature depends on how big the grant is. The two forms are:

- a\ entrustment – grant covers total cost of a task,
- b\ support – grant covers only part of cost of a task.

An example form of cooperation is exchange of information on planned activities and directions of cooperation, in order to harmonize these directions. The literature emphasizes that information should go in both directions, i.e. not only from government to an NGO, but also from an organization to administration (Skiba, 2005).

“Consultation of the draft legislation is a form of cooperation, reaching further than just simple information about their intentions” (Gluziński, 2005, p. 7). Satisfied is thus a condition of modern democracy, for a shared public space within governance strategy.

The fourth of the proposed forms is institutionalized. The best example of such an institution is Public Benefit Works Council.

No less impact on the shape of cooperation have principles outlined by the legislator in Art. 5 para. 3 of the PBA. These are: subsidiarity, sovereignty of the parties, partnership, efficiency, fair competition and transparency. Subsidiarity, as indicated in the first chapter of this monograph, as a principle, it allows us to reasonably assign tasks, without undue interference. Statutory guarantee of sovereignty of the parties is used to secure institutional independence of the parties, including NGOs, in particular. Subsidiarity and sovereignty together, ensure freedom of action, which guarantees the independent setting up of activity of an entity. Partnership is a principle, which seeks to ensure the proper position of NGOs within collaboration with public administration entities. In this way their rank is strengthened, so any kind of omitting or downsizing is contrary to the spirit of legal provisions. Partnership also refers to principles of cooperation, unregulated by law, elaborated in the course of joint activities. Efficiency can be understood in two ways. By placing this element in the act, the legislator expresses a belief that NGOs can carry out public functions, and get better results at relatively lower costs. On the other hand, the fact that these entities get public funds entails the requirement for best possible and rational use of it. Efficiency undoubtedly complements competitiveness and transparency. Created are conditions, under which tasks entrusted to NGOs entails an added value, since often public administration lacks this feature of character.

Cooperation on the above mentioned rules should be cultivated and developed. It cannot therefore be incidental, indiscriminate and unpredictable. Therefore fundamental is the provision on obligation to draw up an annual plan of cooperation, by the legislative body of a given unit (municipal, province, regional council). On one hand it is a guideline for an annual financial plan of local government units, on the other it is a clear signal of postulated (by units authorities) directions of cooperation. It is also important evidence on the stage of cooperation.

The three suggested, in the PBA, modes of cooperation of public administration and NGOs (mutual provision of information, consultation, the creation of joint groups) are used to create general principles and future cooperation. The fourth formula – outsourcing of public tasks – is nothing other than a direct acquisition of a public task by an NGO. Rank of this kind of interaction has led the legislator to counteract potential misuses or abuses. In the PBA the entire chapter II has been devoted to that issue.

In the chapter competition policy principle has been developed. According to Art. 11, such entrustment or support of implementation of a public task shall be

by open tender (unless certain laws provide another mode of an order). Izdebski emphasizes the fact, that although in PBA we find that: “public administration organs (...) support” and accordingly “entrust”, which could suggest the imposition of a legal duty in this matter, in the PBA the legislator does not impose such an obligation (Izdebski, 2003b, p. 49). Similarly, Izdebski (2003b, p. 51) refers to the same article, in which we read that “NGOs are involved in an open competition”. Public administration organs, in certain cases, may entrust (but not “support”) a different mode, than an open tender competition. In relation to this situation, all procedures have been described primarily in rules on public procurement. This also applies to situations of natural disaster or technical failure (PBA, Art. 11a).

The legislator included yet another procedure of initiation of transferring of a public task. An NGO may by its own initiative make an offer to public authorities. The Public authority must respond to such an offer. It launches a special procedure, which aims to analyze (especially) the appropriateness of the offer. The duty of the public authority is to assess the extent to which the offer meets priorities of public tasks, and whether the organization provides adequate guarantees of performing the tasks in accordance with specified standards. It is also necessary to verify issues related with resources available to carry out this tasks. In addition, the public authority must make an assessment of available modes of performance of specific tasks, including potential benefits of using them. About taken decision, i.e. on implementation by an NGO or a refusal, and accordingly – on selected modes of an order, the public authority is obliged to inform within two months after the offer is submitted. A positive answer does not mean that the NGO, that made the offer, will get to perform the public task. The entity that will take care of it is selected in accordance with Art. 11 para. 2 of the PBA, in an open tender form (PBA, Art. 12).

The legislator, according to good standards of public information, has decided that an open call for tenders must be announced no later than 21 days before the deadline for submission of tenders. The notice must include information about:

- a) type of the task;
- b) amount of public funds allocated for this task;
- c) rules for granting funds;
- d) deadlines and standards of required;
- e) deadline for submission of tenders;
- f) procedure and criteria of selection of tenders as well as the date of that selection;
- g) public tasks of the same kind and the costs of them (including especially information on grants transferred to NGOs) performed by the public

organ during the year when this open tender and in the year preceding it has been organized (PBA, Art. 13 para. 2).

The legislator pays much attention to the high standard of public information, requiring public and organ public contents of the announcement. It must be placed in the Bulletin of Public Information, in the office of that public body – in an appropriate, selected for that purpose spot, and on the website of that organ (PBA, Art. 13 para. 3).

A. Gluziński points out that previously the legislator, whilst imposing a requirement of publishing the tender in the press, introduced a provision generating a high costs for clients, on which territory no local newspapers functioned. Only nationwide newspapers were available, of which the charge, we must remember, is much higher (Gluziński, 2005).

According to Art. 14th of the PBA, a tender announcement must include the following information:

- a\ detailed subject and scope of public tasks proposed for implementation;
- b\ date and place of performance of the task;
- c\ estimate of anticipated costs of this performance;
- d\ information about type of expected experience of the NGO or entities mentioned in Art. 3 para. 3, who make an offer;
- e\ information on owned property and human resources, necessary to comply with a public task and on the estimated amount of required funds to carry out the task, which are from other sources;
- f\ a declaration of intention on charging users or not.

Pattern of an offer has been determined in the Decree of The Minister of Economics, Labour and the Social Policy of 27th of December, 2005. The offer must contain information about:

- a\ amount of requested grant,
- b\ identification details (including address, NCR number, TIN)
- c\ name of the bank and account number,
- d\ contact person data,
- e\ statutory activities, division to paid and unpaid,
- f\ material and / or HR contribution to performance of the task, together with estimated valuation.

If the tendered intends to carry out the task in cooperation with a partner, the documentation must include a partnership agreement or a statement. The offer

should also include a technical and financial report for the previous year and a current copy of the NCR.

According to instructions found in the above mentioned regulation the tendered must declare that:

- a) proposed task is entirely in range of his activity;
- b) whether he will or will not charge users;
- c) all information given in the offer are in line with current legal and real status;
- d) on how long the offer is binding for the tenderer.

The legislator has established the general criteria, by which a public authority must be guided when selecting winning bids. When assessing the merits, preceded by a formal assessment, of the public authority:

- a) assess whether the public task may be performed by an NGO;
- b) assess submitted cost estimate of performing the public task, also in relation to the substantive scope of the task;
- c) assess the proposed quality of the job and the qualifications of the people, with participation of the NGO (...) who will carry out the task;
- d) if there is public support for the performance of the task it takes into account planned by the NGO (...) share of their own funds or funds from other sources, used to carry out a public task;
- e) takes into account planned by the NGO (...) material and HR contribution, including work provided by volunteers and free-of-charge work of members;
- f) takes into account implementation of the delegated tasks in case of NGOs (...), which in previous years, implemented public delegated tasks, taking into account reliability and punctuality and how accounts have been settled from the funds received for this purpose (PBA, Art. 15 para. 1).

The presented criteria are, of course, not the only ones, but those emphasized by the legislator. The ordering party probably takes into account (*inter alia*): an innovative nature, originality or compliance with its own vision of the implementation of the task.

When the winning offer is selected, the public authority must sign a contract with the successful tenderer, of which the pattern is determined in the Framework Regulation of the Minister of Labour and Social Policy of 27th of December, 2005, on the Model Offers. It is allowed, however, to put additional regulations, of which placement is needed due to the specific nature of the task. In the case

of entrustment or support the legislator provides that the agreement must be concluded for a fixed period or for the duration of the task. The tenderer, who will carry out the public task, should extract in the accounts, funds received under that agreement (PBA, Art. 16).

The agreement is not the only element of documentation referring to that cooperation. Attachments are:

- a\ offer for performing the task, made according to the pattern set out in Annex 1 to the Decree of the Minister of Economics, Labour and Social Policy of 27th of December, 2005, on model offer;
- b\ revised timetable for the task;
- c\ revised cost estimate;
- d\ statement from the contractor on compliance with a copy from the NCR registry with the legal and factual status when signing the contract.

Audit of implementation of the public tasks can be performed in the course of the task and after its completion. Subject to review in particular is the status of performance, how it is implement – measured by criteria of efficiency, reliability and quality, the correct use of received funds and proper fulfillment of obligations regarding correct documentation (Art. 17, PBA) (Blicharz, Huchla, 2008).

From the performance of a public task the PBO must submit a final report no later than 30 days after its completion. In some cases an agreement may provide for an obligation to submit an interim report.

The report includes two parts – technical and financial. In the first one the tenderer describes how the task was completed. He has to indicate how it effects in a quantifiable way. The second one is a summary of expenses, divided to funding sources, and tables, which contain a detailed list of documents. Copies of bills of sales are not required (Art. 18, PBA).

The Special role and position of the Public Benefit Works Council

A. Gluziński (2005) states that appointment of the Public Benefit Works Council (PBWC) is an attempt to institutionalize relationships between public authorities and NGOs. According to the PBA it is a consultative and advisory body for the minister responsible for social security. Its tasks include in particular:

- a\ expressing opinions on matters regarding the application of the act;
- b\ expressing opinions on draft legislation and government programs related to the functioning of NGOs and public benefit activity and voluntary work;
- c\ assisting and expressing opinions in the case of disputes between public administrations and NGOs (...) related to public benefit activities;

- d\ collecting and analyzing information about conducted audits and its effects;
- e\ expressing opinions on public tasks matters, outsourcing these tasks to NGOs (...) and the recommended standards for the implementation of public tasks;
- f\ creating, in collaboration with NGOs (...) mechanisms for providing information about standards of public benefit activities and identified breaches of these standards;
- g\ suggesting candidates to the National Health Fund Council and councils of regional branches of the National Health Fund, appointed on principles and procedures set forth in regulations on health care services financed from public funds (PBA, Art. 35 para. 2).

From the catalogue presented above, it can be concluded that Gluziński understands the concept of “relationship” not only as opinions and advice to the minister, but also, as participation in the supervision and self-control of the PBO group.

On the occasion of implementation of legal objectives, the Council has the right to consult other people. In order to do that it may appoint experts, invite representatives of public authorities and NGOs, who are not represented in the PBWC, as well as to contract out expertise (PBA, Art. 38).

Members of the PBWC – a total of 20 – to a 3-year term are appointed by the minister responsible for social security, in the following way:

- a\ 10 representatives of NGOs, NGO unions and agreements, NGOs and entities mentioned in Art. 3, para. 3 of the PBA, suggested by those organizations;
- b\ 5 representatives of local government, suggested by the Joint Commission of the Government and Local Government;
- c\ 5 representatives of government administration bodies and units subordinated or supervised by it, suggested by those bodies and their managers (PBA, Art. 35 and 36).

Council meetings are convened by the minister responsible for social security or at the request of at least one quarter of the members of the council (PBA, Art. 37).

Before the expiration of the term, a member of the PBWC may be dismissed by the minister if: (1) he requests, (2) body which proposed the member requests, (3) if he is convicted for a willful offense (PBA, Art. 37).

All costs associated with PBWC operations are covered from the budget of the ministry mentioned above. It also includes allowances and travel expenses of PBWC members. In connection with the obligation to attend meetings of the council, an employer is obliged to provide members paid leave, and its costs are paid by the Ministry (PBA, Art. 39).

c. Resources

Implementation of tasks of an association requires specific material resources. These organizations have their property, which may come from “membership dues, donations, legacies, bequests, income from their own operations, income from assets of the association and from public generosity” (LOA, Art. 33). Associations have the right to run a business, but any revenue from that cannot be shared among members. Its purpose must refer to the statutory objectives of the association (LOA, Art. 34).

In the LOA it is emphasized that grants may be a source of the associations resources. It should be noted that the legislator stated that an association may receive public funds (Art. 35, LOA). Jolanta Blicharz and Andrzej Huchla (2008) point out that local government units, may subsidize activity for public purposes, related to the exercise of public tasks of a unit. Such a delegation has a form of a contract. What is extremely important, is the decision on which subject should receive a grant, it belongs entirely to local government units. You cannot appeal to them (they are completely discretionary). If an association obtains a grant, it may be controlled by the Supreme Chamber of Control or the Regional Chamber of Auditors.

Assets of an association, minus costs of liquidation, including the salary of the liquidator, may be allocated, on a decision taken in resolution on liquidation of an association, for a social purpose. If such a decision is not taken transfer of assets to a specific social purpose is ruled by the court (LOA, Art. 38 and 39).

The PBA contains important definitions. J. Blicharz and A. Huchla (2008, p. 26) indicate that the term “grant” means “legal form of expenses (...) covered from public funds, assigned for specific purposes. Other provisions contain rules of calculation, of transferring, and of accounting, of different types of grants”. According to the PFA (Public Finances Act) an entity may give a grant for a project referring to public tasks entrusted to it, to entities that do not belong to the first or the second sector (PFA, Art. 221).

An important legal definition, which is found in the PBA, is “public funds”. A detailed catalogue of resources, used to clarify the term, is presented in Art. 5 of the PFA.

Public funds are:

- 1\ public income,
- 2\ funds derived from European Union sources, and not returnable funds from aid granted by European Free Trade Agreement member states,
- 3\ funds derived from foreign sources, not returnable, except for pt. 2,
- 4\ revenues of the state budget and of budgets of local government units, derived from:
 - a\ sale of securities,
 - b\ privatization of assets of the State Treasury and assets of local government units,
 - c\ repayment of loans granted from public funds,
 - d\ obtained loans and credits
 - e\ other financial operations.
- 5\ revenues public finance units sector, derived from conducted by it activity and derived from other sources

Public income is:

- 1\ public levies which include: taxes and other cash payments incurred for the state under separate laws,
- 2\ other income of the state budget, local government units and other income obtained under separate regulations or international contracts:
- 3\ income from the sale of things and rights as well as from performing services by the public finance sector units,
- 4\ income from property, especially from:
 - a\ lease or tenancy and other agreements of a similar character,
 - b\ income from funds on accounts,
 - c\ interests from loans and securities,
 - d\ dividend on property rights;
- 5\ inheritances, bequests and gifts in cash transferred to public finance units sector,
- 6\ compensation payable to public finance sector units,
- 7\ income obtained by public finance sector units from guaranties,
- 8\ income obtained from the sale of property, things and rights, which are an income.

Public funds also include:

- 1\ resources from Structural Funds, Cohesion Fund and European Fisheries Fund, with the exception of funds referred to in point 5, letters a and b;

- 2) non-refundable funds from assistance provided by the Member States of the European Free Trade Association (EFTA), with the exception of those referred to in point 5. c and d:
 - a) Norwegian Financial Mechanism 2009–2014,
 - b) Mechanism of the European Economic Area – 2009–2014,
 - c) Swiss–Polish Cooperation Program;
- 3) resources allocated to the pre-accession programs and the Transition Program;
- 4) resources for implementation of the Common Agricultural Policy:
 - a) the European Agricultural Guidance and Guarantee Fund the “Guarantee Section”,
 - b) the European Agricultural Guarantee Fund,
 - c) European Agricultural Fund for Rural Development;
- 5) resources for implementation of:
 - a) programs under European Territorial Cooperation referred to in Chapter III of the European Parliament and Council Regulation (EC) No 1080/2006; and repealing Regulation (EC) No. 1783/1999;
 - b) programs referred to in the Regulation of the European Parliament and Council Regulation (EC) No 1638/2006 of 24th of October, 2006, laying down general provisions establishing a European Neighbourhood and Partnership Instrument;
 - c) Norwegian Financial Mechanism 2004–2009,
 - d) Mechanism of the European Economic Area 2004–2009;

Management of resources derived from public sources is under a number of restrictions applying to NGOs. Among the most important criteria, to be met by entities applying for PBO status, are financial standards. It is required that the statutes or any other acts prohibit within an organization:

- a) granting loans or pledging the organizations property to secure any financial liabilities of organizations members, members of management bodies, employees, or their spouses, domestic partners, next of kin or relations in lineal or collateral affinity thereto, or persons related to them on the basis of adoption, custody or guardianship, all of whom jointly referred to as “relatives”;
- b) transfer of organizations property to its members, members of its management bodies, employees or their relatives under terms and conditions other than those applying to unrelated third parties, in particular a transfer should be free of charge or on preferential terms;

- c\ use of organizations property to aid its members, members of its management bodies, employees or their relatives under terms and conditions other than those applying to unrelated third parties, unless such use stems directly from the statutory objectives referred to in Art. 3 para. 3, subpara. 1 and 4 [PBA];
- d\ purchase of goods or services from entities with which such organizations members, members of the management bodies, employees or their relatives are involved, under terms and conditions other than those applying to unrelated third parties or at prices that are higher than market prices. (PBA, Art. 20 para. 7).

Volunteers – personal resources of NGOs

An important component of resources of each institution is its people. Status of a volunteer for many years has been lively discussed. This is a “natural person who provides services voluntarily and without remuneration, under provisions” of the PBA (Art. 2 para. 3). Note the intentional use of the term “service” instead of “work”, which is important e.g. because of fiscal duties, which occur when a person is hired. The act dispels any ambiguity that may arise in the context of the potential abuses that can occur if you want to use the status for non-taxed work. Moreover, it is worth noting that the group of people who possess the ability to volunteer is not in any way restricted. There is no question here about age, gender or nationality (Ararczewska, 2009).

Volunteer status is associated with a specific group of entities, for who actions can be performed. In addition to NGOs and the so-called “religious and church” organizations, in this group we have public administration and units subordinated or supervised by this administration. Volunteers cannot work within projects of an economic nature (PBA, Art. 42).

Detailed conditions for volunteer service always have to be in an agreement (type of a contract). If the time of service should be longer than 30 days, it must be in writing. It must include following issues:

- a\ scope of service,
- b\ way it is performed,
- c\ time frame,
- d\ termination clause (PBA, Art. 44).

Organizations benefiting from such help are required to issue a written opinion on services provided by the volunteer. It depends on the organization what the opinion is.

The beneficiary shall be obliged to:

- a\ notify the volunteer of any risk to health and safety related to providing services, and on the rules of protection against occupational threats and hazards;
- b\ ensure the volunteer safe and hygienic conditions of service provision, including appropriate personal safety measures determined by the type of services provided and the related hazard under separate legal provisions applicable to employees;
- c\ cover the cost of business travel and per diems under separate legal provisions applicable to employees.
- d\ obliged to notify the volunteer of their rights and obligations, and provide access to such information (PBA, Art. 45 and 47).

Involvement of volunteers in the activities of an NGO may anticipate its success. Free-of-charge services have not only an economic value, although it is the financial argument which in the first place convinces to look favorably on volunteering. We cannot forget about all other aspects accompanying the activity of the thousands, who on one hand give something from themselves, but on the other – receive little in return.

Involvement in social work can serve as a manifestation of stem, an expression of concern, of requesting attention to problems of modern civilization, such as the need to care for the elderly. Public institutions are then stimulated to notice important social problems, as for example problems of the weak. Volunteering is therefore faster than the action of public institutions.

By acting also national ethos, not necessarily associated with a public authority, is being created. This authority may be disliked, discredited, or may popularize values not acceptable by some individuals. By developing a model of independent engagement, foundations of a modern democratic state are being built, based on participatory political culture (Tokarski, 2008).

* * *

In each country, not just in the most developed countries, the role of NGOs is incredibly important. They undertake a variety of activities, depending on the wishes and preferences of its members. They provide an opportunity for personal fulfillment, and finally – serve wherever the state and businesses sectors appear to be dysfunctional.

Not without reason, their operation is the subject of countless studies, including typology and various aspects of management and efficiency. In this chapter an analysis was made in order to define one type of NGO – local associations. Also, an attempt was made to determine their formal and legal position, regulated in Polish legislation.

The study indicates that the third sector is an extremely diverse group. In various typologies, demarcation points are such aspects as: size, scope, profile, traditions and character of personnel. Because of this dilemma just original features, which bind NGOs together, are emphasized. These features are their common ancestry. Their foundations are: non-profit activity and functioning outside of the structure of the government.

Local association is an NGO, a non-profit organization, not subordinated to public administration, which comprises mainly of members of the local community. This organization operates primarily for the benefit of that community. Detailed rules of functioning of the associations are defined in relevant acts and regulations.

Given the subject of the monograph additional criterion has been used, which delimits the group of subjects, so analyzed association must be registered. It is a fact, allowing close interaction with public authorities, which is manifested primarily through an ability to come into agreements on the performance of a public task.

From the group of analyzed associations, organizations which are in close, specific interaction with municipal administration had to be excluded. These are associations of local government units and organizations actively involved in local, regional or central politics, in the electoral dimension.

The last criterion refers to an area in which an association is active. To the study subjects from the Kujawsko-Pomorskie region has been selected.

In regard to the accepted definition of a “local association”, four questions, qualifying for the empirical research, has been prepared:

- a) Does the organization operate in the Kujawsko-Pomorskie region?
- b) Does the organization have a legal form of a registered association?
- c) In the association are the people primarily associated with the community of certain municipality?
- d) Are activities of the association aimed primarily at members of this municipality?

Further features of “local associations” group, could be clarified by analyzing the legislation. It was found out that the most original in this matter is the

LOA – a law that in an amended form has functioned since 1989. We must mention that it is an act referring to a relatively simple form of an association. It specifies the fundamental requirements for groups conducting institutionalized non-government activity.

In terms of hierarchy of legal acts, the supreme position belongs, of course, to the Constitution of 1997. It is where outlines of the fundamental rights of citizens to form associations, are found. Given the rank of the Constitution, these rights are especially protected. The real breakthrough, however, was when the PBA came into force in 2003 (Araczevska, 2009).

On the basis of the existing regulatory framework we may analyze principles of functioning of associations. Even for a young researcher these principles are clear and easy.

It can be concluded already at this stage of the research that the feature which is most important is the free will. Members of associations and foundations can decide to start their activity, its intensity and termination. The LOA provides that “an association independently determines its objectives, action programs and organizational structures, and adopts internal documents relating to its activities” (LOA, Art. 2 para. 1). Members of an association have therefore freedom in regard to the scope of activities. Only in certain, limited cases such as national security and public order (LOA, Art. 1 para. 1). Little less freedom is in the sphere of the structure, in which, in addition to the legislative body, must be a management and control organ. Detailed solutions are the decision of an NGO.

Because of privileges of PBOs, list of tasks that it may undertake, is limited. Experts comment that hardly any NGO qualify for the status, because of this criterion. It should also be noted that, by amendment of 2009 and 2010, list of tasks has been extended. The challenge, imposing an additional burden, may be HR and financial regulations. If we consider the special position within the sector, special demands on PBOs seem to be highly justified. By incentives NGOs are being influenced, which is aimed at the introduction of good practices and meticulousness to catalog their characteristics.

Chapter IV

Lower Subjects of Public Power Decentralization: Municipalities and Local Associations

1. Theoretical Foundations of Cooperation of Municipalities and Local Associations

Analysis in previous chapters had two aims, which can be used to highlight the problem of decentralization of public power at a local level. The first of them – theoretical – is an answer to the question: what circumstances allow us to consider a phenomenon as public power decentralization (later as “decentralization”). The second layer allows you to analyze knowledge on solutions that have been implemented in Poland. In chapter three analyzed is data regarding formal and legal determinants of associations functioning in Poland, what enables a much broader look at their role in the decentralization process.

Subject of this research is the process of public power decentralization, in which lower level actors are not only municipalities, but also local associations. In this chapter, the objective is to answer the question: why municipalities, as lower bodies of decentralization, should cooperate with associations? While seeking answers, I must explain which other circumstances are faced, given the fact that in terms of legislation only a municipality is subject of decentralization.

At this point we shall return to the definition proposed in the first chapter, where decentralization based on legislation, protected by courts, transfer of tasks, competences and resources, made by public decision-making centers from the higher to lower body. The lower body, which received tasks, competences and resources, remains in the relationship of verification supervision with the public decision-making center. This means that the lower body is no longer in a relationship of personal or business dependency.

Decentralization, both in this approach and in conclusions of many researchers, appears to be some type of a transfer. Objects of this transfer are tasks, competences and resources. These assumptions are usually strongly accented. The wider context is omitted presenting decentralization as a process with a clear

starting point. In such an approach it is easy to notice that this is not just a transfer or a state after a transfer. Both phases precede another, equally important undertaking.

Guidelines on how to, in the broader context, understand the concept of “decentralization” and, therefore, how to properly perform it, can be traced within assumptions of the principle of subsidiarity. Pius XI writes, that “it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do” (Pius XI, 1933). What’s interesting – Pope Pius XI is not in favor of unconditional decentralization. He notes that for its implementation certain circumstances must appear. In order to ensure proper decentralization, the central body must make the correct diagnosis of all possible data that lead to answers, whether the lower body will cope with a given project (Bąkowski, 2007).

Success of the transfer – state after decentralization – is thus directly proportional to the accuracy of the diagnosis. If this is incorrect, the lower body will not be able to perform tasks assigned to him in a more effective way. It can therefore be assumed that a reasonable central body, attempting to a design process of decentralization, will be careful in all assessments and analysis. Its objective is to maximize the possible results, and this cannot be achieved without appropriate preparations.

It seems reasonable to conclude that the diagnosis is by definition imperfect. It cannot be conducted without committing any mistakes, regardless of the analytical and organizational effort of the designer. What’s more, potential errors are severe enough, that it could destabilize the entire system of decentralized governance and make that transfer unfeasible. There is much distinct evidence to prove that.

Correctness of the diagnosis is determined by factors that used to prepare it. They are variable therefore the correctness of an assessment may be appropriate only for a specific, short time. Given that political, social, economic, geographical reality, factors are under continuous and rapid changes and you cannot create a solution that will take into account all the circumstances for a longer period. In other words, we have here a situation, in which the diagnosis, meaning processing of the results and implementation of solutions, must follow those changes. This condition appears to be impossible to achieve.

Factors mentioned above can be divided into certain groups. They can be put in different (hierarchical) order. The result of a diagnosis depends on a researcher’s

subjective vision of the proposed solution. “For some residents of a town or province important is accessibility to health services (primary care – general or special), and educational opportunities for children and their own education. For others (...) the quality and number of green spaces are an important factor” (Bugdol, 2008, p. 41). In order to demonstrate the essence of subjectivity, we can use the Table 3, which is an overview proposed by Grażyna Bukowska.

Table 3.
Criteria of assessing effectiveness in the public sector.

Criteria	Result
<i>Economic efficiency</i>	
<ul style="list-style-type: none"> • <i>Benefits of scale</i> • <i>Competition from the public sector</i> • <i>Valuation of public sector</i> 	<ul style="list-style-type: none"> • Lowering the cost of providing goods • Compliance with consumer preferences • Best use of public goods
<i>Fiscal efficiency</i>	
<ul style="list-style-type: none"> • <i>Externalities</i> • <i>Fiscal equalization</i> 	<ul style="list-style-type: none"> • Reducing free riding • Reducing regional disparities
<i>Political responsibility</i>	
<ul style="list-style-type: none"> • <i>Availability of government and monitoring</i> 	<ul style="list-style-type: none"> • General support for the government system • The extension of political power
<i>Administrative efficiency</i>	
<ul style="list-style-type: none"> • <i>The adequacy of Law</i> • <i>Intergovernmental flexibility</i> • <i>The geographical relevance</i> • <i>Ability to manage</i> 	<ul style="list-style-type: none"> • Vertical and horizontal co-operation of power units • Effective public administration • Professionalism

Note. Bukowska, G. (2008). Teoretyczne podstawy podziału kompetencji pomiędzy władzami centralnymi i lokalnymi. In J. Kleer (Ed.), *Samorząd lokalny: Dobro publiczne*. Warszawa: CeDeWu, p. 53.

Bukowska outlined criteria for assessing the potential of public administration. Similarly, you can do it in the event of a diagnosis preceding decentralization. Before an assessment, a subject that is responsible for it, should prepare appropriate criteria and show their hierarchy. For example, economic rationality can be put in the first place, as more important than transparency. However, you can believe that transparency is essential therefore the cost of transparency by

way of political life must have been incurred. Both positions can be regarded as equally valid and therefore admissible.

Evaluation of public administration bodies – participants in the decentralization process – is even more difficult for a citizen, who, through referendums and general elections, shall decide on the courses of its action. Furthermore, “a single vote must serve to determine preferences for many things at once, thus by definition cannot reflect all preferences of voters on all matters” (Bish, Ostrom, 1973, p. 23).

The implementation of public tasks is not a commodity or service, which are market products. The recipient (usually), does not bear additional costs when benefiting from public service, except for the usual fiscal burden or small charge. Mechanisms that control choice in the free market are not applicable here (Smith, 1990). “Statistical citizen”, in his diagnosis, pays attention to many other factors, in addition to those proposed by G. Bukowska.

She emphasized economic aspects. Jan Łukasiewicz has listed criteria for assessing characteristics of public administrations, which in his opinion are broader. The author notices also the ones which are far from rationality:

- a) emotional assessment: individual attitudes are shaped by individual perceptions about the state, administration, social and economic life, individual-state relations, functions of government and administration, and about the possibilities of meeting his expectations through structures of social life;
- b) ideological assessment: nature and content of evaluations depends on the type of doctrine, of its fundamental assumptions, which are related to the valuation of reality;
- c) political assessment: more instrumental than ideological, is a result of doctrinal attitudes, though discussion transforming it to specific aims, selection of means and strategies, used in programs with relations to goals and strategies;
- d) praxeological assessment: allows defining certain systems, in terms of efficiency and in some areas of public administration the criterion will be profit and economy;
- e) legal assessment: refer primarily to issues of legitimacy of public administration, and the legality of its actions (Łukasiewicz, 2004, p. 267–275).

It is therefore concluded that the assessing body may be guided by different priorities, meaning – understand “the better” in a different way (Bish, Ostrom, 1973), about which treats the encyclical “Quadragesimo Anno”. Whenever there

is no clear and objective standard, the answer or solution taken as the appropriate, always may be undermined.

The difficulty of making a proper and correct diagnosis is also caused by the limitations of objective and subjective perception of the evaluator. He is not able to collect all data. Also, processing the collected information is very difficult, so it takes time. It should be remembered that the data may be outdated, when the assessment is finished.

To a similar degree, imperfection of the diagnosis is due to circumstances related with other criteria that the system must meet when undergoing decentralization. Especially in the case of a unitary state, inadequacy associated with the implementation of the same systemic solutions for different communities is demonstrated. Demographic, economic and geographical conditions of certain towns and villages are different, but the same procedures are implemented there.

In order to have a proper diagnosis, a test, designed separately for each case, should be made, although for a number of reasons such “individualism” would be harmful and / or unfeasible. Striving for an individual approach to each local government unit is potentially very frustrating, because despite great absorption of the energy of policymakers, it does not guarantee the desired effect. There is a danger that the diagnosis will be much, much longer, and will have absurd proportions.

A common practice is to use an average solution, just by collecting data on all local government units and averaging them out. This must always be associated with an inaccurate approach to certain localities, either by putting too much tasks or by some sort of paternalism, reflected in the form of unjustified doing somebody’s job.

Circumstances that prove the immanency of imperfections of diagnosis preceding decentralization, can be summarized as follows:

1. Related with evaluation factors:
 - a\ factors are variable – a proper evaluation may refer to a short period in the past. Upon implementation of the solutions it may already be inadequate;
 - b\ factors are put in the hierarchy – individuals select subjectively, established priorities of the data, which causes different effects;
 - c\ evaluation of the effects is subjective – it is hard to meet the demands of the total population, constituted by citizens;
2. Factors relating to the pragmatics of the process:
 - a\ evaluator is unable to collect all data;

- b\ evaluator is not able to process all data;
- c\ evaluator must take into account additional factors, such as the vision of the state, contained in the Constitution;
- d\ an individual approach to every case is often impracticable.

Based on the above conclusions it can be summarized, that decentralization is likely to include imperfections. At the same time, we shall remember that its purpose is to achieve better results than within a centralized system. How then shall we reconcile these two contradictory aspects?

Selection of decentralization as a mean to achieve better results is motivated by a conviction that the lower bodies, by using obtained resources and competences, will be able to carry out public tasks more effectively. Kind of an “essence” of decentralization is the ability of the lower-level entity to better adapt to the tasks and implementation strategies, which allows achieving greater efficiency than in a centralized system. However, it is still not always appropriate. The defect may be severe enough, and adaptability may not be sufficient to achieve the planed results. Can a reasonable center accept such a state of imperfection?

When defects are found, it could be postulated that the center makes reasonable adjustments, such as a change of borders of a territorial unit or it could transfer the task to an existing or specially established level. Interference in the given relative autonomy of the lower body, may be risky. For such a major change it is required that:

- a\ wrong diagnosis was recorded for a long time.
Imperfections appearing temporarily may step back, and interference with independence is a step too serious to use in any uncertain situation – especially when the inconvenience is temporary. Important are various costs associated with the need of stability of the system. Individual citizens and legal persons can with difficulties find themselves in an unstable reality. In an economic drop of efficiency, caused by a change, this is very common. Reforms must be accompanied by a certain time;
- b\ defect diagnosis covers many areas of public functions, performed by the unit or multiple units.

Where only a single task or a type of task turns out to be on the wrong level, correction should refer to a shift of the burden of implementation of that task, but not boundaries of the unit. In addition, in a unitary state transfer of tasks to a different level must include all entities acting at that level. This in turn would cause inadequacy of regulations in all the others. In other words, we must not change the whole system, because of a single

case that turned out to be wrong. Imperfection should occur widely, if we wish the transfer to be justified;

- c) defect of a diagnosis should be strongly felt by the local community concerned.

Local commitment to independence and to a sense of separation from neighbouring units, which could potentially bind its citizens, may prove to be a very strong barrier for reform. Examples of such behavior can be found in media coverage of the change of the number of regions, which had been carried out by the end of the nineties of the twentieth century. Collective commitment to self-identity was, and is, stronger than economic and business rationality. Any change of borders must be justified in a manner substantially undisputed.

If the situation does not satisfy all the mentioned conditions, the change is highly inadvisable. It will cause unnecessary instability, as well as serious social and economic costs. However, individual entities should be able to counteract effects of imperfect diagnosis. If we would like to make corrections regardless of the above mentioned conditions, the only solution is the following: the lower body of decentralization must have the ability to respond to imperfections.

Such a strong statement could be undermined by a legitimate question: should not the center provide additional funds and thus make the least severe correction? Yes, it would be desirable, but keep in mind what situation in fact occurs then. Assume that all lower actors receive too few resources. This means that we are dealing with a constant defect. Such facts put the entire system into question, whereas ability of self-correction is applicable to individual cases.

This rule does not apply to emergency situations. Providing assistance in the time of crisis it is inherent in the basic principles of decentralization. If a unit incidentally is not able to cope with a momentary, unexpected crisis, the center has a duty to intervene. But such events cannot influence the shape of the entire system.

Resources go to units also as additional measures of stimulating development of the entire state. However, this is a form of quasi-interference in the relative independence. For example, by competitions for EU funds, directions of development are stimulated, but the lower entity cannot use these resources for any purpose. It has to follow the path traced by the center.

From analysis of the local government system in Poland we may conclude that there are some reasons to assume, that the legislator is aware of certain imperfections. A manifestation of efforts to reduce them is withdrawing derogations from

rules of unitariness of a state. An interesting example is the design of the following construct: “cities with province rights”. Basically it is a municipality, which also carries out tasks at the province level. As many as 66 towns have that status, which apart from an opinion that granting the status was reparation for the loss of the rank of a region capital (see: reform of public administration in Poland in 1999), may also prove the scale of the need to modify the system. The same applies to the capital city. Warsaw, now covered by a separate act, may not be treated the same as other, much smaller, and above all, poorer municipalities. I must also mention the so-called “resorts” and “mining municipalities”, of which a special character made center introduced additional provisions. All examples confirm that unitariness of the whole country is problematic. Sometimes the center can dedicate some time to make proper evaluations and implementation of other regulations. This is not always successful, that has been proved by heterogeneity of the group of 66 towns with province rights.

A mechanism allowing counteracting results of an imperfect diagnosis, but still maintaining the relative independence of the lower body is therefore an important element of proper decentralization. What features should such an ability have? This catalogue seems to be good suggestions:

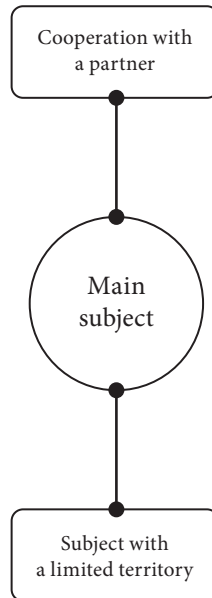
- a) the unit should decide upon the correction;
- b) no correction could entail a change of borders or a similar change of its status, which would breach its sense of separateness of its community;
- c) the correction pattern should also be useful with short-term solutions.

Such preliminary assumptions allow us to think over the details of an appropriate mechanism. First of all, maintaining relative independence is equal to leaving the responsibility for decisions to the lower body. Independence therefore cannot be transferred. At the same time, the most likely mistake within the diagnosis is accumulation of too small or too large a potential in certain units. The lower entity should be able to accumulate more resources or to disperse them. Due to the fact that the resources of one entity are a certain amount, the accumulation of an external partner is required. If such a partner has similar difficulties, he will see potential benefits in such a cooperation. In a reverse situation – if it has been diagnosed that a project will be effectively implemented after a transfer to a unit covering a smaller territory, then the formal nature of the independence should allow the creation of entities that have a specific task, and implement them on a smaller area. In such a case (scheme) lack of the above mentioned unitariness is not a fault. The scheme allows you to better suit the system, of which control is within the perception of a smaller (lower) evaluator, meaning a lower body of

decentralization (but superior to both forms – accumulation or distribution of the potential). Such a mechanism has been outlined on Figure 3.

Figure 3.

Initial model of self-correcting mechanism of decentralization.



Note. Own elaboration.

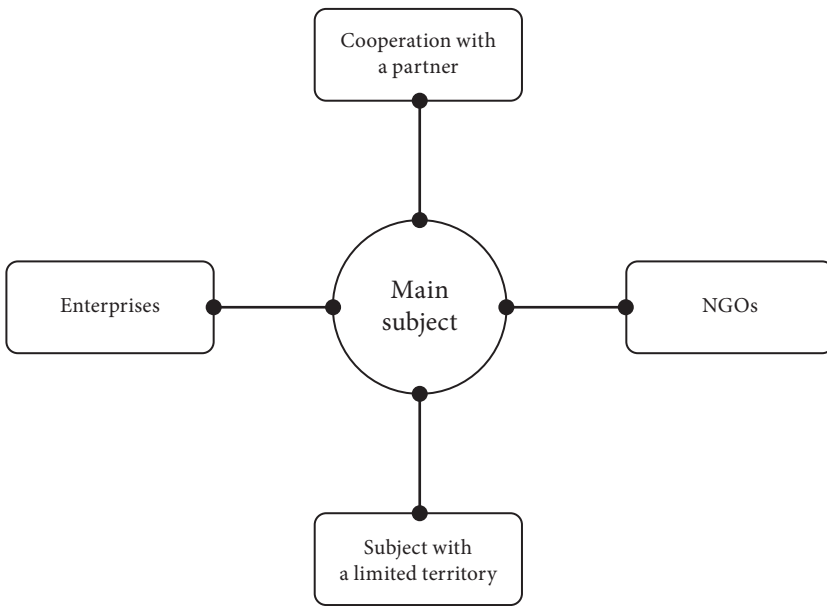
In Figure 3, in the center is the lower body of decentralization of public power, designated as “main subject” (main in the local dimension). It plays the role of an administrator of the will of local autonomy within their relative independence. In the event that implementation of a public task exceeds its capacity, or on a smaller scale it would be uneconomic, it is advisable to perform it with a partner who has similar difficulties. Similarly, when the diagnosis is that the task should be performed by a smaller entity, the main actor may decide upon the creation of such a unit and assign it tasks, resources and competences. In both cases, responsibility still remains with the main subject.

The mechanism is based on the factor of size of the potential, and therefore it is a correction, which can be called a quantitative one. Transfers take place within the same (public) sector. But what about a situation, when the characteristics of the task convinces us to regard the public sector as ineffective? Public administration should then have the possibility to use characteristics of other groups.

Involvement, in the performance of the task, of entities from the business sector and NGOs allows the use of their characteristics. Such a correction will be mostly a qualitative one in nature, but can be both qualitative and quantitative, because the second and the third sector actors have different potentials.

Amended, basic model of mechanism of self-correction of decentralization is presented on Figure 4.

Figure 4.
Model of self-correction mechanism of decentralization.



Note. Own elaboration.

In such mechanism, the main subject may use different solutions, depending on the problems it faces. The mechanism, however, has some limitations. Use of accumulation is conditioned by the good will of a partner, he shall have similar difficulties, and finally, by the need to coordinate actions of independent actors. Of course, the potential partner must also exist. We have such a situation only in the case of territorial decentralization, primarily in unitary states.

Splitting potential and transfer of direct performance of tasks to smaller actors, according to territorial criterion, appears to be much simpler. What counts above all here, is the potential of people.

Correction making use of interactions with partners from the other two sectors is also conditional. Benefits of cooperation with actors from outside the first sector are the most significant, when the free market is developed enough. By analogy – a large number of efficient NGOs, ready to cooperate with public authorities, is an important condition, if we wish to use the full potential of the third sector.

This mechanism is therefore not applicable to every decentralization of public power. Its usefulness is limited to forms described in the first chapter as territorial decentralization, sometimes called “terrain” or “vertical”. Trade unions and business self-governments are those who have a much different structure than municipalities, provinces or regions, despite that they operate under the same fundamental principles (primarily of relative independence). These entities occupy a separate, clearly defined group of tasks, which argues for recognition of disability of functional decentralization as not possible. Their activity is easier to assess, the number of variable factors is smaller, the number of members is limited, they are finally a more homogeneous environment.

The mechanism of self-correction of decentralization can be applied to local government in Poland, particularly at municipal level. It should of course be remembered that although it is created after the formation of an essential system of local government in the republic, but even at this stage it may be helpful in the evaluation of used strategies. Basic assumptions of the mechanism, incorporated into Polish solutions, are presented in Figure 5.

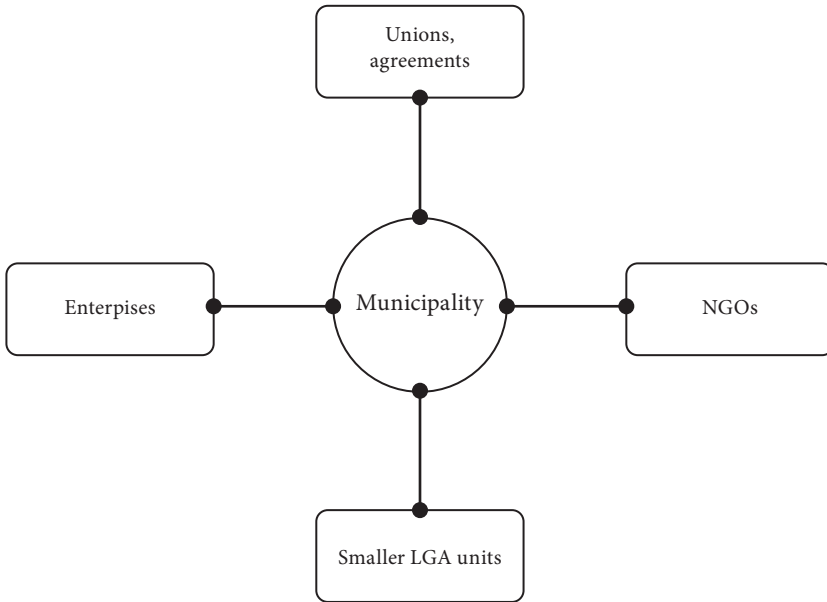
It should be strongly emphasized here, that only a municipality (which is a public entity) is the only active participant of the decentralization of public power in the mechanism presented here. It uses not only its administrative powers, but also other tools, including sanctions. Only the municipality has the right legitimacy to be recognized as a sort of designer. Other groups cannot be, so this is why their role in the correction of decentralization does not have creative characteristics, but is solely a response to an initiative of the municipality.

In Figure 5, the municipality was placed at the main point, as the body in possession of relative autonomy. The municipality is responsible for all decisions. In other words, it is an actor, which is entitled to initiate and decide upon selected strategies and ways of their implementation. Its job is to diagnose the situation, to benefit from opportunities of different organizations of work and structures or the various composition of personnel. It allows it to carry out public tasks with regard to the principle of subsidiarity.

While developing the model, I have noticed that the Polish legislator somehow “foresaw” the possibility of self-adjustment. In Figures 4 and 5 we might find

quantitative and functional forms of correction. According to Polish legislation, to increase the potential of a municipality, municipal agreements and unions can be established. The role of associations of local government, appears to be rather marginal, given their functions as local government entities that integrate the group and express its opinions, but does not perform serious tasks.

Figure 5.
Model of self-correction mechanism of decentralization and Polish system solutions.



Note. Own elaboration.

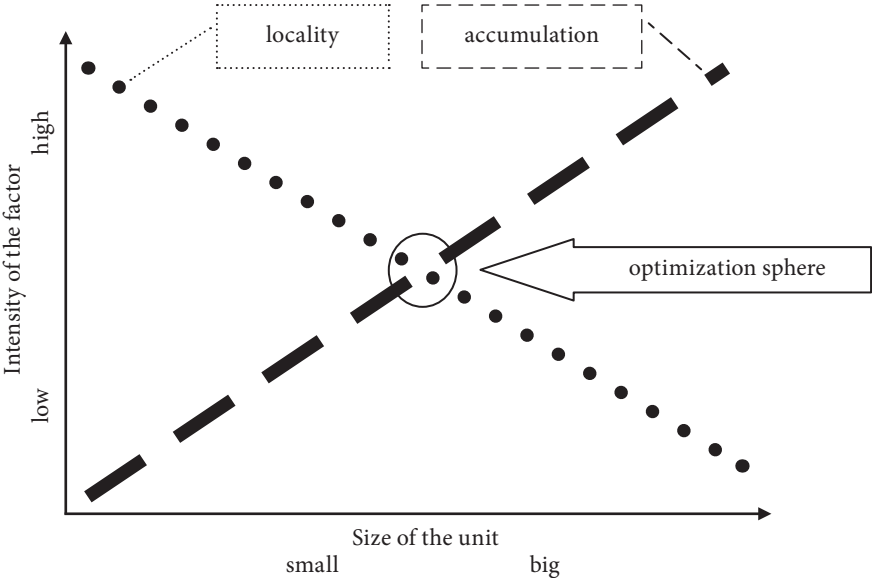
Forms of cooperation of municipalities should be now analyzed, in the context of the self-correction mechanism. Unions are a sort of inter-municipal, joint implementation of public tasks. Kamil Bandarzewski indicates that the aim of the establishment of such a union is implementation of public tasks at a higher level. He even states that “establishment of unions, with the same range of tasks, can provide guidance to legislators that this category of tasks should be transferred to another level of government, since municipalities cannot cope with its performance” (Bandarzewski, 2007, p. 547). The union is therefore a solution that derives from the effects of improving organizational capacity of units, including cumulative and complementary effects.

Accumulation is defined here as gathering, in a single center, greater potential than at the preliminary stage. This is done by combining HR and other resources of relationship's parties. This form of cooperation shall be established when certain municipalities have very poor resources and would like to start expensive projects. At the same time characteristics of the project allows generating benefits to a much wider group of users than just one single municipality, and costs can be distributed among many parties.

Complementary character allows the elimination of weaknesses. For example, a unit cannot have a good territory to perform a particular activity. At the same time funding and staff resources are available. If a union is created, a municipality which has appropriate land, but is not so prosperous, can get involved and both units will make use of the complementary effect.

We shall remember that accumulation and complementary effects have side effects. Decisions are taken "further" from communities. Given the assumptions of the subsidiarity principle, it should then be remembered that this advantage of scale has negative consequences for "localness" of decision developed by a larger entity. Figure 6 helps to illustrate these consequences.

Figure 6. *Problem of optimization of decentralization of public power – locality, complementarity and accumulation.*



Note. Own elaboration.

Figure 6 shows relationships between a factor in favor of small units, which is “locality” – understood here as making decisions at as low level as possible in the structure of public administration (close to a community) – and factors advocating larger units, which are the cumulative and complementary effect. Plenty of variables have to be taken into account, and their instability (problem discussed in chapter one) mean that it is difficult to determine how big a unit shall be. It is easier to pave an interval in which influence of the factors can be balanced in a satisfactory manner. Here it is called the optimization sphere. Then, by referring to the principle of subsidiarity, within the sphere of optimization, the smallest possible size of a unit shall be determined.

Similar results bring agreements of local government units. Marek Chmaj and Mariusz Bidziński state, that agreements allow sharing burdens of public tasks. In their opinion, the comparison of unions and associations, shows that “the functional and teleological scopes of these institutions are essentially identical” (Bidziński, Chmaj, 2007, p. 177). It may be recalled, that an agreement does not result with the establishment of a new legal entity. One of municipalities – party of a public-law agreement – takes over the performance of the task. The other municipality is not getting rid of responsibility for this task (Wengler, 2006). Compared to the establishment of a union, except for some details, in the context of decentralization, both solutions seem to have comparable effects.

The third form of interaction, associations of municipalities – are not based on the joint implementation of public tasks. These entities are established in order to “promote the idea of local government and to protect common interests” (LGA, Art. 84) and thus to create broader lobbying, as well as to provide a forum for exchange of experience (Duk-Majewska, 2009). The nature of this form of cooperation is therefore different from the two presented before. However, also this form allows making use of cumulative and complementary effects. A group is able to obtain more, than a single unit. Institutionalized form of communication and is more effective in exchanging experiences than just observation in the media or through other channels of information as symposia and conferences. It is difficult to prove that an association of local government units has any negative effects in the sphere of locality (defined as “being close to a community”). Potential results should be generally positive and manifest, generally speaking, in self-improvement of the environment as well as in a more effective articulation and implementation of interests of the associated groups.

Similarly shall be seen the interaction with actors from Figure 4, which has been placed at the bottom of the diagram. The establishment of auxiliary units, as separate administrative organisms, allows better local adaptation of procedures

and measures. Again, the responsibility for tasks remains at the municipality, but the burden of organization and ability to interpret the situation has a smaller scope.

Possible actions, in the matter of public tasks, can only take place within an area designed by the legislator. However, as stated by Tomasz Szewc, “municipalities and towns with province status (...) can create auxiliary units, and while doing that they have a lot of freedom (...) The only limit is the need to create in village administration, districts and neighbourhoods legislative and executive organs” (Szewc, 2006, p. 94). In LGA (Art. 5 para. 1) we find only four examples of auxiliary units, but the catalogue of these type of adjustments is not closed, because according to the mentioned Art. 5, it is allowed to establish even lower-level units, which perform at a lower level than, for example, districts. A symptom of leaving so much independence, in the matter of further horizontal transfer, is the lack of an obligation to create auxiliary units. Unitariness does not apply here. There is a different situation in Warsaw, as the capital is obligatory divided into auxiliary units – districts.

To sum up, associations are a similar solution as institutionalized cooperation of municipalities, meaning unions and agreements. Also auxiliary units are a solution used on the entire area of the republic. In this case corrections take place without the participation of the government center. It is municipalities, who decide whether or not to accumulate potential.

Unions, agreements, and auxiliary units cannot exist without defining and forwarding the implementation of public tasks. The fact of imperfection of decentralization somehow constitutes their existence. Use of the other two is conditional. They are applied in decentralization only when the entity performs a public task. It is not assigned to them permanently.

In regard to the sphere of vertical modifications, one must refer to opportunity provided in Art. 8 para. 2a of the LGA, which states, that a “municipality can perform province tasks and regional tasks, on the basis of agreements with those local government units”. It is therefore a special circumstance of correction, as on certain territory imperfections of the diagnosis of decentralization are removed by transferring tasks between levels (only downwards, to a municipality). This is yet further proof of awareness of the decision-making center of possible failures of the system. But the exceptionality of this provision lies in transferring the right, which previously belonged to the center, namely – the division of tasks between levels.

Analysis of that issue, in the context of the presented model, must be seen through the effects on different levels. For a municipality it means making use of

its potential, which in this case must be higher than the average. The presented model is therefore not applicable in reference to that solution, because it is aimed at increasing the potential if the size of the received tasks is big or at dividing it by performing in a smaller area (village administration, districts or neighbourhoods). An agreement with a local government of a region or a district equals using potential in a static way, i.e., from the perspective of a municipality the potential is neither accumulated nor dispersed.

For a province or a region an agreement under Art. 8 para. 2a of the LGA, applies in regard to the proposed mechanism. If we agree that smaller units (municipalities) can perform tasks at these levels, then the transfer downwards is the most desirable solution. For levels higher than the municipal, such an agreement has a similar function as village administrations, districts and neighbourhoods.

Without an answer we are left with a dilemma that has long accompanied discussion about provinces. Has this tier an actually greater potential than the municipal one? Certainly, units are larger in territorial terms, but the nature of tasks and most of all the assigned resources allow it to have many doubts in this regard. Vigorous debate continues and certainly will last for a long time, and therefore in this study I will not solve this dilemma.

Horizontal adjustments seem to not bring such issues. The function of enterprises in the correction mechanism is quite clear, but at the same time it is so obvious, that we hardly ever mention functions of the second sector.

Enterprises are, often multinational, for-profit entities, which have enough potential to run investment projects, such as building roads or bridges, and others, as a supply of various products.

The reasons of cooperation are quite various. Within such projects as construction and maintenance of transport infrastructure, organizing all technical facilities needed for an investment by a municipality on its own, would be some sort of mismanagement. It should therefore have an opportunity to exploit the potential of the second sector. Also, if we take more prosaic tasks, such as the manufacture of office materials like paper clips, which are used by municipal administration, it is reasonable to leave it to specialized companies.

The analysis of cooperation of municipalities with the fourth group – NGOs – in the context of public power decentralization – is the most important issue in this monograph, therefore much more attention has been paid to it. An extended analysis is contained in the second part of this chapter.

In order to sum up the theoretical basis of cooperation, it is worth to present the mechanism of self-correction by a certain example. Suppose that there is an imaginary municipality called ABC, in a completely hypothetical country.

As a result of decentralization, ABC was imposed a public task –“waste management”. In accordance with unitary state laws, in which the municipality is located, the task includes the removal and collection of wastes and their disposal, recycling and utilization.

ABC authorities should therefore make a diagnosis, which will be used to design the most effective waste management system. Within the administration of the mayor a Department of Waste Management has been established. People employed in the department previously worked in public institutions with a similar profile, thus making the evaluator assumed within that matter that ABC municipality has no problems. But calculations were made, that it is not economic to establish their own unit which will carry on garbage collection and transport. It would demand skilled workers, as well as special equipment and containers. Expenses associated with running such an enterprise and with further maintenance could be reduced by choosing services of a private company. Several businesses with that profile already operate in the region, and therefore ABC authorities decided to transfer this task to an external enterprise. The municipality will cover costs from their own resources.

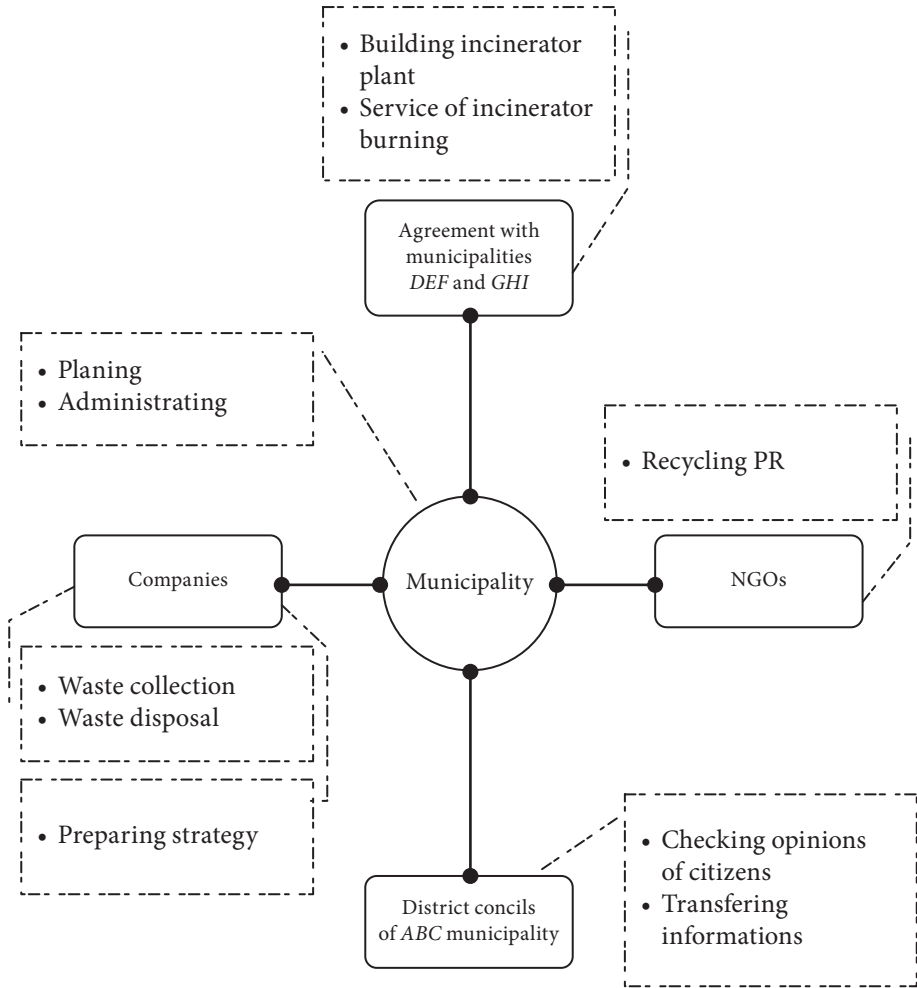
Another element of the task – garbage disposal, may take place on municipal waste dumps, which is under the control of ABC. However, according to electoral promises, the authorities aspire to reduce the amount of waste going to the waste dump. It was decided that a special study will be made in regard to that challenge. This has been shifted to the ABC University, where researchers have prepared, a ten-year “Plan to Reduce the Amount of Waste Sent to the Local Municipal Waste Dump”. The municipality has paid for this plan.

According to the objectives of the study, they should put more emphasis on recycling. In comparison to neighbouring towns and villages ABC achievements are not very big. The problem is not infrastructure, because it already exists. There are appropriate containers, a sorting plant operates, materials are regularly collected by private companies and delivered to processing plants. The source of low efficiency is a lack of social involvement, which in turn is caused by little knowledge and no enthusiasm. The plan, prepared by academics, recommended that the stimulation of local resident participation shall be carried out by an association. Municipal authorities have decided to organize a public tender and to entrust its winner a public task named “promotion of recycling”, in which all interested NGOs may take part.

In the course of further analysis, the authorities came to an agreement that it would be useful to know the opinions of residents about the implementation of projects relating to waste management. District councils (auxiliary units) have

been previously established in order to perform some tasks. Now, it was decided that they will get an additional one, which is collecting the opinions of residents of neighbourhoods and transferring them to the mayor.

Figure 7.
The strategy of “waste management” of a hypothetical ABC municipality, using the self-correction mechanism.



Note. Own elaboration.

The biggest investment challenge, especially advised in the plan, is building (as there is no such object in the region) and operation of a waste incinerator. However, investment costs are very high and ABC cannot afford it on its own. There is a chance of cooperation with other local government units, as neighbouring municipalities – DEF and GHI are also interested in this form of disposal of waste. After lengthy negotiations they managed to sign an agreement on joint investment and servicing, which will be located on the territory of DEF. Other members of the agreement will transport its garbage. Strategy of “waste management” is shown in Figure 7.

2. Potential of Local Associations for Taking Part in the Correction of Imperfection of Decentralization – Selected Aspects

In the first part of the chapter a theoretical basis for the interaction of local government units with external entities (companies, NGOs) and quasi-external (trade, agreements, ancillary units) has been presented. It was agreed that an important reason for the need of interaction is correction of imperfections of decentralization. Figure 7 presents an overview of how it could look. Effects of a hypothetical diagnosis, has been described, but not its course. Several issues make the description of the diagnosis process quite difficult.

As proved before, the diagnosis is strongly conditioned by characteristics of factors used in the evaluation. Important are also the preferences and skills of the evaluator to analyze other various aspects, directly related to decentralization, such as constitutional principles of the system. In result, we cannot determine what is this best standard, often called – the good administration. Politicians, judges, experts, organized groups, media and individual citizens have rather different, non-coherent and unstable visions of good administration. Often they require administration to obey different, and not necessarily consistent, principles, objectives and interests. Any idea is thus potentially a basis for both legitimacy and criticism (Olsen, 2006).

Given the complexity of the diagnosis it is hard to point all failures resulting from the imperfection of decentralization, that convince municipalities to cooperate with local associations. We should remember that decentralization, by definition, forces an individual approach to different cases. Identified problems may therefore be various. Evaluation cannot be proceeded with by a single person, who is an expert in a strictly defined area. This task is rather for a team

of experts, who know political priorities, and are able to process the data and prepare appropriate recommendations.

This does not mean that you should totally reject the need for a more detailed analysis. Conditions, by which municipalities and local associations are guided, are very important in the context of an attempt to understand the need for cooperation. Analysis of the diagnosis is thus presented, but to a limited extent.

In the literature the problem of potential advantages and disadvantages of bureaucratic forms of public administration organization has been repeatedly undertaken. Its analysis will be used to trace out those aspects of the characteristics of communities that can potentially occur in each unit, and thus mobilize the authorities to seek solutions in cooperation with local associations. Due to the complexity of the issue, the analysis includes problems which, according to many authors, are the most common.

The contemporary nature of a municipality in Poland entitles us to see it as a bureaucratic entity. In common language “the bureaucracy” means a heartless institution (Witkowski, 2007). For the purpose of this research, the meaning of the term shall be considered in the context of its ideal, Weberian type. Just to give an outline, some general assumptions about this model of public management should be reminded.

Probably it was Vincent de Gournay, who first used the notion “bureaucracy” (Witkowski, 2007), but the author of this set of principles, determining modern bureaucracy, is the well-known German scholar – Max Weber. In Chapter XI of his work titled “Economy and Society: An Outline of Interpretive Sociology”, Weber developed six principles of modern bureaucracy (modern in 1922).

In the Weberian model of bureaucracy authority is based on general acts of law only. This authority has a hierarchical structure, and within it superiority and inferiority are present. The authority is not assigned to individuals, but to hierarchical structures. It can be transferred to different levels. Written documents (files), which must be archived, are used to manage. Public representatives, together with all technical support, form an office. Another feature of Webers bureaucracy is separation of public life and property from the private sphere of clerks. Staff is modern and well-educated. Only people prepared to carry out public functions should be contracted. Managing an office is based on general principles, which are stable and comprehensive, and which can be learned. Management is therefore not based on a specific person, but on those principles (Weber, 1978; Szreniawski, 2007).

The traditional model of bureaucracy was developed by other researchers. For example, Woodrow Wilson, before he became the 28th U.S. president, advocated

the separation of politics and administration. His views were a form of reaction to the so-called “spoils system”, which was filling offices with its own party members, present in the United States in his time. According to W. Wilson, a ministry should be responsible for the preparation of outlines of a policy and its strategy. Detailed implementation belongs to lower units, of which managers hold the office permanently, irrespective of any change of government. The views of the U.S. president are a significant contribution to the establishment of an independent civil service. From analyses of W. Wilson three important conclusions shall be listed:

- a) politico-strategic and administration affairs should be clearly separated;
- b) in the ministries lower units should be responsible for two issues. Firstly, they advise political leaders in matters of development, evaluation and implementation of strategies. Secondly, their role is to manage assigned resources, so that the strategy can be implemented;
- c) administration should remain neutral in order to equally serve various ministers. Officials should not have political party connotation (Hughes, 2003; Walker, 1989).

The project of M. Weber was an inspiration to more extensive plans, which draw from practices, seemingly distant from public administration. The most interesting and influential examples are the works of Frederick W. Taylor, author of the concept later called Taylorism. He demanded introduction of the scientific method in management. It involved research to identify cross-cutting labour standards (outcomes), introduction of incentive pay, which is a modification of a chord structure and construction of institutions based on the separation of functions (Hughes, 2003). After his suggestions had been published, it was widely agreed that these mechanisms could also be used in public administration. According to principles of Taylorism, if standardization and matching skills with a position can be applied in enterprises, it will give good effects also in state institutions (Schachter, 1989; Milakovich, Gordon, 2008).

In contrast to Taylor, US sociologist and psychologist – Elton Mayo, was more in favor of the human factor as key to proper management (Mayo, 2003). In his opinion, performance depends not only on organization of work and financial incentives. Mayo expressed the view that social relations are very important within an organization (Hughes, 2003). He based his opinion on a series of experiments, of which results are known today as the “Hawthorne effect”. He noticed that an increase of efficiency was not really a “result” of putting more attention to workers, but it was the “act of” interest, that had caused it (Jones, 1992).

Polish local government administration, of which fundamental assumptions are based, among others, on the principles outlined by M. Weber, is not, the same as in most institutions around the world, free from major defects. Lawyers, economists, sociologists and political scientists were able to diagnose multiple weaknesses of the Weberian model. Due to that they managed to formulate proposals for its improvement, including economic values and behavioral methods. Analysis of these conclusions can be an attempt to answer the question (resulting from the imperfection of decentralization diagnosis) for conditions necessary for the cooperation of municipalities and associations.

Analysis of the literature brings many charges against bureaucracy. To keep a proper order some groups have been formed, where the criterion are types of criticism. This summary is not a typology, but the degree of ordering makes this analysis more transparent:

- a) Disadvantages associated with general pathology of bureaucracy:
 - Bureaucratism,
 - Nepotism,
 - Corruption,
 - Clientelism.
- b) Disadvantages associated with the characteristics and status of personnel:
 - Difficulties in recruiting the most talented employees,
 - Linking promotion with work experience – not necessarily with actual skills,
 - Protection of work contract by more stringent rules than in other sectors,
 - Less pressure to achieve results than in the private sector,
 - Indifference of clerks to target a client,
 - Dispersion of power and responsibility,
 - Meeting ambitions of leadership, through expansion of hierarchical structure,
 - Problems of communication between different organizational units.
- c) Disadvantages associated with adaptation ability:
 - Lack of ability to react to sudden changes,
 - Resistance to new management strategies,
 - Being chained to procedures and hierarchical structures.
- d) Disadvantages associated with efficiency and competitiveness:
 - Lack of such notions as: consumer, competition, independence and choice,

- Frequent waste of resources, lack of entrepreneurship,
 - No relationship of effectiveness with the implementation of statutory objectives,
 - No relationship of efficiency with the system of salaries,
 - Hardly measurable performance,
 - Being sufficient with mediocrity,
 - Inefficiency in emergency situations.
- e\ Disadvantages associated with innovation:
- Lack of innovation,
 - Avoiding risk,
 - Correct implementation of routine tasks. (Huges, 2003; Hausner, 2009; Pietras-Goc, 2007; Tarno, 2004b; Koniuszewska, 2004; Modzelewski, 2009; Przybyszewski, 2009; Osiński, 2008; Olsen, 2006; Meier, Hill, 2007; Kettl, 2006)

For a proper debate on the potential of local associations to reduce imperfections of decentralization, further analysis is supported with results of a survey, conducted in the Kujawsko-Pomorskie region. The properly designed survey allowed me to refer to each of the issues listed above.

General pathology of bureaucracy

The problems referred to as “pathologies of the bureaucracy” have their origins in non-compliance with general rules of the state. Corruption, nepotism and clientelism have accompanied public authorities since ancient times (Daley, 1998). Perceptions of a public office as an opportunity to gain many benefits, is therefore an extremely widespread phenomenon (Transparency International, 2010), although obviously different in the scale of transgressions.

Prevention of pathology, that accompany power and bureaucracy, is in two stages (*ex post* and *ex ante*). First of all, various types of sanctions are used. Criminal codes of all modern states penalize abuse of positions for their own or others profit. It is also non-coded, meaning social, control is significant. Corrupt officials usually meet ostracism and condemnation. In recent years, the media took responsibility for this function.

Pathologies must be exposed. Within a clientelism structure it is not easy (Lande, 1983; Fox, 1994). Participants of that process, and the same time – beneficiaries, will care to keep the *status quo*. Social control works only if pathologies are strongly condemned. The so-called “silent consent” could indicate that,

although in a layer of official statements the authorities, condemn pathologies of political actors and are ready to combat them with the law, but at the same time they do not find the illegitimate use of offices as illegal.

In the *ex ante* activity context, the establishment of a civil service should be emphasized, which is to be a neutral body of professionals (within narrow disciplines), whose employment is independent from their political situation, and their promotion is based on their results (Czaputowicz, 2008a, p. 253). Furthermore, somehow in reference to the function of social control, prevention takes place within the sphere of interpersonal relationships. At schools (primary schools, high schools, and finally at universities) and in families, a dichotomous picture of the world is formed and strengthened, in which the world is divided into the good and the bad. The good to which it is desirable to belong to, shun pathological behavior (Kosewski, 2008). However, also in the case of this mechanism, we should take into account whether a community clearly negates corruption, nepotism and clientelism, or perhaps actually it is not negated (Czaputowicz, 2008a). If there is no sanction, within primary socialization, such features will be included in social patterns (Misztal, 2003).

Can transfer of a task, to a local association, prevent such pathology? On the one hand, you can prove that the transfer is a contract, where the customer is accounted for effects, therefore pathology mechanisms are a secondary issue. But the essence of the transfer is not getting rid of responsibility for proper implementation within the free market framework. On the contrary – profit from competition will be gained only if rules are clear, fair and legible. In addition, pathology may exist not only within third sector entities, but also in a community-association relationship. An informal agreement, aimed at promoting selected entity, regardless of its actual offer, is also a dysfunction. Without a strong foundation, in terms of law and appropriate social attitudes, we cannot eliminate the pathology of authorities and bureaucracy. “In order to get rid of unethical behavior, not only to procedures and structures are important, but also competent and ethical officials are needed” (Bugdol, 2008, p. 286). Transfer to the outside does not seem to be a remedy to these problems.

Pathology of public administration also has other faces. The pejorative meaning of “bureaucracy”, as it has already been emphasized, refers to a belief in the equivalence of rules and procedures with the real, statutory objectives of the organization (Bugdol, 2008). It is also a lack of good will and the lack of readiness to give some more than standard effort, in order to achieve a clients needs. As proved by researchers, this attitude is inherent in the classic Weberian model, but also in many of its derivatives. Clerks would sooner be dismissed for issuing

an unlawful decision than for not taking one. Therefore he will take all possible measures to avoid responsibility in doubtful cases.

A study conducted in an environment of local associations from the area of the Kujawsko-Pomorskie region has not shown that the above mentioned pathologies are present, neither within organizations nor in relationships with public administration. The fact of presence of corruption, within an association or a relationship with public administration, has been admitted by 2% of respondents. Not much more, just 3%, revealed nepotism. Clientelism occurred in 2% of surveyed organizations, and in 3% of them within relations with public administration. With such a small group of actors, who admitted such behavior, it is difficult to accurately determine what consequences have met members, who have committed them. We may only mention that in associations, where such pathology appeared, members did not get severe sanctions (only a formal reprimand or an admonition, or there were no sanctions at all). No one has been excluded from any surveyed organization.

Respondents often admitted that an excessive attachment to procedures took place in the association. In 16% of the surveyed organizations it has been experienced at least once, and in 2% – a few times. The profile of activity had nothing to do with this phenomenon.

It should be emphasized, that pathologies, as a rare and embarrassing behavior, are rather difficult to detect in a survey. We shall not expect that the respondent will always admit that his organization has been in such a situation. In a slightly different way one may approach the problem of bureaucratism. In local associations it should be less common and less intense.

The transfer of tasks to a non-public, not-for-profit entity, has good potential in the context of the above weakness. Associations are more closely aimed at specific objectives. Procedures and rules are seen as some obstacles in the implementation of statutory goals, but important are flexibility, adaptability and creativity. The decision-making path is shortened, and individual associations' actors are accounted only for effects. Failure may be treated as a personal one for an activist.

Characteristics of personnel and structures

The characteristics of human resources in public administration raises a lot of controversy in literature. This indicates that one of the problems, unlike Weber assumed, is the lack of attractiveness of bureaucracy as an employer. Heads of offices have difficulty in recruiting talented employees. Experts choose the private sector, as their skills allow them to achieve higher earnings, than public administration

can offer. Competitiveness of public administration offices as employers is neither supported by correlation of employment in public administration and condemnation of bureaucracy. At the same time, the criteria for selecting workers is rather high. Requirements corresponding to the Weberian bureaucratic model have been reflected on and adopted by Poland the European Charter of Local Self-Government. T. Szewc explains that “skills and competences”, described in Art. 6 of the Charter, mean that “recruitment of local government employees should (...) take into account education, abilities, qualifications, licenses, work experience, as well as efficiency in the performance of tasks” (Szewc, 2006, p. 100).

Another disadvantage in the matter of salaries in the public sector is a relatively little relationship between earnings and effectiveness, as the latter is not equal to fulfilling statutory objectives, as it is more about following rules and law. Therefore there is no appropriate incentive scheme. Another obstacle is hierarchy of salaries and a need of social acceptance of their size. The salary of an expert, even though his work brings big profits, is subject to many system limitations. Hardly ever he does earn more than his boss. It is difficult for citizens, who do not look at final profits which are generated by that specialist, to live with the knowledge that an officer earns quite a lot, although much of his work is worth that. As a result, expertise, strategies and applications for grants, are made as external orders, often more costly than employment of a specialist on a permanent contract basis.

Local associations have some potential in the context of that problem. The cost of hiring a specialist may be seen as an indirect cost of performed tasks, which often is an obstacle for a municipality. If in an association professionals work as volunteers, then their work is cost-free. They may be convinced to do that by other incentives, the same as strong financial ones. What I have in mind here is altruism and charity. It is a way to engage professionals to do difficult tasks, which often lack resources.

Members of surveyed associations confirm that altruism is a strong motivator for them. When asked about their reasons for getting involved, the two most frequently chosen answers was “will of helping” (66%), and “will of self-fulfillment” (51%). Rarely chosen was “will to gain professional experience” (20%). Only every twelfth examined person marked financial reward.

Slightly different respondents have assessed motivations of outside experts. In organizations that use services of such persons, answer “will of helping” got 41%, and “willingness to self-fulfillment” 22%. The most common answer was, however, “financial reasons” (51%). Getting professional experience, as a reason for cooperation with outside specialist, was marked by 29%.

Diversity of motives of outside experts has been confirmed in answers to questions about the necessity for paying these people. Organizations, which always pay, amounted to 28%. Such need occurs sometimes in 38% of cases, and very occasionally in 17%. Outside professionals did not have to be paid in 20% of the surveyed organizations. Altruism is thus not so popular, but still noticeable.

In financial terms, it is better for an association to have a specialist inside. Only 2% of associations had to pay members, sometimes 16% and 18% occasionally. Experts, who are members, do not get paid in 45% of surveyed entities. In the majority of organizations (64%) of members, who are not specialists, do not receive any remuneration, and only some of the respondents (18%) declare that this happens very rarely, or sometimes (16%).

The statement about the possible involvement of specialists without bearing the costs of their work is therefore very conditional. Not all associations, and not always, must they hire qualified staff. The barrier is the good will of certain professionals. Duty to resolve this element of the diagnosis should therefore be transferred from the overall level, to the level of analysis of tenders offers. In other words, certain tasks are specific, such as medical counseling in rural areas, and can be better accomplished if an offer from an association which has got such experts is submitted.

In addition to salary, for potential candidates for public posts, also important is the opportunity of career development. If subsequent promotions are a derivative of seniority, rather than effects and skills, then employment in public administration is seen as a waste of: time, prestige and potential earnings. The most talented choose the private sector.

However, associations do not have a better offer for professionals and talented beginners. They can be the place of altruistic fulfillment for outstanding individuals, as well as a practice center for young, ambitious and promising personnel. But it is rather doubtful, as the private sector is much more attractive and brings them a chance for higher earnings. Certainly, an association does not have this sort of advantage over municipalities and only in certain circumstances, support from NGOs, motivated by professionalism of human resources, is advised for this reason. This is confirmed by survey results. Up to 44% of local associations reported that young people ask them for the opportunity to practice. The frequency, with which they do, is not equal. Only 2% of respondents stated that it happens very often. To 8% of associations, youngsters apply often, sometimes in up to 21% and in 15% rarely or hardly ever.

Human resources policy raises many other controversies. The work contract of administrative officials, including members of the civil service, and among

local government employees, is subject to greater legal protection than others in the sectors. The reasons of dismissal must be very clear and strong. At the same time measuring efficiency of such workers is difficult, therefore, proving that a certain person is responsible for failures is difficult. They work under less pressure. The job position appears to be more stable. The vision of loss of the job, as motivation for the right effort, cannot be so intense as in private companies. Along with difficulty in recruiting, the result is the low efficiency of civil servants.

In structures of associations activity of certain people is less formal. Those, who are not involved uncommitted or incompetent can be easily moved away, permanently excluded and replaced with somebody more efficient. According to declarations of respondents in tested associations uncommitted or incompetent persons meet a variety of sanctions. In most cases (39%) the member is informally urged or instructed. Some respondents (21%) declare that they are being moved away from projects. Only one-fifth of associations do not apply any sanctions.

Respondents are mostly people, who tend not to work spectacularly. Sooner irresponsible activist will be excluded from an organization, rather than he is formally treated with ostracism. Dismissal as a form of sanction is applied in 11%, and no one declared that people get official reprimand on general meetings of the association.

Identifying incompetent or uncommitted members does not cause difficulties. It is easy in 48% of surveyed organizations, and 30% rather manage to do that. Only 8% stated that they rather fail in that aspect, while for 15% it is difficult to determine what happens in such cases. Circumstances that make it easy to identify are: a clear division of tasks (46%), a small structure (36%) and good management (15%). According to respondents, rules and procedures are less important in this issue (5%).

Declaration expressed in the survey showed that uncommitted members are not a big problem. In 67% of cases it has been reported that half or more are active. What's more, because of the organization's projects, about 50% of members, with different frequency, takes leave at the place of employment. It has been declared in one-third of answers that members dedicate per month from 9 to 15 hours for service in the association, and in one-fifth of organizations – from 4 to 8 hours, and in one-sixth from 15 to 40 hours.

Therefore we may state that associations “offer commitment”, of which grounds are altruistic motives. The activity is hardly ever a source of financial benefit, but people get some sort of self-fulfillment in return. Proving to yourself that you

are a good man, may be a stronger motivator than money. This issue is therefore a strength of the third sector. In the case of office employees, work is a solution to earn money. In return for the prestige, growth and personal satisfaction.

Staffing problems for public administrations are followed by difficulties caused by structural characteristics. One of the basic assumptions of the Weberian model is hierarchy. The tendency of public administration to grow is manifested through the multiplication of levels. One of the reasons is the need to meet the aspirations of managers, who expect, not just financial, gratuities for their work. Results are excessive growth of the unit and disperse of responsibility. Opportunity to identify the guilty of failure is inversely proportional to the degree of fragmentation of responsibility. A decision-making center loses control over the directions of activities of managed entities. In addition, there is unnecessary competition for influence and resources. "Large formalism is not an obstacle to the socio-political run games (...) The offices constantly have a running struggle for power, and various informal arrangements have a major impact on decision-making" (Bugdol, 2008, p. 46).

An oversized hierarchical structure raises the problem of difficulty in the transfer of information between organizational units and individual employees. "Due to the narrow character of specializations, departments operating in the offices tend to convert into «independent kingdoms»" (Bugdol, 2008, p. 46). Information is also a potential ground of rivalry, driven by particular human tendency to embrace prestigious positions. Communication problems result in a large drop in efficiency.

Assumption on a smaller scale of local associations structure, to some extent authenticates results of the survey conducted in the region. The structure of surveyed organizations is small in the vast majority. Two thirds (65%) have two levels, three are found in one quarter of cases (25%), while four are a definite rarity (5%). Just some respondents (5%) declare that their organization does not have such a division.

Hardly ever is the vertical dimension of the structure multiplied. The number of levels increased in only 8% of associations. Most of the respondents declare that during daily work, this division does not have any meaning (39%), and for some (23%) are of average significance. On major impact of numerous levels only 13% of respondents inform.

An even smaller development of structures is noted in the horizontal dimension. In 72% of cases local departments do not exist, and in 18% do, but just informally. Their presence, according to most answers, does not result in the

cause that members do not carry out tasks outside his/her own responsibilities. Participation of members in projects from other departments has been at 41%.

Small formality of structures is confirmed by data on project management. Local associations from Kujawsko-Pomorskie usually declare a collegial character. In nearly half of organizations (46%) coordination of projects involved two or three people, and in 39% – from four to six.

Associations hardly ever decide to employ on permanent contracts, which reduces costs. As many as 82% of surveyed organizations do not have people with such a status. In the rest of cases accountants are usually hired. Among the most demanding to be filled by a permanent employee, again the most popular are accountants and also professionals related to associations projects (54%). Many people would wish to employ assistants or secretaries (35%). The popularity of response “there is no need to hire extra people” (57%), could potentially indicate avoidance of such costs.

Information obtained from the surveys show that members of local associations from the area of Kujawsko-Pomorskie region are well matched and harmonious teams. In 62% of cases, organization members, in their relations, were in friendly relationships even before joining the association, and as many as 93% of respondents claim that good relationships are maintained well beyond the activity of the organization. Emergence of damaging competition occurs in only 6% of answers.

Respondents also believe that good communication is a strong side of their organizations. According to 57% of them, people involved in projects always exchange information, and 41% answered that communication takes place. In their opinion, sources of the smooth flow of information are good relationships within the group (42%), clear division of tasks (38%) and a small structure (36%). The least important ones are good rules or procedures (4%). If problems with exchange of information do happen, they are not looking for errors in poorly designed structure or poor management. People, who have acknowledged that such difficulties can be noticed, most often blamed the personal shortcomings of individual members (59%), than less dynamic activities (23%).

Negative effects of a too large structure can thus be decreased by interacting with associations. These are smaller actors, without heavy structures. Usually only a few people are involved in administration and coordination. Such an organized entity (potentially) is far less likely to deal with problems of fragmentation of responsibility. A clear division of tasks is used to efficiently and rapidly take consequences.

Efficiency and competitiveness

Efficiency and competitiveness are among the most desirable features of almost every institution. Their deficit may be a signal to carry out deep reforms. Raising rates in these areas must therefore be a target of each institutional actor. An effective office means satisfaction of customers at a relatively low cost.

Efficiency and competitiveness are associated not just with economic criteria (Bugdol, 2008). “Effective” is an actor, who fulfills objectives at a relatively low outlay. Other criteria can therefore be applied – social, legal, geographical or ecological. Efficiency of democratic institutions includes carrying out the will of voters with relatively low costs.

Critics of public administration organizational structure, indicate that it lacks incentives stimulating efficiency. However, in the case of public power decentralization actors, we may note some progress, achieved despite bureaucracy in municipalities.

There are several sources of improvement. Note that a municipality is the basic unit of territorial division of the state. H. Izdebski stresses that the Constitution “linked (...) the inseparable concept of territorial administrative division with the division of local government units” (Izdebski, 2008, p. 143). This means the appearance of seemingly less important, but ultimately significant circumstances.

Spatial distribution of municipalities is (by definition) determined, by the term “division”, which in some context is of key importance. As a result, in certain territories, only one municipality functions. Impossible is a situation that on a given area of territorial jurisdiction, there were two or more local government units from the same level. This observation is a kind of axiom – it is impossible to imagine that the legislator has introduced a different solution.

What, therefore, are the effects of this division for decentralization? Certain local community uses services of performance of municipal tasks from only one contractor. This means that the effects are a result of actions of elected for a four-year term members of municipal councils and mayors. At the same time, tasks assigned to the municipality cannot be performed by someone else other than these elected authorities.

That results in a limited competition. We cannot select our “suppliers” of decisions on public services, other than the ones from the last elections. This is nothing but a temporary monopoly.

Competition is not totally absent. We have rivalry within political parties, but we must remember that the voter does not have a significant object of reference.

He cannot compare what, at the same time, in the same circumstances, is the efficient use of resources transferred under decentralization and what it would look like. In other words, a citizen cannot benefit from the performance of tasks by a competing office of municipal administration, because there are no others.

Voters have an opportunity to make independent assessments. Relatively reliable criterion (Bish, Ostrom, 1973) seems to be a reference to results obtained in similar units (Obrębalski, 2006). For example, if a city bears relatively low costs of an operation than the neighbouring city of a similar size, then the voter is likely to be pleased with the performance of his representatives.

Still, this option of competition seems to be less effective than pure market mechanisms (Bish, Ostrom, 1973). The condition mode of the above statement is based on an observation, that within the evaluation, the lacking component is difficult access to reliable information. Keep in mind that “residents of local communities are only able to evaluate whether their authorities act in the interests of their communities, when they are able to verify current activities of local officials” (Wankiewicz, 2009). This verification is a difficult process. First, the voter shall want to gain that data. Secondly, we must find a source of information (PIB, media, etc.). Thirdly, he/she should be able to assess whether the source is credible, therefore, fourth, he should confront many channels of information. Fifthly, the data should be properly assessed and processed. Sixthly, results should be put in a hierarchy (implementation of each tasks will be of the same importance for each person; emotional criteria are also significant). Despite all that, citizens make assessments, of which good evidence are migrations. Charles Tiebout created a concept known as “voting with your feet” (Kopańska, 2008), according to which, dissatisfied people simply change the place of settlement.

Evaluation by comparison to other units can be false. Marek Dutkowski in the creation of different charts, which are nothing other than such a comparison, considers if as not reflecting the full image of the condition of individual units. Moreover, it is sometimes risky, because “within the application of ranking methods, consciously or unconsciously, more or less objective decisions are taken. These decisions however are erroneous, as evidenced by the numerous objections, to the published rankings, of regions cities, and other areas” (Dutkowski, 2004, p. 29).

Comparative studies also have other disadvantages. Katarzyna Kopczewska notes that “poor regions were condemned to the worse prospects. Despite significant differences at the starting point, all these local governments, must provide public goods and also compete for the favour of citizens” (Kopczewska, 2009, p. 85). Despite the functioning of the equalization system in Poland there are still

significant differences in the condition of certain (Borodo, 2006; Mackiewicz-Łyziak, Malinowska-Misiąg, Misiąg, Tomalak, 2008). You cannot forget that the equalization system, also known as “*janosikowe*”, raises a lot of controversy as harming fair competition (Kursa, 2008, Kurowska, 2010).

Poland has a unitary system of local government, therefore, municipalities, except for some exceptions, are entities that operate on the same principles. It is therefore easy to compare the effectiveness of an entity in relation to another, similar. Efficiency and competitiveness of units are therefore more visible than under centralization. But it is hard to prove that decentralization neutralized typical disadvantages of bureaucracy.

Interaction with the third sector increases the chances for implementation of public tasks with better results and costs balance and reduction of monopoly effects. This is due to the nuances of this interaction. Associations accompany decentralization of public power only in specific cases. The condition here is a desire to perform public tasks. Such entities must also compete for resources therefore competitiveness will be a result of public tenders, so NGOs have to be efficient and innovative in order to prove the value of their offer. Their chance is in submitting interesting and credible projects that will stand out from others.

However, the survey revealed, that in the Kujawsko-Pomorskie region it is difficult to speak of perfect competition. A basic condition here is a relatively large number of similar entities, but as many as 25% of respondents said that within their municipality, there are not any similar organizations, and in 34% only one or two. Conditions of relative competition (from five to eight similar organizations) have been declared by only 7% of respondents. A similar number (8%) have answered that they have nine or more competitors. Of course, you can always argue, that organizations compete for resources in general programs, and in that competition many actors take part, but you should bear in mind the conditions necessary for the self-correction mechanism. A local government unit should use it for specific projects, such as the issue of hot meals for the homeless. If only one organization is ready to take up the task, then it is difficult to defend the argument about using here increased competitiveness in the third sector.

The lack of competition seems to be confirmed by information derived from respondents. Only 46% of them believe that they compete with other organizations. Even a smaller percentage believes that they compete for money granted in public tenders. As much as 67% is of the opinion that there is no competition. The same number of respondents, when submitting their offer, do not consider what others are preparing.

Results of the survey do not let us give clear conclusions. Respondents may wish to create their image of cooperation-oriented actors, and see the word “competition” pejoratively. However, local governments should pay great attention to this aspect of the third sector, and possibly inspire other groups to set up their own organizations.

The narrow context of competition in public administration is not the only cause negatively affecting effectiveness. Waste of resources is a problem too. Public office workers – either from high, middle, or lower levels – do not own materials which are at their disposal. Although there are various types of sanctions used in the case of abuses, they are ineffective. Mismanagement needs to be detected and proved. Scale is also important. Widespread stealing of office supplies from an employer is just an example that there is a social acceptance of violations of certain rules. In the scale of the whole institution, these small crimes can affect the overall financial result, as unnecessary costs equal less efficiency.

Members of surveyed associations (92%) declare that all resources should be used strictly with the objectives of the organization. Only 3% stated that they can be used freely. Slightly different responses have brought questions about the use of resources divided into two categories: ones that do not use up (e.g. bicycle, computer) and ones that do use up (e.g. food). In this case, 8% of respondents stated that it is allowed to use resources that are not used up, and 2%, that you can do that with both categories. However, still 84% did not admit that in their organizations any resource can be used for private purposes.

The vast majority of respondents are ready to use a variety of sanctions against those using non-renewable resources for private purposes. Exclusion from an organization is the most likely penalty in 25% of associations. The same number of respondents would instruct such a person, and 7% would reprimand him. As many as 34% of respondents failed to define the type of sanction which probably indicates that in its selection the most important are certain circumstances. No penalty for use of resources that are used up would meet members of 21% of associations.

In only a few cases respondents do not have to use their own resources to implement projects of the association. In 85% of answers members declared using their own phones, 77% move in their own cars, 49% bring their own equipment or buy it specially for their own money. In 25% they pay for various types of services from their own wallets.

Associations operate on slightly different principles than the public administration. Activists are aware that waste takes them away from achieving the objective of the entire organization, and yet this goal is also their personal

motivation. Money, in the case of associations, is simply a mean of achieving the objectives. This approach is proved by another fact, which is that members are willing to use their own resources. They use private equipment, their own mobile phones or cars. What we have here is “an additional value”, unlike in the public administration.

In the sphere of resources NGOs have another potential advantage over public administration. After an analysis of legislation, it is noted that the NGOs may raise funds from the businesses sector. Business owners help as donors, hoping to promote their business, personal popularity or just because they want to satisfy their inner need. This leads to a very interesting phenomena. If an association obtains additional resources for a public task delegated by a municipality, then without any additional fiscal burden, which in this case the municipality have to bare, implementation of a public task is subsidized.

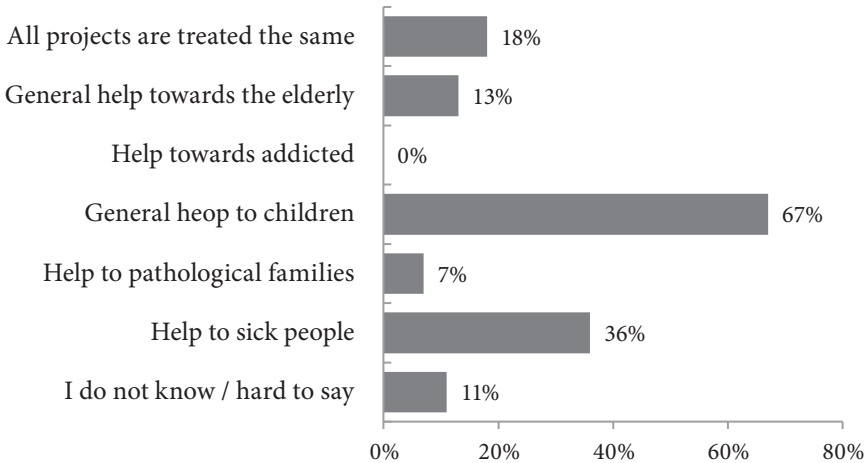
Among the surveyed associations, 69% of them get resources from private companies. Frequency is various. Only 5% said that this happens very often, 25% that sometimes, and 39% hardly ever. Most associations, that receive such funds, take part in public tenders for the public tasks of municipalities, and use them in projects under those contracts. One quarter does so relatively rarely, and each fifth association does it hardly ever. Nearly one-third of organizations do not use resources from second sector entities to carry out the public tasks of municipalities.

The vast majority of respondents (66%) confirm that not all projects enjoy the same level of interest from private companies. They were asked which two of the listed groups will be potentially the most popular. Results are shown in Figure 8.

This means that the ability of the NGO sector to aggregate economic resources, the same way as in the case of specialists, is conditional, and therefore, should be taken into account only at the level of examination of tenders. An important determinant is the nature of the project. Less popular issues should therefore be more favorably financed by local governments, if still it wants to use other features of NGOs (e.g., lack of bureaucracy).

The flow of funds from the second sector to an association does not have a permanent character, finally, in spite of that the area is popular. The financial crisis could effectively stop the company from a charitable activity. It is therefore an important contest, in which the municipality is able to assess that the tenderer is strong, and above all a generous partners.

Figure 8.
Respondents answered the question: “Which of the following projects in your opinion would be the favorite of private sponsors? (select up to two answers)”.



Note. Own elaboration.

Adaptability

The little ability of public administration entities to adapt to new circumstances does not help efficiency. A classic temporary drop in efficiency is here stretched in time. Researchers suggest, that not only changes in the structure, but also the introduction of new procedures, is in public administration much harder than in private institutions. Officials consider it crucial to comply with regulations, which on the one hand are seen as positive behaviour, but also harmful to performance. An example is a confusion caused by a new situation. Precedential event, to which there is no legislation, causes consternation and paralysis.

The evidence for reduced adaptability are also effects of attempts to reform public administration (Matheson, 2008). All imperfections of the Weberian model, and among them the difficulties to quickly adapt, had been noticed quite a long time ago. Numerous concepts, aimed at modernizing public management, has been presented since then. Implementation of new management strategies, such as the New Public Management, comes with difficulties and is extended over time and not possible to be done. The reason here not necessarily is a low-skilled structure.

Activists from surveyed local associations treat procedures and regulations as rather less important. In their opinions, these elements do not help in

identifying those responsible for failures, and their absence is not an obstacle in identifying the guilty ones. There are also not important for the smooth transfer of information. Following procedures and regulations is not considered as one of the most important advantages in terms of competing with other organizations. Within contacts between members, the majority of respondents seldom uses official letters, decisions and memos (6% – definitely yes, 20% – rather yes, 47% – probably not, 27% – definitely not.) However, in regard to the objective of the project, most respondents admit they put much attention to regulations and procedures. Attention of 20% is very high, a high of 41% or average of 18%. However, conscientiousness should be taken into account here what officials require from beneficiaries. Any incorrectness may lead to very serious repercussions, so adherence to procedures must be relatively significant.

Some information about adaptability of local associations could provide information which respondents delivered in question about behaviour, when in the course of any project, unforeseen circumstances happen. In surveyed organizations the most common scenario is a meeting of the organization's or project management (61%). Significantly less respondents answered that in that case they hold a brief consultation with those who are absent (18%), and the most flexible form – introduction of changes at once, by those who are currently on the spot – was declared by only 12% of respondents.

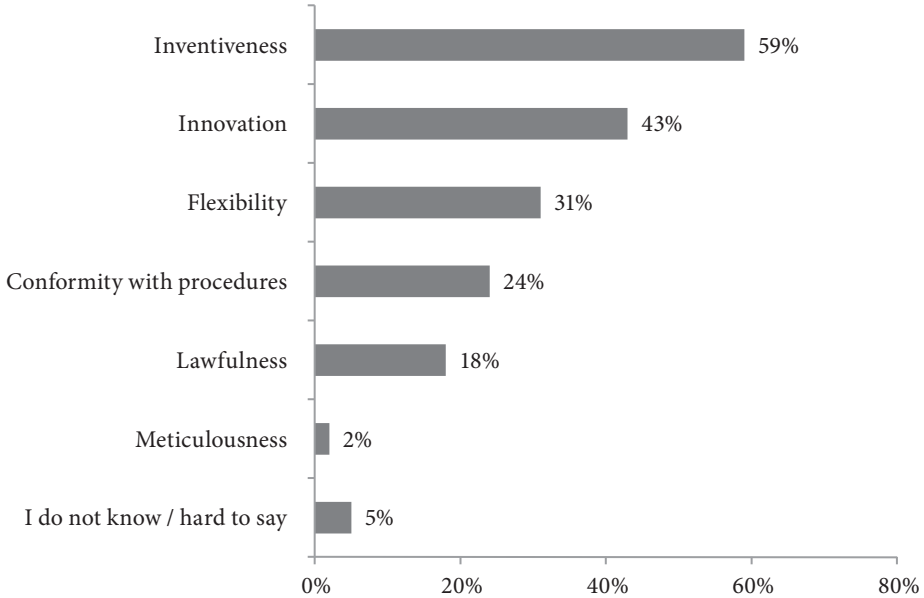
Associations, as private institutions, therefore, do not put so much pressure on procedure, in the sense that they are not goals of their actions. Yet they exist in a highly competitive sphere, competing for donor support. Unusual characters, originality or ingenuity are a catalogue of behaviour that an association should use. Formulating a new offer and adapting to changing reality is a *sine qua non* for operation in terms of rivalry. Associations are therefore much more flexible in the case of rapid change, than the public sector.

Innovation

Adaptation requires also some innovation. Acting away from adopted schemes is hard in public administration (Sakowicz, 2008). The reason again is the monopoly of public institutions and that it has to base its activity on a number of regulations, that ensure that the same activity will be, in different places by different people, carried out in the same way (in terms of the procedure) (Bish, Ostrom, 1973). Unification works perfectly in situations when repetitive and predictable solutions are actually good. However, there is a sphere of challenges that we have to be inventive with. If officials are accustomed to passivity, innovativeness, even of with skilled staff, it is smothered.

Respondents, in the question about the two most important (of the listed) aspects of implementation of their projects declare moving away from routine.

Figure 9.
Respondents answered the question: “Which of the following aspects you find the most important in implementation of your association projects?”



Note. Own elaboration.

Respondents also argue that their attitude towards various types of novelties is highly favorable (28%) or quite favorable (67%). Doubt also raises the question relating to innovation, which is: “When planning the next project, do you try to repeat a previously performed action?”. Answers “definitely yes” was marked by 26% of respondents, and 52% said “rather yes”. Only 20% declared that they would rather try not to repeat. No one chose the answer “definitely not”. The radically different approach of the respondents have been shown in response to another question: “Would you submit to a public tender an original, but risky project (which could raise doubts, for example, because no one had performed anything like that before)?”. In this case, 28% responded “definitely yes”, and 56% – “rather yes”. Only 10% would rather not present such a project.

There are a few possible explanations of this inconsistency. First of all, respondents may wish to “do well” in the survey and thus they declare inventiveness and willingness to take some risks, however, in the course of everyday practice, they do not undertake such activities. Secondly, the guiding idea of a project can be repeated, but detailed solutions can still be innovative. Answers to those questions suggest that the second version is more likely.

Third sector activists want, therefore, to be innovative. Unusual behaviour is more interesting than the routine, and yet an activity in the third sector can also be a source of pleasure. New ideas are also an asset, not only in the context of competition for external funds, but also of subsequent implementation of the project. About original projects, with catchy slogans and interesting form, more people speak of and will want to take part in them. Associations are usually well prepared for these challenges.

* * *

Highlighting the abovementioned defects of public administration can put municipalities in a very bad light. But it would be a false image. These defects are listed as possible failures, which happen over the years. They are not a catalogue of features that belong to every entity of public administration. Please also remember that Weber’s basic assumptions, that make this model a public institution, are omnipresent, and what is more – in many cases these principles do work.

Offices ensure continuity of numerous public functions. They work where, according to the principle of subsidiarity, entities with less potential – individuals, families, groups of friends, communities, neighbourhoods or towns – fail and also when the free market of commercial players is not a solution. Government entities, if legal provisions require so, are also engaged in these issues, in which NGOs have no interest. The reason of undertaking such an activity is somebody’s good will or altruistic gesture which goes quickly, but it is a diagnosis that the non-state actors are not able to cope with major problems.

Bureaucracy is an ordered structure, relatively well-controllable, if we take into account the enormous scale of the whole set of institutions. Among them specialized units engaged in separate projects operate. Organizational capacity is distributed according to established priorities, and not because of a “temporary fashion”.

Bureaucracy makes use of sanctions, having their source in the public nature of the entity. Relevant legitimacy from the public, allows the use of force as a mean of power, reserved for public entities. In this sphere, the presence of associations

is not only unadvised, but definitely is impossible. As a private enterprise, associations may not exercise public authority. The primary barrier to transfer such tasks is therefore a requirement which is in possession of elected institutions. Whenever you apply power, such as with administrative decision, a task must necessarily belong to public entities.

The hierarchy of offices is a warrant that you will be able to appeal to a higher instance. Errors made at lower levels can be corrected by units with greater potential, therefore it is better (at least in theory) to be prepared to issue fair and legitimate decisions. In the case of private entities it depends on the structure of the institution and on the good will of its managers or owners.

In the case of associations, involved in decentralization, the situation is a bit modified. Supremacy of the municipality over an NGO is in regard to a contract, thus breaking the rules of that document is a reason for intervention of the “public customer”.

An advantage of the bureaucracy is also in the principle of documenting of various regulations and decisions, and even in taking notes from discussions. This allows clarity and continuity of the office. It guarantees proper order, which permits tracing the course of past events in case of any doubts. Decisions will not vanish. A document is always a reliable basis for further action, informing on past and current facts.

Given the potential advantages and disadvantages of local authorities as bureaucracy, conclusions about the possible reasons for cooperation with local associations can be drawn.

Due to the bureaucratic nature of their administration, municipal authorities should be particularly interested in the transfer of tasks and in benefiting from the positive effects of competitiveness. In order to have that, the issue should enjoy the interest of third sector organizations. This interest is accompanied by the enthusiasm manifested with altruism – a willingness to sacrifice without any real financial benefit. Competition also enhances the flexibility of institutions in regard to human resources. No attachment to the structure causes that the most talented, most involved and the most competent people are likely to be leaders of a specific project.

It would also be wrong to petrify relationship with a specific organization of the third sector. The feeling of being under constant surveillance enhances potential rivalry. Given these circumstances, it is advisable to transfer tasks that can be performed in different ways (using different strategies). Cooperation does not guarantee the quality of the staff involved in the task. Possession of specialists in your group is a strong asset, but does not always happen. If the person is not

a volunteer, than is employed on free market rules. In these circumstances it is advised that the municipality is the employer, because of the possibility of better control of such an expensive employee.

Innovation is a positive effect of enhanced competitiveness. It is not modern technical skills that I mean by innovation, but a kind of ingenuity, understood as an ability to cope with problems in an unusual way. It is also important in tasks apparently routine, such as hot meals to the homeless. Innovative third sector activists can seek new techniques to reach the needy and to acquire additional resources.

Competitiveness increases efficiency. Whenever the balance of results and costs matters, competition for establishing cooperation with the municipality, will be a strong incentive to achieve satisfactory results in this field. Competitiveness can potentially counteract negative effects of changes of the objectives, which happens in public administration. Public tender is also, in a transparent democracy, in social control. Any ambiguity can be captured more easily than if it had not taken place.

By using collected data a kind of balance of profits and losses, which the cooperation of associations and local municipalities can bring, has been drawn. It can be used to issue a diagnosis of the desired directions of this interaction. It takes into account several aspects of a bureaucratic nature of municipal administration. In the correct diagnosis, issues to consider are much more numerous, and only a team of good professionals can give a final judgment, and always it must refer to a certain unit and its state of development.

Chapter V

Participation in the Correction of Decentralization at the Local Level – Opinions of Local Associations Representatives

1. Practical Aspects of Cooperation

The analysis presented in the previous chapter shows that one of the conditions for proper functioning of municipalities is their cooperation with NGOs, including local associations. The sector in Poland, in comparison with Western European countries, is quite young, but it is getting stronger (Skiba, 2005). Rafał Boguszewski (2010, p. 2), editor of the CBOS 2010 report, on the activity of Polish NGOs, states that “today, declared involvement in various types of organizations is higher than two years ago”. In another document from that same year, referring to motives of commitment, he emphasized that “faith of Poles in the efficacy of joint action for their local social community is getting stronger. Currently, two-thirds (66%) say that people like them, acting together with others, are able to solve some of the problems of their environment, settlements, villages, cities, or help the needy” (Boguszewski, 2010, p. 3). However, this is a new space for Poles, so all regulations related to the functioning of NGOs must be closely monitored and, if necessary, revised.

Observation on the need for cooperation of municipalities and local associations, the key finding of the previous chapter of this monograph, of course, does not say that such cooperation will be immediately fruitful. Much of the data points to a variety of shortcomings in this matter – beginning with inaction, and ending at the deficit of good will in the most mundane situations. Aiming to catch up these arrears, you should not stop asking questions about the actual state of interaction, its various layers, aspects and nuances. Already at this stage it can be concluded that this is in the interest of public administration, including local government.

Gaining knowledge about the state of cooperation requires empirical research. In the course of the work on this monograph it was decided to ask for opinions of

non-governmental groups – local associations. This procedure appears to be a legitimate content of demands made in the development of self-correction mechanism of decentralization. The mechanism is a potentially powerful tool. By using it, within dialogue with NGOs, government entities may change their attitude. Its assumptions significantly expand functions of the third sector, of which rank, as a socio-political actor, is raised not only due to long-term, usually positive, results, but mainly due to the imperfection of decentralization. In a sense, public administration, in addition to taking the position of a donor, becomes a third sector's "client". One gets the impression that in the general opinion it is exactly the opposite. Assumptions on the mechanism serve balancing proportions.

Special attention must therefore be paid to opinions from the third sector, of which activity proves the emergence of social activity. Their enthusiasm can be fleeting, and bad experiences negatively affect the belief of others, less courageous citizens, who just wonder about the initiation of NGO activity.

Finally, it should be noted that while the industry is permanently inscribed in Polish democratic reality, the presence of certain organizations in the public space, is less stable. The reason is that there is no enforcement to participate in this type of activity. In other situations public bodies that have all the resources benefit from fiscal sources, various state taxes or property, and their presence is part of the permanent structure of the state.

The participation of associations in the decentralization of public power is an expression of their goodwill. Yet there is no obligation to cooperate with any public entity, although it should be noted that due to limited resources, it is often necessary. Analysis of opinions expressed by members of local associations from the area of the Kujawsko-Pomorskie region is therefore the main aim of this chapter. Such outlined of the research problem is the plane on which issues should be analyzed in more detail.

In all the studies dealing with the interaction of the above parties, the first steps should seek to answer whether or not it is taking place. In the case of asymmetry of potentials between municipalities and associations, it is important that NGO activists think of the general attitude of the municipality, whether it changes in the overall perspective, and whether it changes its intensity during important for the municipality time (e.g., election period.) Identifying those elements which in the opinion of local associations should be corrected is a kind of "judgment" of maturity of the government.

No less valuable is the knowledge on motivations of NGOs why to cooperate or why to withdraw from it. Knowledge of the reasons for initiation of interaction allows you to analyze the purpose of interaction, and to estimate the degree of its

development. Analysis of the general course of contacts is completed with data on their frequency, which can indicate the rank of the partner and connection of their business.

In the group of associations, which undertake cooperation, we shall determine in which place in the rank of entities with whom they work, is the municipality. The CBOS research results indicate that within the whole country the position of the local government is high and it is rising. According to 2008 data “with central government administration and regional administration, 30% of NGOs keep regular contact, and with local government (regional or local) as much as 70%. Almost 60% – 10 points more than two years ago – states that local government institutions are the most important in regard to their objectives” (Gumkowska, Herbst, 2008, p. 16).

Data on local associations from the area of the Kujawsko-Pomorskie region has been collected by the author himself. Information on the rank of the partner can be obtained through questions formulated directly, but also by less literal ones. Useful are therefore statements about sources of funding, including the participation of municipal resources in the total budget of an organization.

For the evaluation of future cooperation, not less important are the opinions of members of associations, which have not yet begun to start such cooperation. Their opinion may provide information about barriers of involvement.

Public administration often has an additional function in regard to the non-governmental sector, than just being a donor. What we have then is a win-win situation. If we have in mind that the condition for the free use of the self-correction mechanism is, after all, not only the existence of the third sector, but primarily its efficiency, it shall be regarded as a highly desirable solution. Local government authorities must therefore aim to strengthen the third sector also through interesting initiatives. By making an additional offer it is possible to stimulate certain development. Strengthening, which is not directing, can manifest itself through the provision of free services. For example, it can be a provision of knowledge, including through training and building a platform of information on potential sources of grants. The municipality may also serve as an integrator for organizations operating in its territory, which will allow exchange and coordination among (independent) NGOs. The role of leader (patron) certainly strengthens the belief in good intentions, which allows us to build long-lasting trust.

Correct communication between parties is a basis and an introduction to such activity. Efficiency and reliability of the information exchange enables understanding and prevents antagonisms. These are also conditions for adaptation

of an offer for the expectations of the other party. Already in the layer of communication, efforts aimed at building a good atmosphere by the municipality, enable the creation of bold projects.

Municipalities should then treat local associations as a partner, also in the layer of communication. It can be understood in a broad context – not only verbal, but also in a technical and symbolic context. Appointment of a special office to maintain relations with and support the third sector is such a step. This person should be a bridge between two different environments. Such an employee must be competent, largely because he will take the brunt of everyday relationships. Knowledge of the special character of the third sector, at least general, should be obligatory also to other employees, who will be in contact with activists from NGOs.

The transition to the next steps of cooperation, requires a certain level of understanding. A convenient public forum, during which people meet and share opinions and, most important, work out common strategies, are consultations. Their nature and effects, in a significant way, reflects the true condition of contacts. Parties separated from each other will present only their own arguments, without reflection on their partners opinion, but the ones who are involved will try to make arrangements, also by making concessions for the sake of consensus.

The high level of cooperation is somehow confirmed by the establishment of institutionalized forms. A variety of collegiate bodies, associating a wide range of representatives, may accelerate the decision-making process, as they take place in the form of interaction.

Moving to the next levels is possible by building mutual trust. Violation of rules, even incidental ones, negates earlier efforts. Trust is built by following some of the interrelated standards, which include the credibility and transparency.

Well-designed communication is a non-redundant pillar of development of other aspects of cooperation. Credibility is important here. It is a creation not in regard to what may happen, but to that what actually happened. There is some limited initial capital, but it must be increased by daily evidence of reliability, such as keeping contracts. The principle of *pacta sunt servanda* applies not only to written contracts, but also to less formal arrangements.

The second constitutive element of trust – transparency – becomes now more formalized. Good communication is not only following requirements specified in the legislation, but also it is motivated by a desire to maintain the comfortable position of a partner. Marek Rymysza notes that the legislator has imposed certain rules in provisions on transfer of a public task. In his opinion, “a key benefit of introduction of a public tenders system is effective dissemination of principles

enshrined in the PBA. So it is an important step towards achievement of a transparent relationship between partners and within the third sector” (Rymsza, 2005, p. 50). Reality, however, is less unambiguous. Marta Gumkowska (2006, p. 8) leaves no doubt in this matter, because “experience gained during research, by using mechanism of collecting data by access to public information, it can be stated that most offices do not respect provisions of the Act on Access to Public Information”.

Transparency is a crucial element. It should therefore be understood as “meeting somebody halfway”, before specific expectations are formulated, in order not to bring any suspicion. The behavior of the other party, is made more readable (understandable). Limited, just “statutory transparency”, causes the conviction that the real mechanisms are not subject to the rules stated in a public forum. According to authors of expertise titled “Participatory Democracy: the dynamics of institutions and conditions of development” this belief has often strong grounds (Frieske, Poławski, Sroka, 2008). For example, disclosure of substantive criteria in tendering an evaluation can enable us to prepare ourselves better than those, who so far were not successful.

Analysis of nuances of tenders reveals conditions of other standards. A common mechanism is granting smaller funds than the requested. On one hand, it expresses the will to support more projects, but on the other it puts NGOs in an ambiguous situation. After such an outcome, they have part project funding, but this amount makes the decision to start it difficult. An association may, of course, refrain from implementing or reducing its scale. Smaller grants may indeed be an expression of desire to finance municipality not only with its resources (also with resources from other sectors), but such practice may potentially cause paralysis, which in turn affects confidence.

Cooperation is also limited by the perception of others as rivals. NGOs who take part in elections, lose a certain part of their credibility. The effect is dependent on the context. Due to the pejorative meaning of “politics” and relatively high respect to this, what is “depoliticized” (just like most of the third sector), your social image probably will lose if you give evidence of some relationship with a particular political faction. Situation of decreased trust corresponds to the relationship with municipal authorities. An organization which has electoral aspirations, changes the rules of the game. Accusations of bias and antagonism appear freely.

In summary, interaction between a municipality and local associations depends on many factors. Key here are the standards elaborated in the course of long-term relationships. Improving them is certainly in the interests of both

parties. For units of local government it is particularly important due to the failures of decentralization of public power. Free deriving from characteristics of the third sector requires *a priori* commitment, dedication and good will. Nationwide studies show that “well over half, 58% of organizations believe that contacts with the local government were crucial for performance of their statutory objectives” (Skiba, 2005, p. 91). It is capital that the local government should not squander.

A study conducted in the Kujawsko-Pomorskie region is therefore expected to help to assess the potential of the self-correction mechanism, in regard to the condition of cooperation standards.

2. Survey Process

The study included municipalities from the Kujawsko-Pomorskie region. It is a medium-sized region. Its area is 17 970 km², population 2 067 918. City population is 1 259 462 and 808 456 people live in villages. Population density is 115 people/km². The balance of migrations for permanent residence per 1000 people has a value of 0,81. More than half the population is of working age (1 336 920 people). Kujawsko-Pomorskie is also a middle-income region. The registered unemployment rate is 13.3%, and an average GDP per capita is exactly 26 801 PLN (national is 30 873 PLN) (Stolarczyk, 2009a, 36–46).

In the region there are four towns with the rights of a province. The largest population has Bydgoszcz (358 928 inhabitants), followed by Toruń (206 013), Włocławek (118 042) and Grudziądz (99 134). In addition, in the Kujawsko-Pomorskie region there are 13 more urban municipalities, among which, the largest is Inowrocław (76 267 inhabitants). The remaining twelve have less than 35 000 inhabitants.

There are 35 urban-rural municipalities in Kujawsko-Pomorskie, including seven in the range of 20 000–35 000 inhabitants, 14 in the range of 10 000–20 000 and the same number in the range up to 10 000. The population of nine urban municipalities is in the range from 10 000 to 20 000. The remaining 83 have less than 10 000 inhabitants (Stolarczyk, 2009b, 100–106).

On the studied area, in accordance with the REGON register, operate 4,750 foundations, associations and social organizations. In the group of municipalities over 100 000 inhabitants, the highest ratio of number of organizations per 1000 inhabitants is Toruń (3.63). Next is Bydgoszcz, where it is 2.48. A similar situation is in Włocławek (2.35). The least favorable result in this group is Grudziądz (1.18).

In Inowrocław, a medium-sized municipality, the ratio is 1.49. Among settlements in the range from 20 000 to 50 000 residents Chełmno and Tuchola are

leading (respectively 3.33 and 3.34), and the least developed third sector is in Mogilno (1.48). In the group of 10 000 to 20 000 inhabitants leaders are Ciechocinek and Wąbrzeźno (3.40 and 3.34). At the end of the list in this category, is Nowe (0.95). In the group of units with up to 10 000 inhabitants Płużnica is leading (5.49), next are by Kęsowo (4.54) and Dębowa Łąka (4.34). Last places in this group are taken by: Kowal (1.00), Rypin (0.94) and Chrostkowo (0.66). The whole country has 94 752 registered foundations, associations and social organizations. The factor for the whole country is approximately 2.48 (Oleński, 2009, p. 112).

Even a preliminary analysis of the distribution of NGOs shows some trends. Small and medium-sized municipalities have the best situation in regard to the factor. This does not mean that in the large towns of the Kujawsko-Pomorskie the activity of NGOs is smaller. Probably it is about a large accumulation of such bodies in one place. Thanks to that other public spheres are well managed. The conclusion from these observations is the requirement not to compare municipalities which have significantly different populations.

Conducting similar analyses, at the time of writing this monograph, is relatively difficult. Some imperfections, for example, have the factor. It is based on REGON database, which covers the whole of Poland, but it contains general information only. It does not provide any typology. Moreover, credibility of the registry can be challenged. Concern relates to information made public by the Department of Public Benefit of the Ministry of Labour and Social Policy according to which there is a huge difference between numbers from the REGON and the NCR (Strzała, 2010a). In 2007 there were 75 281 associations if we look in REGON, but only 46 883 in the NCR.

Perhaps somewhat in response to the shortcomings presented above, the Ministry published in 2008 information to indicate that till the end of 2009 more complete data will be available. The ministry announced that it will include:

- statistics covering public and other organizations and institutions working in the field of social economy;
- a coherent set of data / indicators that characterize the third sector institutions, their activity in different areas of life and benefits for social development;
- statistical database of the third sector – the creation of a sampling frame and a list of entities, on order to allow studying the third sector on the basis of data held by the Central Statistical Office, administrative data (NCR, CIT tax accounts, social security statements, reports of PBOs and foundations) and non-administrative (Klon / Jawor ISKK SAC);

- it will set the results of analyses of the third sector in regard to infrastructure and performed projects with information about needs and the number of users of services provided by these organizations, derived from research conducted through households (Strzała, 2010a).

In the Statistical Yearbook of the Republic of Poland 2009 (SYRP) data on the third sector bodies are found only in relation to operators of education units, and on the project website (www.pokl541.pozytek.gov.pl) available are only: an initial expert opinion, questionnaire, brochure and a partial report, titled “Diagnosis Infrastructure Organizations and Identification the Demand of NGOs for Services Provided by Infrastructure Organizations”, which at the moment gives us knowledge only on a narrow fragment of the sector.

There is no other comprehensive nationwide source. Other NGO database relate to restricted areas (municipality, region). There are few reason for that situation. Problems are created by the very dynamic characteristics of NGOs. Their objectives do not need to be permanent, and the effects of individual projects depend on many factors, including willingness.

The most important cause of laconic size of available databases should be considered, the volume of capabilities needed to create an up-to-date and detailed database.

Data obtained from the above mentioned sources could not inform the operator for the analysis. However, there is a database in the Kujawsko-Pomorskie, which is much more cross-cutting than REGON and NCR. Regional local government has prepared an appropriate base (http://www.kujawsko-pomorskie.pl/files/rada/baza/baza_ngo_wg_dzialalnosci.pdf), covering 694 NGOs from the region, including 600 associations, 46 foundations, 14 so-called church organizations and 28 entities with a different status (six organizations did not provide information about legal status). In the database we find names, addresses, information about the municipality and province in which the organization is registered, contact details, information about the PBO status and declaration of the three main areas of activity.

After additional processing of this database I found that 37% of associations in the region are located in municipalities, of which 27% with the status of a province. Slightly less is located in the urban-rural municipalities – 29.3% and in rural – 33.7%. Only 15% of associations registered in the database have PBO status.

Table 4.

Location of associations, which can be found in the database of NGOs prepared by Kujawsko-Pomorskie regional self-government.

Population	Number of associations (%)
above 100 000	160 (27%)
100 000–50 000	5 (1%)
50 000–20 000	90 (15%)
20 000–10 000	145 (24%)
less than 10 000	200 (33%)

Note. Own elaboration.

Making use of that database has its advantages and disadvantages. It certainly is not complete. It can be assumed that the active actors are overrepresented. At the same time, this aspect can be regarded as an advantage. Associations, which suspended their activity, rather do not disseminate information about themselves.

Given all the presented circumstances, the database prepared by Kujawsko-Pomorskie region authorities, has been selected as a sampling frame. Selection of the sample was carried out using a stratified sample method. According to Earl Babbie by using this method “the researcher ensures that in the sample there will be a sufficient number of elements drawn from a subset of this population, rather than relying on random sampling from the whole population” (Babbie, 2008, p. 235).

The operate was divided into four groups, in regard to the systemic nature of municipalities: towns with province rights, other urban municipalities, urban-rural and rural municipalities. Such a selection of groups allows, among others, to take into account the size of a unit and its spatial profile. Other potential determinants of status (PBO status, the number of members or the intensity of cooperation) are difficult to obtain and therefore these are also treated as variables. Elements narrowing the operate are the criteria adopted for “local associations” category. After determining proportion between groups, an appropriate drawing has been done, using a random number generator at www.random.org.

An anonymous questionnaire has been used to collect data. It included 124 closed questions (just a few were open – see appendix), including single and multiple-choice questions. The questionnaire was placed at www.moje-ankieta.pl. This website has been prepared in a straightforward and professional manner.

It uses WYSIWIG technology – probably the simplest method of editing web content. You can prepare a questionnaire for any number of various types of questions (single or multiple choice, etc.). Questions can be divided into obligatory and facultative, and option answers can be ranked randomly. The researcher can design such a questionnaire in which if you give a certain answer, you are moved to a certain question. If you do not answer obligatory question or you select not enough options, the program does not allow you to complete the survey. Respondents get detailed information on overlooked questions. The service is in very calm colors (beige and black).

Website options offer publication of a fully opened survey, access to which everyone can have. A researcher may also hide the questionnaire to the public and restrict access through tokens, direct link or password. In this study, it was decided to use secure access via a link to the page, sent by e-mail.

The service has certain limitations. Respondents knowing little or nothing about it, may not want to participate in the project. It was necessary therefore to reduce this risk. Another duty is to control, who actually takes part in the study. It was decided to directly recruit respondents by telephone. Further information was sent to persons who declared participation. Occasionally, motivated by the poor knowledge of computers, older activists of NGOs expressed their doubts. It was arranged then that somebody from their friends will help in completing the survey. Respondents were generally enthusiastic about the possibility of expressing their opinions anonymously. In almost all cases, in a telephone interview, people were friendly, asked about details of the analysis, and expressed support of similar initiatives. Many people stated also that they are accustomed to such research.

Certainly, influence on decision taking part in, had also the technology. Surveying with new technologies has numerous advantages. It not only saves time, but also reduces various costs. Once obtained results, are already in a digital form, ready for processing. Data can be freely assembled. At the same time the influence of the pollster is eliminated. Behaviour, dress or attitude does not matter here. Improved is anonymity, so answers are unconstrained. The surveyed person chooses the time, when they will proceed with the research and by himself sets the amount of time he may dedicate to it. Usually there is also such a prosaic problem as designation of the meeting place. Survey by a website means less logistical effort than paper questionnaires.

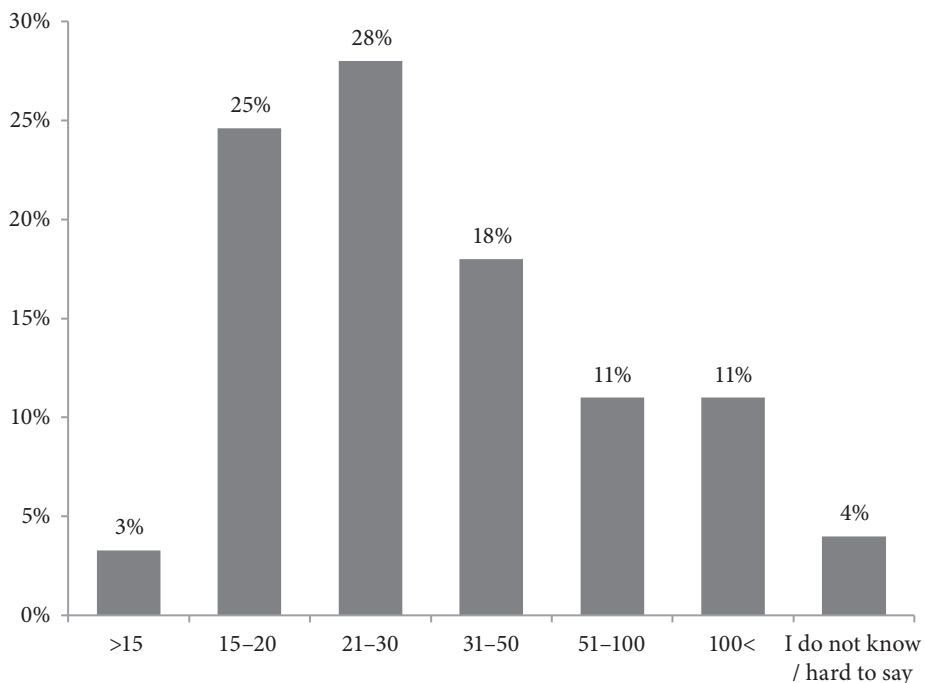
3. Analysis of Results

Preparations preceded by getting knowledge of the NGO environment, helped to relatively quickly and efficiently perform the survey. Requests to fill in the questionnaire had been sent to 75 organizations and 61 questionnaires that met four eligibility criteria (local associations from the area of the Kujawsko-Pomorskie), were received from members of associations.

In most of the surveyed organizations, act operates from 15 to 50 people. Only every ninth local association brings together more than 100 members. For details see Figure 10.

Figure 10.

Number of members in surveyed local associations.



Note. Own elaboration.

The profile of activity of local associations from the Kujawsko-Pomorskie region is varied. The most popular areas include “the health protection or promotion of a healthy lifestyle”, “culture” and “education and science”. Among

respondents were such local associations members, which undertake international cooperation tasks. NGOs work in many areas, which is definitely a positive sign in the context of the self-correction model. This creates favorable conditions to draw from the characteristics of NGOs, in regard to implementation of many public tasks.

Disparities in the matter of the spheres of activity, is accompanied by not being limited to a specific area. It is proved by the fact that hardly any respondent had selected only one option.

Table 5.
Activity profile of surveyed local associations.

Branch	%
Health protection or promoting of healthy lifestyles	46
Culture	43
Education and science	36
Tourism and sightseeing	36
Social welfare	38
Sustaining national traditions	26
Sport and physical education	26
Civic education and promotion of the idea of democracy	25
Preventing addictions and help to addicted	25
Development of rural areas	20
Ecology	15
Economic development	10
International cooperation and European Integration	8
Religion	3

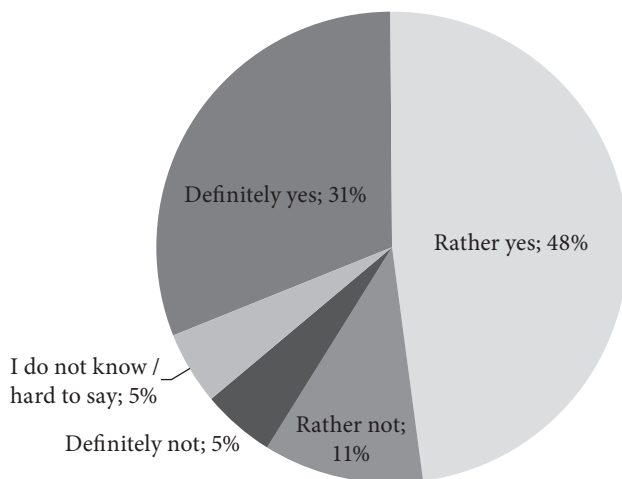
Note. Own elaboration.

As many as 90% of respondents declared that their organization had undertaken various forms of cooperation with their municipality. What is more, 98% of respondents expressed a desire to continue or to cooperate in the future.

The overall atmosphere is positive. That conclusion is confirmed by respondents, as most of them expressed an opinion that the local government is opened for cooperation. A different opinion was expressed by 16%, while only 5% made a strong statement, that the municipality is not willing to cope.

Figure 11.

Opinions of respondents about whether their municipality, is opened for cooperation with NGOs?

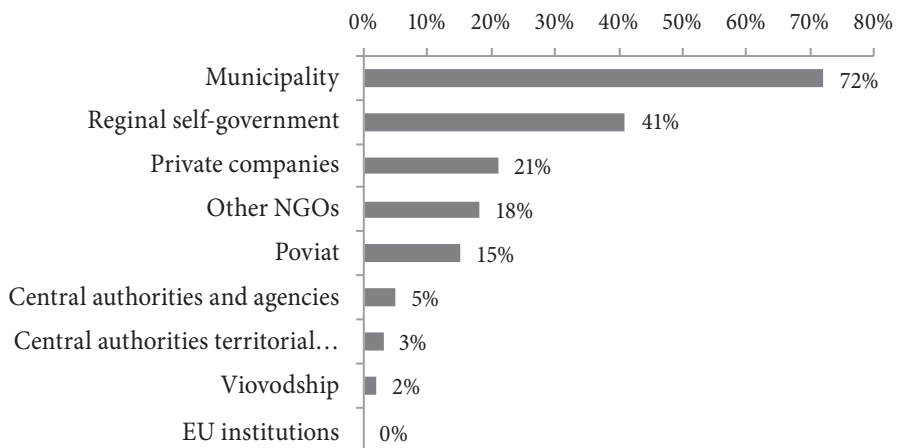


Note. Own elaboration.

In recent years the situation has improved according to nearly two thirds of the respondents. One-fifth was of the opinion that nothing has changed. Despite relative satisfaction, respondents notice aspects, to which some adjustments should be applied. The biggest problem is, of course, the amount of granted funds (54%), then it is communication (33%), openness (30%), as well as promotion of NGOs (28%). Interestingly, the need to improve procedures is indicated by just 17% of respondents, and honesty by 10%. One in ten believes that nothing has to be improved.

Generally positive opinions about contacts is probably one of the causes of the positive perception of municipality as an important partner. The vast majority of respondents indicated that municipality was among the two most important institutional collaborators. What is more, the second was taken by another self-government unit (region). Province, other NGOs and private companies have been chosen much less frequently.

Figure 12.
Key institutional partners, of surveyed local associations.



Note. Own elaboration.

These results, given the popularity of the municipality as a partner of the entire third sector in Poland, are not surprising. Local officials may therefore feel content. Their concern could raise the relatively low level of partnership with non-state entities, which of course are not financed from the state budget (companies and enterprises), and the ones, which are financed only in specific cases (other NGOs). We still have in mind that cooperation may lead to the transfer of financial resources from non-state actors, and that, under the assumptions of the self-correction model, should local government units look for.

Public entities are the most common partners, but not the only ones. Information about financing sources shed some different light on this issue.

The ability in question is not alarmingly low. Only 31% of the surveyed organizations do not draw financial resources from companies and enterprises. Much worse is, however, the level of use of third sector sources. As many as 70% of local associations in the region do not have money, that would come from other NGOs. At the same time, only in a few cases it was found that this amount exceeds 40% of the total budget. Municipal authorities should therefore make some efforts to strengthen the capacity of NGOs, to aggregate non-state money. For example, by providing training facilitates acquisition of knowledge about applying to various foundations. The unit of local government could also raise the burden of building links through the business and NGO forums.

Table 6.

Sources of financing of local associations surveyed.

Source / part of budget	0%	1-20%	21-40%	41-60%	61-80%	81-100%	Do not know / hard to say
Municipalities	19%	33%	18%	10%	18%	2%	0%
Other public administration entities	26%	33%	17%	6%	6%	8%	4%
Private companies or enterprises	31%	51%	10%	2%	1%	0%	5%
Other NGOs	70%	20%	5%	0%	2%	0%	3%
Membership fees	5%	77%	6%	2%	3%	5%	2%

Note. Own elaboration.

Members of local associations, asked about their motives of cooperation, the most often answer that it is a desire to develop their association (54%). Almost half of them (46%) started such initiative by themselves. Just as often the reason was more pragmatic – lack of sufficient sources of financing (44%). Most declared reasons for collaboration imply a relatively comfortable position of the municipality in negotiations with NGOs. Dependence in the sphere of finance petrifies cooperation, but it does not excuse the public body from building good relationships. After being made stronger, third sector entities may withdraw from such cooperation, if previously they have gained some bad experience.

According to the surveyed, the situation in this regard is not optimistic. Only one third said that they have been convinced to cooperate with their municipality by its good attitude. Only one-fifth were convinced by a coherent vision of solving local problems and good programs. Among respondents who have not yet cooperated, the most important issues were lack of knowledge about possible forms of cooperation, lack of cooperation programs and a bad attitude on the part of municipal authorities.

Cooperation, taking into account the use of the available forms, is relatively limited. Usually this is a public tender (69%). One third of associations take side in public consultation, and 26% in informal consultations. Also not really popular (27%) are various types of counseling, provided by the municipality.

Only 15% of associations are represented in formal committees dealing with cooperation.

The network, however, should have a broader spectrum. Some information on how to build it provides data on non-routine expectations. The view, that municipalities should accompany the integration of NGOs is expressed by 74% and 89% expected that local authorities will organize free training.

A good example is networking, which does not have a financial character. It is quite common (69%) among Kujawsko-Pomorskie municipalities (providing information, including issues beyond municipality-NGO relations). Thanks to that, local associations learn about European funds and public tenders organized by NGO donors.

The positive effects of information services, is also reflected in other statements. Respondents usually seek information about possible forms of cooperation with the municipality. Public activity in this matter has as excellent assesses 23% of respondents, just 46% as good, and 10% as average. In consequence, most of the associations know the available forms of cooperation.

Knowledge can also be deepened to the individual action of people. In 79% of offices of municipalities, with which NGOs interact, have a person employed to tasks which involve contacts with the third sector, and where it exists – 70% of respondents consider this employee to be competent. According to only 25% of respondents other clerks understand the third sector, and about 40% declare that they are more or less familiar with their characteristic. Only 3% of respondents said that officials have no such knowledge.

Respondents claim that bilateral communication is in a bad condition. It is more important than anything else in regard to shaping opinions on cooperation. Although respondents in 67% of cases have confirmed that their unit organizes official forums, panels, or joint committees, but other aspects of information exchange that involve both parties, are not judged that well. The problem is with frequency. Only a quarter found it to be appropriate. Also the effects of consultation are rather poor. Of those who took part in that, only 30% consider it to be fruitful and very productive, as many as 37% considered it to be average, and for 8% it was clearly negative. As many as 15%, of consultation participants, do not have an opinion on this subject. Developing joint strategies is another key element in efficient implementation of the objectives of the self-correction mechanism, that would require then significant improvement.

The possible successes of cooperation within bilateral communication, have their sources in informal contacts. In most cases, respondents rate them as

relatively developed. Nearly half declare that they are good or very good, and every fourth evaluates them as average.

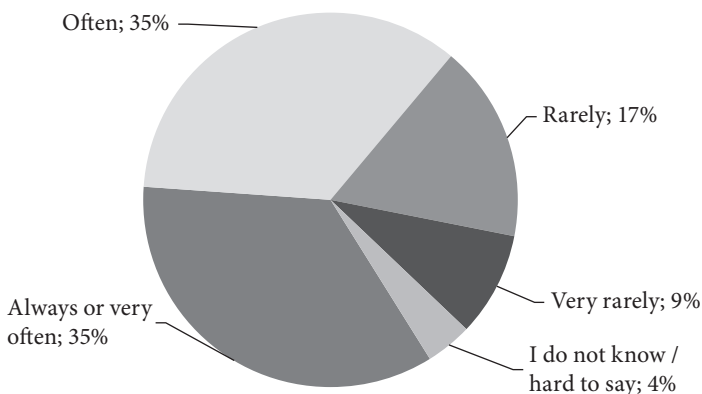
Such communication leads to the implementation of projects. Members of local associations have positive opinions on general rules of the most popular form of cooperation – delegation of public tasks. Over 60% of respondents agree with the opinion that these provisions are equal for all. The same number of respondents considered it to be clear and legible.

The general principles are alright, but it is details that cause problems. Results of the survey proved the prevalence of cross-cutting issues of lack of transparency. Half of the respondents said that they did not know the evaluation criteria. The reason for that may be the fact that hardly ever decisions are explained. Members of local associations from the region demand transparency. As many as 73% of them are in favour of presenting to the public official reasons of the decisions.

Respondents have well developed opinions on public tenders. Almost 77% took part in them, and even more (85%) want to take part in the future. For 70% at least once competition ended with a grant, but not always this meant possibility of launching their project. Another revealed problem is allocation of lower resources than in the application. Intensity of such events is quite high. Figures 13 and 14 illustrate the situation.

Figure 13.

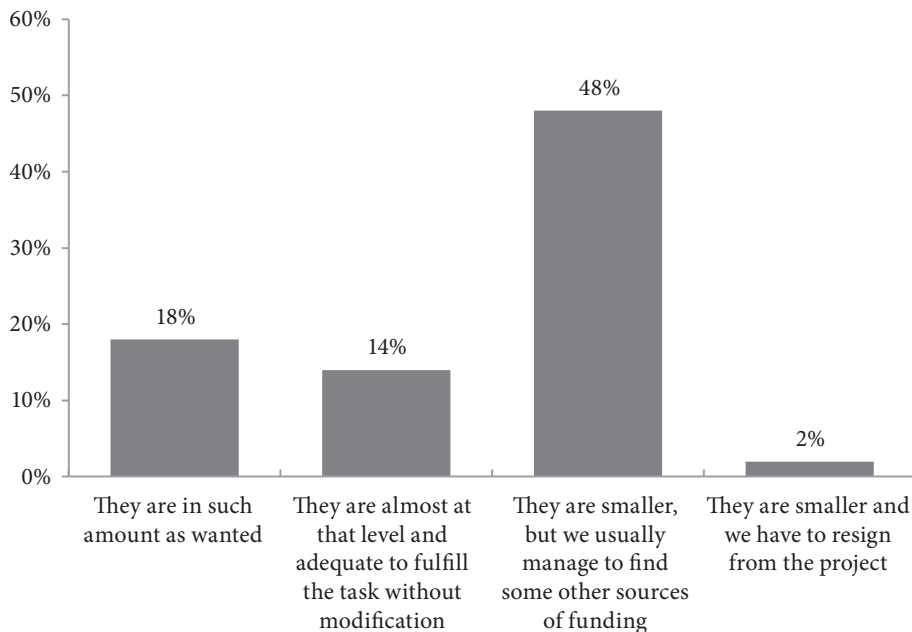
Frequency of allocation of smaller funds than in the offer.



Note. Own elaboration.

Figure 14.

The frequency of allocation of smaller funds, than in the submitted offer, and the consequences caused by the course of the project.



Note. Own elaboration.

Given the ambiguity of the situation caused by such a strategy, this sort of interaction should be eliminated. Profit and loss balance is definitely not in favour of subsidizing more projects with smaller sums, for example due to that fact that it makes people believe that the actual content of a project does not matter.

Members of local associations want to compete and to create original and innovative projects. In the group of organizations who have managed to obtain funds in a tender, earlier achievements and experience are considered their biggest asset (46%). In second place was originality of the project (34%). Among the sources of success respondents still indicate high popularity of the subject of the project (30%), compatibility with the vision proposed by the municipality (25%), good technical or personal resources (20%) and a good brand and image in the media (16%). The least important in the course of a tender are, in their opinion, informal contacts with government officials (7%) and cooperation with other interesting partners (3%).

Successful implementation is then dependent on the most often identified factor, which according to survey results is intense competition (49%). Other results are not that positive for municipalities. These include: too complicated documentation (20%), difference of municipal and NGO programs (20%), and – very rarely (8%) – unclear rules. It shall be emphasized that no one accuses municipalities of dishonesty.

Within technical cooperation strategy the problem is not the time, for which contracts are made, in regard to the implementation period. Just a small group reported their objections here (15%). The observed dissatisfaction probably stems from the specific character of their projects. Some of the respondents would prefer to be able to implement them in their own time. Striking is an area where 22% of respondents have no opinion on the issue. Lack of reflection is worrying. If this group is that big, then it is difficult to formulate demands of any change or of maintaining the *status quo*.

A higher level of consciousness is shown by a group of 13% of surveyed organizations, who declare a local election activity. Besides negative aspects of such activities, presented in the previous chapter, their presence in municipal politics has a positive side. Urban or rural issues are then a subject of reflection of groups who are independent from public authority.

* * *

Among elements of cooperation evaluated positively, special attention should be paid primarily to the popularity of interaction of municipalities and local associations in the region. This creates favorable conditions for the use of the self-correction mechanism. The municipality is also the most common institutional partner, and using economic criteria – is the most important.

In a situation, where certain procedures are to be considered as perfect, the at source of hitherto primarily informal contacts should be considered. As you can see, the good will of officials, sometimes constrained by rules, is demonstrated in direct, friendly relations. Thanks to that, officials, appointed to contacts with the third sector are regarded as competent, but also other clerks get positive marks.

It is fact that it is difficult to assess in a black-or-white manner the political activities of local associations. Their socio-political role changes then, but it still does not degrade. Moreover, the percentage of such actors is still not significant, and therefore the situation should be regarded as entirely normal.

In the course of the study, it was found out that there are numerous examples of just limited activity. The basic conclusion in this matter is that local

associations are familiar with possible forms of cooperation, but even if the municipality provides a possibility to do that, they do not always show reasonable interest. As a result, the relationship may occur to be too weak, when particular actors will get stronger potential. They may withdraw from cooperation.

Obtained results raise doubts in regard to consultations – a condition to recognize advanced cooperation. In a small number of municipalities such meetings take place, and if they do, its effects are very diverse, but usually positive.

Still, much work is to be done by all actors within the matter of transparency. Delivering substantive explanations of decisions made in regard to tenders, is a condition to feel competition and lawfulness of those proceedings. Activists from associations do not have time to wonder why that particular offer was rejected. As often convinced of its uniqueness, they may turn to explanations, which refer to clientelism and corruption.

A good summary of the analysis of opinions on the cooperation may be the findings on the credibility of parties. In the group of associations that have ever signed a contract with the municipality, 92% declared that it was always performed by them as agreed, and the remaining 8% explains that only sometimes it was a bit different. Also public administration is a reliable partner. From information received from the respondents we know that after a positive outcome of a tender, the municipality has (ever) withdrawn from a contract only in regard to 6% of surveyed organizations. Of course, this small percentage should not take place, but incidental frequency of such situations shall not affect the recognition of municipalities and local associations as unreliable partners.

Concluding Remarks

Chapters of this book already contain essential remarks, which are indeed the final summary of considerations on model, legal and postulated solutions for local governments (municipalities in particular) and the phenomenon of decentralization of public power. In concluding remarks, ending this monograph, I will put accents to formulated conclusions, observations and recommendations in a bit different way than usually. It is important to ask for the future.

Decentralization of public power is a problem often undertaken by researchers from around the world. Also in the national discourse its principles, nuances, causes and effects are closely analyzed. Here, much research attention has been paid to coherence of definitions and their demarcation ability. It always helps to determine when we are really dealing with decentralization. This is not about definition disputes, but it is about the real social essence of decentralization of public power.

Literature studies, observations on many levels (units) of local government, and finally, results of the survey, which allowed me to conclude that this is a process based on defined rules, but in itself does not have a specific content, which would be pre-programmed and predictable, and then characterized. Reflection on the causes and hopes which are set in decentralization should come from the principle of subsidiarity. It is until such change is designed, when we get an answer to the fundamental question “Why decentralize?”. This “top-down transfer” has positive effects only if the lower body has the potential to tackle the task. In other circumstances, the consequences may be highly damaging, lead to loosening of mechanisms of public power, or, known from history, to reforming just “to have reforms”. Decentralization of public power, therefore, is a principle and a job, which is extremely serious, and potentially dangerous for mechanisms of organizing and managing social life.

The level of development of Polish democracy, along with other factors, proved to be satisfactory enough to conduct decentralization since the first days of the transformation initiated in 1989. A number of laws and other legal acts, which are still being improved, have been issued. Local and regional structures have

been created and are regarded (by many) as the most successful elements of the “3rd Polish Republic project”. Studies on this issue and the results of empirical research conducted in the course of this research, confirm this belief.

In the process of building a new state, from the first days, the project included NGOs. After a while, public tasks of local government could have been transferred to the third sector. It was new, totally unknown in the days after the previous regime, and a challenge for the new authority. Municipalities, and later provinces and regions, have been placed in a space, where next to the public actor also a non-public actor is present. The term “third sector” had no longer connotation diversifying the society and the authority, according to the “us–them” scheme.

The role of private companies crystallized rather quickly. These entities have taken over the burden of economic development. In the time of global crisis, the dynamics of Polish business and entrepreneurship are authors of relatively good results of the financial condition of the state.

Still, NGOs functions are less noticeable. It is true that there is a widespread consciousness, not only among researchers, that NGOs solve problems, which the first and second sector fail to do. For example, for a political scientist it is important that citizens, through institutionalized activity, raise the level of their political culture, so that representative governance is becoming more conscious. At the same time, you can still identify many barriers, because of which the full potential of the third sector is still not being used. Results of this study show here all the “fiction” of Polish municipalities. It can be assumed that this level of steering group life, suffers a deficit of awareness of the need of, maybe not revolutionary, but significant structural and functional changes.

I refer to, popular in the world, shift from government to governance perspective (Torfing, 2007). It should be reminded, that “government” is a term referring to the government in the classic sense. Allan Schick gives us its synonyms – state, state apparatus, public authority (Schick, 2008). The importance of the second term is more difficult to understand. Ron A. W. Rhodes concludes that “governance refers to a change in government processes. To a new process – the management of [governing] (...) Governance refers to the self-organizing, inter-organizational networks characterized by interdependence, resource exchange, setting its own rules of the game and significant autonomy from the state” (Rhodes, 1995). The change is thus a sort of deregulation, manifested by inclusion in the formulation of public policies, entities that are in the second and the third sector.

Especially for Poland, the transition to which I refer is a bit too large. Or maybe not...? Although it is difficult to admit, that in such a short time we can talk about the formation of a strategy as described above. The transition must have an

evolutionary character, so that way of thinking about public space may become permanent. The Polish scientific challenge is, therefore, an effort of which aim is to find ways to accelerate implementation of governance perspective. Knowing the specificity of indigenous institutions, having a rich legacy in the matter of research on public administration, and finally – having broader access to results of studies conducted in countries where the development of modern methods of public management was unconstrained, Poland has to take bold steps to do that. The proposed mechanism of self-correction of imperfections of decentralization of public authority is such an attempt to create a solution that is a bridge between government and governance.

One of the conclusions of empirical studies, conducted in the Kujawsko-Pomorskie region, is an observation that cooperation between the first and the third sector, at least at the local level, is still under development. Consultations – the principal plane of governance, still are unpopular, and the effects of meetings that take place do not allow the claim that we are dealing with an actual development of a full value dialogue and networks.

The reasons for this state of affairs can be found on both sides. Many associations seem to treat municipalities only as a donor, and these in turn seem not to see NGOs as reliable partners, who are able to participate in solving their own vital problems. But that does not mean that it has to be that way?

By getting acquainted with the principles of the mechanism, the public party receives instructions on how to build a strategy of implementation of public tasks in their own community. Association, as I have repeatedly emphasized, have a very powerful argument in negotiations, of which content is evidence on the proper role of their organization in the state system. For the public party cooperation is no longer just “a proper behaviour”. In case of immanency of decentralization imperfections, it becomes inseparable. The mechanism is a strong tool, aimed at creating strong bonds and networks.

The actual value of the mechanism can be proved only by empirical results that can be achieved only through an experiment. Before it comes to such an experiment it must be confronted the inevitable criticism of experts. I express my hope, that foundations of this solution will defend itself, by its simplicity and, more importantly, relevance of observations. The mechanism does not overthrow what has been learned yet about the role of different actors. It is rather an attempt to gather them – a kind of “adding another chapter to the book of knowledge on decentralization”.

List of References

Legal acts

Constitution of 2nd of April, 1997.

Constitution of 23rd of April 1935, OJ 1935, No. 30, pos. 227.

European Charter of Local Self-Government of 15th of October, 1985, OJ 1994, No. 124, pos. 607.

Act of 14th of April, 1791, Principles on the Rights of the Town.

Act of 18th of April, 1791, Our Free Royal Town in the Countries of the Commonwealth.

Act of 23rd April, 1933, Partial Change in the System of Local Government, OJ 1935, No. 35, pos. 294.

Act of 21st April, 1936, on State's Relationship to the Muslim Religious Union in the Polish Republic, OJ 1936, No. 30, pos. 240.

Act of 21st of April, 1936 on State's Relationship to Karaim Religious Association in the Polish Republic, OJ 1936, No. 30, pos. 241.

Decree of the Polish Committee of National Liberation of 23rd November, 1944, on Organization and Local Government, OJ 1944, No. 14, pos. 74.

Act of 20th of March, 1950, on Local Organs of Unitary State Authority, OJ 1950, No. 14, pos. 130.

Act of 7th April, 1989, Law on Associations, OJ 1989, No. 20, pos. 104.

Act of 17th May, 1989, on Relationship between the State and the Catholic Church in the Polish Republic, OJ 1989, No. 29, pos. 154.

Act of 17th of May, 1989, on Guarantees of Freedom of Conscience and Religion, OJ 1989, No. 29, pos. 155.

Act of 8th of March, 1990, on Local Government, OJ 1990, No. 16, pos. 1995.

Act of 10th of May, 1990, Regulations Implementing the Act of Local Government Act and on Local Government Employees, OJ 1990, No. 32, pos. 191.

Act of 17th of May, 1990, Division of Tasks and Responsibilities Laid Down in Specific Acts between Municipal Authorities and Government Bodies, and Amending Certain Acts, OJ 1990, No. 34, pos. 198.

Act of 18th of May, 1990, on Local Government System in the Capital City Warsaw, OJ 1990, No. 34, pos. 200.

Act of 4th of July, 1991 on State's Relationship to the Polish Autocephalous Orthodox Church, OJ 1991, No. 66, pos. 287.

- Act of 15th of February, 1992, on Corporate Income Tax, OJ 1992, No. 21, pos. 1986.
- Act of 7th of October, 1992, on Regional Accounting Offices, OJ 1993, No 85, pos. 428.
- The Constitutional Act of 17th of October, 1992, on Mutual Relations between the Legislative and Executive of the Polish Republic and Local Government, OJ 1995, No. 84, pos. 426.
- Act of 13th of May, 1994, on State's Relationship to Lutheran Church in the Polish Republic, OJ 1994, No. 73, pos. 323.
- Act of 13th of May, 1994, on State's Relationship to Reformed Evangelical Church in the Polish Republic, OJ 1994, No. 73, pos. 324.
- Act of 29th of September, 1994, on Accounting, OJ 1994, No. 121, pos. 591.
- Act of 12th of October, 1994, on Self-government Appeal Courts, OJ 1994, No. 122, pos. 593.
- Act of 5th of June, 1998, a on County Self-government, OJ 1998, No. 91, pos. 578.
- Act of 30th of June, 1995, on the Relationship between State and the Evangelical Methodist Church in the Polish Republic, OJ 1995 No. 97, pos. 479.
- Act of 30th of June, 1995, on State's relationship to the Baptist Church in the Polish Republic, OJ 1995, No. 97, pos. 480.
- Act of 30th of June, 1995, on State's Relationship to the Adventist Church in the Polish Republic, OJ 1995, No. 97, pos. 481.
- Act of 23rd of August, 1995, on State's Relationship to the Polish Catholic Church in the Polish Republic, OJ 1995, No. 97, pos. 482.
- Act of 18th of January, 1996, on Physical Culture, OJ 2007, No. 226, pos. 1675.
- Act of 20th of February, 1997, on State's Relationship to Jewish Religious Communities in the Polish Republic, OJ 1997, No. 41, pos. 251.
- Act of 20th of February, 1997, on State's Relationship to the Catholic Mariavite Church in the Polish Republic, OJ 1997, No. 41, pos. 252.
- Act of 20th of February, 1997, on State's Relationship the Mariavite Old Catholic Church in the Polish Republic, OJ 1997, No. 41, pos. 253.
- Act of 20th of February, 1997, on State's Relationship to the Pentecostal Church in the Polish Republic, OJ 1997, No. 41, pos. 254.
- Act of 16th of July, 1998, on Elections to Municipal Councils, Province Councils and Regional Councils, OJ 1998, No. 95, pos. 602.
- Act of 20th of June, 2000, on Direct Election of Voit, Mayor and Town President, OJ 2002, No. 113, pos. 984.
- Act of 20th of July, 2000, on Promulgation of Normative Acts and Certain Other Acts, OJ 2000, No 62, pos. 718.
- Act of 15th of September, 2000, on Local Referendum, OJ 2000, No 88, pos. 985.
- Act of 15th of September, 2000, on Regulations of Local Government Units Entrance into International Associations of Local and Regional communities, OJ No. 91, pos. 1009.
- Act of 15th of March, 2002, on Local Government System in the Capital City Warsaw, OJ 2002, No. 41, pos. 361.

- Act of 23rd of April, 2003, on Public Benefit Activity and Volunteerism, OJ 2003, No 96, pos. 873.
- Act of 13th of November, 2003, on Local Government Units Incomes, OJ 2003, No. 203, pos. 1966.
- Act of 28th of November, 2003, on Substitute Service, OJ 2003, No. 223, pos. 2217.
- Act of 28th of July, 2005, on Wellness Treatment, Spas and Spa Resorts Protection Areas, OJ 2005, No. 167, pos. 1399.
- Act of 6th of December, 2006, on Principles of Development Policy, OJ 2006, No. 227, pos. 1658.
- Act of 27th of August, 2007, on Public Finances, OJ 2005, No. 249, pos. 2104.
- Act of 21st of November, 2008, Local Government Employees, OJ of 2008, No. 223, pos. 1458.
- Decree of Minister of Finance of 23rd of December, 2004, on Obligation to Audit Financial Statements of Public Benefit Organization, OJ 2004, No. 285, pos. 2852.
- Decree of Ministry of Economy, Labor and Social Policy of 4th of August, 2003, on Public Benefit Works Council, OJ 2003, No. 147, pos. 1431.
- Decree of Minister of Economy, Labor and Social Policy of 1st of September, 2000, on Childcare Centers, OJ 2000 No 80, pos. 900.
- Decree of Minister of Economics, Labor and Social Policy of 27th of December, 2005, on Pattern of Public Task Performance Offers, Framework Model Agreement on Public Task Performance and Model Report from Public Task Performance, OJ 2005, No. 264, pos. 2207.
- Decree of Minister of Internal Affairs and Administration of 31st of July, 2000, on Regulations Regarding Return of Travel Expenses of Municipal Council Members, OJ 2000, No. 66, pos. 800.
- President of the Republic Regulation of 22 March 1928 on the state's relationship to the Old-Eastern Church, who have no ecclesiastical hierarchy, OJ 1928, No. 38, pos. 363, as amended.
- Verdict of the Constitutional Tribunal of 28th of June, 1994, sign. K.14/93, 1994, vol. I, pos. 13.
- Resolution of Supreme Administrative Court, Łódź Dept., of 14th of May, 1995, sign. SA/OF 1280-1295.

Monographs, edited works, articles

- Adamiak, J. (2005). Finanse jednostek samorządu terytorialnego. In W. Kosiedowski (Ed.). *Samorząd terytorialny w procesie rozwoju regionalnego i lokalnego*. Toruń: TNOiK.
- Agopszowicz, A., Gilowska, Z. (1999). *Ustawa o gminnym samorządzie terytorialnym*. Warszawa: C. H. Beck.
- Ajnenkiel, A. (1997). *Administracja w Polsce. Zarys historyczny*. Warszawa: Książka i Wiedza.
- Almond, G. A., & Verba, S. (Eds.). (1989). *The civic culture: political attitudes and democracy in five nations*. Newbury Bank: Sage.
- Araczevska, M. (2009). *Nie tylko jedna ustawa. Prawo o organizacjach pozarządowych*. Warszawa: Instytut Spraw Obywatelskich.
- Babbie, E. (2008). *Podstawy badań społecznych*. Warszawa: PWN.
- Babiak, J. (2009). Rola organizacji pozarządowych we współczesnym społeczeństwie. In J. Babiak, & W. Słucki (Eds.). *Rola organizacji pozarządowych w kształtowaniu społeczeństwa obywatelskiego. Doświadczenia i wzywania*. Warszawa: Instytut Konsultantów Obywatelskich.
- Bandarzewski, K. (2007). Związki i porozumienia międzygminne. In P. Chmielnicki (Ed.). *Komentarz do ustawy o samorządzie gminnym*. Warszawa: LexisNexis.
- Bandarzewski, K., & Chmielnicki, P., Kisiel, W. (2006). *Prawo samorządu terytorialnego w Polsce*. Warszawa: LexisNexis.
- Barański, M. (Ed.). (2009). *Władza państwowa i administracja publiczna w państwach Europy Środkowo-Wschodniej*. Toruń: Wydawnictwo Adam Marszałek.
- Bately, R., & Stoker G. (Eds.). (1991). *Local Government in Europe. Trends and Developments*. London: Macmillan Batty.
- Baza organizacji pozarządowych województwa kujawsko-pomorskiego* (2010). Retrieved from http://www.kujawsko-pomorskie.pl/files/rada/baza/baza_ngo_wg_dzialalnosci.pdf
- Bąbiak-Kowalska, D., Skwarło, R., Stefasięko-Smaga, S., Kawecki, K., & Płażek, S. (2009). *Ustawa o pracownikach samorządowych*. Warszawa: Municipium.
- Bąkiewicz, M. (2008). Samorządowe kolegia odwoławcze. Ewolucja, stan obecny i perspektywy instytucji. *Samorząd Terytorialny*, 18(1) 2008, nr 9.
- Bąkiewicz, M. (2008). *System wyborczy do samorządu terytorialnego w Polsce na tle europejskim*. Toruń: Wydawnictwo Adam Marszałek.
- Bąkowski, T. (2007). *Administracyjnoprawna sytuacja jednostki w świetle zasady pomocniczości*. Warszawa: Wolters Kluwer.
- Bevir, M. (Ed.). (2007). *Encyclopedia of Governance*. Thousand Oaks–London–New Delhi: Sage.
- Bird R. M., (1993). Threading the Fiscal Labyrinth: Some Issues in Fiscal Decentralization. *National Tax Journal*, 46(3).

- Bish, R. L., & Ostrom, V. (1973). *Understanding Urban Government*. Washington: American Enterprise Institute for Public Policy Research.
- Blair, H. (1996). *Supporting Democratic Local Governance: Lessons from International Donor Experience – Initial Concepts and Some Preliminary Findings*. Paper prepared for the annual meeting of the American Political Science Association, San Francisco.
- Blicharz, J., & Huchla, A. (2008). *Ustawa o działalności pożytku publicznego i o wolontariacie*. Warszawa: Wolters Kluwer.
- Boć, J. (1997). Administracja publiczna w postanowieniach konstytucji. In S. Dolata (Ed.). *Funkcjonowanie samorządu terytorialnego – diagnozy i perspektywy*. Opole: Wydawnictwo Uniwersytetu Opolskiego.
- Boć, J. (2000). *Prawo administracyjne*. Wrocław: PWN.
- Boguszewski, R. (2000). CBOS. *Komunikat z badań. Aktywność Polaków w organizacjach obywatelskich w latach 1998–2010*. Warszawa: CBOS.
- Boguszewski, R. (2000). CBOS. *Komunikat z badań. Działalność społeczna Polaków*. Warszawa: CBOS.
- Bonusiak, G. (2009). Stowarzyszenie. In W. Skrzydło, S. Grabowska, & R. Grabowski (Eds.). *Konstytucja Rzeczypospolitej Polskiej. Komentarz encyklopedyczny*. Warszawa: Wolters Kluwer.
- Borodo, A. (2006). *Samorząd terytorialny. System prawno-finansowy*. Warszawa: LexisNexis.
- Borodo, A. (2008). *Samorząd terytorialny. System prawno-finansowy*. Warszawa: LexisNexis.
- Brittan, L. (1994). *Europe. The Europe We Need*. London: Hamish Hamilton.
- Brock, K. L. (Ed.). (2002). *Improving Connections Between Governments and Nonprofit Voluntary Organizations*, Montreal & Kingston: McGill-Queen's University Press.
- Brol, R. (2006). Czynniki rozwoju regionalnego. In M. Strahl (Ed.). *Metody oceny rozwoju regionalnego*. Wrocław: Wydawnictwo Akademii Ekonomicznej.
- Budzisz, R. (2007). Kilka uwag w dyskusji nad modelem organu wykonawczego w gminie. *Samorząd Terytorialny*, 17(1–2).
- Bugdol, M. (2008). *Zarządzanie jakością w urzędach administracji publicznej. Teoria i praktyka*. Warszawa: Difin.
- Bukowski, Z., Jędrzejewski, T., & Rączka, P. (2003). *Ustrój samorządu terytorialnego*. Toruń: TNOiK.
- Chmaj, M. (1997). Restytucja samorządu terytorialnego w III Rzeczypospolitej. *Athenaeum. Political Science*, 1(1).
- Chmaj, M. (2005). Geneza samorządu terytorialnego. In M. Chmaj (Ed.). *Ustrój samorządu terytorialnego w Polsce*. Warszawa: Wyższa Szkoła Handlu i Prawa.
- Chmaj, M., & Bidziński, M. (2005). Formy współdziałania jednostek samorządu terytorialnego. In M. Chmaj (Ed.). *Ustrój samorządu terytorialnego w Polsce*. Warszawa: Wyższa Szkoła Handlu i Prawa.

- Chmielewski, L. (1999). Miasta nasze królewskie wolne. *Wspólnota*, 17(1).
- Chroś, B., & Skrabacza, E. (2007). Biurokracja w Polsce: Piętno korupcji. In K. Zuba (Ed.). *Biurokracja fenomen władzy politycznej w strukturach administracyjnych*. Toruń: Wydawnictwo Adam Marszałek.
- Cohen, J. M., & Peterson, S. B. (1996, October). Methodological Issues in the Analysis of Decentralization. *Development Discussion Papers*.
- Cohen, J. M., & Peterson, S. B. (1997, May). Administrative Decentralization: A New Framework for Improved Governance, Accountability, and Performance. *Development Discussion Papers*.
- Conyers, D. (1984). Decentralization and development: A review of the literature. *Public Administration and Development*, 4(2).
- Conyers, D. (1986). Future Directions in Development Studies: The Case of Decentralization. *World Development*, 14(5).
- Crook, R. C., & Manor, J. (1998), *Democracy and Decentralization in South Asia and West Africa. Participation, Accountability and Performance*. Cambridge: Cambridge University Press.
- Cutler, C. A. (1999). Ruling Themselves. In A. C. Cutler, V. Haufler, & T. Proter (Eds.). *Private Authority and International Affairs*. New York: Suny Press 1999.
- Czaputowicz, J. (2008a). Służba cywilna w procesie integracji europejskiej. In J. Czaputowicz (Ed.). *Administracja publiczna. Wyzwania w dobie integracji europejskiej*. Warszawa: PWN.
- Czaputowicz, J. (2008b). Standardy etyczne w administracji publicznej. In J. Czaputowicz (Ed.). *Administracja publiczna. Wyzwania w dobie integracji europejskiej*. Warszawa: PWN.
- Czaputowicz, J. (Ed.). (2008c). *Administracja publiczna. Wyzwania w dobie integracji europejskiej*. Warszawa: PWN.
- Daley, D. M. (1998). The decline and fall of the roman empire lessons on management, *International Journal of Public Administration*, 21(1).
- Dąbek, D. (2002), Działalność prawotwórcza samorządu terytorialnego. In S. Michałowski (Ed.). *Samorząd terytorialny III Rzeczypospolitej. Dziesięć lat doświadczeń*. Lublin: Wydawnictwo UMCS.
- Dolnicki, B., Ruśkowski D. (Eds.). (2007). *Władza i finanse lokalne w Polsce i krajach ościennych*. Katowice: Branta.
- Dolnicki, B. (2003). *Samorząd terytorialny*. Kraków: Zakamycze.
- Dolnicki, B. (2008). Prawnoustrojowe ramy polityki lokalnej. In E. Ganowicz, & L. Rubisz (Eds.). *Polityka lokalna. Właściwości, determinanty, podmioty*, red. E. Ganowicz, L. Rubisz, Toruń: Wydawnictwo Adam Marszałek.
- Dolnicki, B. (2009). *Samorząd terytorialny*. Kraków: Wolters Kluwer.
- Dolnicki, B. (Ed.). (2007). *Ustawa o samorządzie powiatowym. Komentarz*. Warszawa: Wolters Kluwer.

- Dolnicki, B., Ruśkowski, E. (Eds.). (2007). *Władza i finanse lokalne w Rzeczypospolitej Polskiej*. In B. Dolnicki, & E. Ruśkowski (Eds.). *Władza i finanse lokalne w Polsce i krajach ościennych*. Katowice: Branta.
- Duk-Majewska, A. (2009). Podstawy ustroju i działalności stowarzyszeń jednostek samorządu terytorialnego. In J. Parchimiuk, B. Uliasz, & E. Kruk (Eds.). *Dziesięć lat reformy ustrojowej administracji publicznej w Polsce*. Warszawa: Wolters Kluwer.
- Dumała, H. (2002). Polskie miasta w sieciach międzynarodowych. In S. Michałowski (Ed.). *Samorząd terytorialny III Rzeczypospolitej. Dziesięć lat doświadczeń*. Lublin: Wydawnictwo UMCS.
- Dutkowski, M. (2004). *Problemy diagnozowania obszarów rozwoju regionalnego i lokalnego w Polsce*. Szczecin: Uniwersytet Szczeciński.
- Etzioni, A. (1973). The Third Sector and Domestic Missions. *Public Administration Review*, 33(4).
- Finot, I. (2002). Decentralization and participation in Latin America: an economic perspective. *Cepal Review*, 86(1).
- Fowler, Jr. J. (2009). *Survey Research Methods*. Los Angeles: Sage.
- Fox, J. (1994). The Difficult Transition from Clientelism to Citizenship: Lessons from Mexico. *World Politics*, 46(2).
- Franklin, M. (2008). Quantitative analysis. In D. D. Porta, & M. Meating (Eds.). *Approaches and Methodologies in the Social Sciences*. Cambridge: Cambridge University Press.
- Frieske, K. W., Poławski, P., & Sroka, J. (2008). *Demokracja partycypacyjna: dynamika instytucji i uwarunkowania rozwoju*. Warszawa: Instytut Pracy i Spraw Socjalnych.
- Furniss, N. (1974). The Practical Significance of Decentralization. *Journal of Politics*, 36(4).
- Ganowicz, E., & Rubisz, L. (Eds.). (2008). *Polityka lokalna. Właściwości, determinanty, podmioty*. Toruń: Wydawnictwo Adam Marszałek.
- Gąciarz, B. (2004). *Instytucjonalizacja samorządności: aktorzy i efekty*. Warszawa: Wydawnictwo Instytutu Filozofii i Socjologii PAN.
- Gerth, H. H., & Mills, C. W. (1970). *From Max Weber: Essays in Sociology*. New York: Oxford University Press.
- Gluziński, A. (2005). *Ustawa o działalności pożytku publicznego i o wolontariacie*. Warszawa: Difin.
- Gregory, S., & Smith, J. (1986). Decentralisation Now. *Community Development Journal*, 21(2).
- Gulczyński, M., & Zaradny, R. (2000). *System polityczny Rzeczypospolitej Polskiej*. Wrocław: Wyższa Szkoła Zarządzania i Finansów.
- Gumkowska, M. (2006). *Organizacje pozarządowe jako partner administracji publicznej*. Warszawa: Klon/Jawor.
- Gumkowska, M., & Herbst, J. (2008). *Najważniejsze pytania podstawowe fakty. Polski sektor pozarządowy 2008*. Warszawa: Klon/Jawor.

- Habuda, A., & Habuda, L. (2002). Reforma administracji publicznej jako problem organizacyjny i polityczny. Przypadek Polski lat 90. In A. Ferens, & I. Macek (Eds.). *Administracja i polityka. Administracja publiczna w procesie przemian*. Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.
- Habuda, A., & Habuda, L. (2005). Nie wspólnota, lecz społeczność. W kwestii podmiotu terytorialnej samorządności. In A. W. Jabłoński, & Z. M. Nowak (Eds.). *Demokracja – społeczeństwo – globalizacja. W kręgu problemów współczesnej demokracji*. Opole: Wydawnictwo Uniwersytetu Śląskiego.
- Habuda, A., & Habuda, L. (2005). Zarządzanie w zachodniej administracji publicznej (nowe publiczne zarządzanie). In R. Wiszniewski (Ed.). *Administracja i polityka. Europejska administracja publiczna*. Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.
- Habuda, L. (2007). Wójt (burmistrz, prezydent) gminy. Menedżer i polityczny lider. *Wrocławskie Studia Politologiczne*, 8(1).
- Habuda, L. (2009). *Decentralizacja vs centralizacja administracji w strukturze zasadniczego podziału terytorialnego kraju*. Toruń: Wydawnictwo Adam Marszałek.
- Hausner, J. (2001). Podstawy rządzenia interaktywnego. In J. Hausner (Ed.). *Studia z zakresu zarządzania publicznego*. Kraków: Akademia Ekonomiczna.
- Hausner, J. (2007). *Od idealnej biurokracji do zarządzania publicznego*. In K. Zuba (Ed.). *Biurokracja. Fenomen władzy politycznej w strukturach administracyjnych*. Toruń: Wydawnictwo Adam Marszałek.
- Hausner, J. (2009, October 10). *Ustawowe wspominki. O pracach nad ustawą o działalności pożytku publicznego opowiada Jerzy Hausner – przeprowadzony przez Magdę Dobranowską i Jerzego Skibę*. Retrieved from <http://wiadomosci.ngo.pl/wiadomosc/41682.html>
- Hausner, J. (Ed.). (2001). *Studia z zakresu zarządzania publicznego*. Kraków: Akademia Ekonomiczna.
- Hausner, J. (Ed.). (2009). *Administracja publiczna*. Warszawa: PWN.
- Helnarska, M. (Ed.). (2008). *Wiejskie organizacje pozarządowe*. Warszawa: Instytut Rozwoju Wsi i Rolnictwa.
- Hołub, J. (2005, July 20), Czy będzie łatwiej wyłaniać rady osiedli?. *Gazeta Wyborcza. Toruń*.
- Hossain, M. A. (2009). *Administrative Decentralization: A Framework for Discussion and Its Practices in Bangladesh*. Retrieved from upan1.un.org/intradoc/groups/public/documents/UNPAN/UNPAN019445.pdf
- Hudson, R., & Plum V. (1986). Deconcentration or Decentralization? Local Government and the Possibilities for Local Control of Local Economies. In M. Goldsmith, & S. Villadsen (Eds.). *Urban Political Theory and the Management Fiscal Stress*. Brookfield: Gower.
- Hughes, O. E. (2003). *Public Management & Administration. An Introduction*. Basingstoke: Palgrave Macmillan.

- Hutchcroft, P. D. (2001). Centralization and Decentralization in Administration and Politics: Assessing Territorial Dimensions of Authority and Power. *Governance: An International Journal of Policy and Administration*, 14(1).
- Izdebski, H. (2003a). Badania nad administracją publiczną. In J. Hausner (Ed.). *Administracja publiczna*. Warszawa: PWN.
- Izdebski, H. (2003b). *Komentarz do Ustawy o działalności pożytku publicznego i o wolontariacie*. Retrieved from <http://pozytek.gov.pl>.
- Izdebski, H. (2008). *Samorząd terytorialny. Podstawy ustroju i działalności*. Warszawa: LexisNexis.
- Izdebski, H., & Kulesza, M. (2004). *Administracja publiczna. Zagadnienia ogólne*. Warszawa: Liber.
- Jałowiecki, B. (Ed.). (2008). *Miasto jako przedmiot badań naukowych w początkach XXI wieku*. Warszawa: Wydawnictwo Naukowe Scholar.
- Janik, K. (2007) Bezpośrednie wybory wójtów, burmistrzów i prezydentów miasta – geneza i doświadczenia dwóch elekcji. In J. Marszałek-Kawa (Ed.). *Samorząd terytorialny. Studium politologiczne*. Toruń: Wydawnictwo Adam Marszałek.
- Janku, Z. (2000). *Wielka encyklopedia prawna*. Białystok–Warszawa: Wydawnictwo Prawo i Praktyka Gospodarcza.
- Janowski, K. B. (2003). *Źródła i przebieg zmiany politycznej w Polsce 1980–1989*. Toruń: Wydawnictwo Adam Marszałek.
- Janowski, K. B. (2009). *Kultura polityczna Polaków. Refleksje u progu XXI wieku*. Retrieved from http://strony.aster.pl/k_b_janowski/publikacje.htm
- Janowski, K. B. (Ed.). (1995). *Nowa Konstytucja RP. Wartość, jednostka, instytucje*. Toruń: Wydawnictwo Adam Marszałek.
- Jaworska-Dębska, B. (2001). Formuła wykonywania mandatu radnego. In I. Skrzydło-Niżnik (Ed.). *Instytucje współczesnego prawa administracyjnego. Księga jubileuszowa prof. zw. dr. hab. Józefa Filipka*. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego.
- Jenei, G., & Kuti, É. (2008). The Third Sector and Civil Society. In S. P. Osborne (Ed.). *The Third Sector in Europe. Prospects and Challenges*. Padstow: Routledge.
- Jeżewski, J. (2004). *Dekoncentracja terytorialna administracji jako zasada prawa administracyjnego we Francji*. Wrocław: Kolonia Limited.
- Jones, S. R. G. (1992). Was there a Hawthorne Effect?. *The American Journal of Sociology*, 98(3).
- Jóskowiak, K. (2008). *Samorząd terytorialny w procesie integracji europejskiej. Polskie doświadczenia i wnioski na przyszłość*. Katowice: Wydawnictwo Uniwersytetu Śląskiego.
- Kaczorowska, M. (2006). *Proces dewolucji w Wielkiej Brytanii – między regionalizacją a federalizmem. Przypadki: Szkocji, Walii, Anglii*. In K. Trzciniński (Ed.). *Dylematy państwowości*. Warszawa: ASPRA-JR.
- Kalitta, E. (2008). Rola miast partnerskich w budowaniu przyjaźni między narodami. Przykład Chojnic. *Samorząd Terytorialny*, 12(1).

- Kallas, M. (2003). *Historia ustroju Polski X–XX wieku*, Warszawa: PWN.
- Kettl, D. F. (2006). Public Bureacracies. In R. A. W. Rhodes, S. A. Binder, B. A. Rockman (Eds.). *The Oxford Handbook of Political Institutions*. Oxford: Oxford Handbook.
- Kisilowski, M. (2008). *Prawo sektora pozarządowego. Analiza funkcjonalna*. Warszawa: LexisNexis.
- Kłodziński, M. (2006). *Aktywizacja społeczno-gospodarcza gmin wiejskich i małych miast*. Warszawa: Instytut Rozwoju Wsi i Rolnictwa PAN.
- Koc, K. (2004). Organizacja życia zbiorowego w społeczności lokalnej. In T. Michalczyk, & T. Kamiński (Eds.). *Problemy społeczne w okresie transformacji ustrojowej*. Piotrków Trybunalski: Naukowe Wydawnictwo Piotrkowskie.
- Kogut-Jaworska, M. (2008). *Instrumenty interwencjonizmu lokalnego w stymulowaniu rozwoju gospodarczego*. Warszawa: CeDeWu.
- Koniuszewska, E. (2008). *Środki prawne ograniczające nadużycia władzy w jednostkach samorządu terytorialnego w ustrojowym prawie administracyjnym*. Warszawa: Wolters Kluwer.
- Kopańska, A. (2008). Teoretyczne modele organizacji i finansowania jednostek samorządu terytorialnego. In J. Kleer (Ed.). *Samorząd lokalny – dobro publiczne*. Warszawa: CeDeWu.
- Kopczewska, K. (2009). Współpraca samorządów jako ostatnia deska ratunku. In J. Kleer (Ed.). *Samorząd lokalny. Od teorii do badań empirycznych*. Warszawa: CeDeWu.
- Kosewski, M. (2008). Etos pracowniczy w urzędach państwowych i samorządowych. In J. Czuputowicz (Ed.). *Administracja publiczna. Wyzwania w dobie integracji europejskiej*. Warszawa: PWN.
- Koszela, A. (2010, April 20). *Biuletyn Informacji Publicznej, Główny Urząd Statystyczny, Krajowy Rejestr Urzędowy Podziału Terytorialnego Kraju TERYT*. Retrieved from http://www.stat.gov.pl/bip/36_PLK_HTML.htm
- Kotulski, M. (2000). Wybrane zagadnienia nadzoru nad samorządem terytorialnym. In T. Bąkowski (Ed.). *Administracja i prawo administracyjne u progu trzeciego tysiąclecia*. Łódź: Wydawnictwo Uniwersytetu Łódzkiego.
- Kowalik, J. (2006). Wybrani w bezpośrednich wyborach. *Samorząd Terytorialny*, 6(1).
- Kozyr-Kowalski, S. (1999). *Socjologia, społeczeństwo obywatelskie i państwo*. Poznań: Wydawnictwo Uniwersytetu Adama Mickiewicza.
- Krauz-Mozer, B. (2005). *Teorie polityki. Założenia metodologiczne*. Warszawa: PWN.
- Kuć, K. A. (2002). Problem ustroju miasta stołecznego Warszawy. In S. Michałowski (Ed.). *Samorząd terytorialny III Rzeczypospolitej. Dziesięć lat doświadczeń*. Lublin: Wydawnictwo UMCS.
- Kumaniecki, K. (Ed.). (1986). *Słownik łacińsko-polski*. Warszawa: PWN.
- Kurczewska, J. (2007). Projekty socjologiczne i ideologiczne lokalności. In J. Kurczewski. In *Lokalne wzorce kultury politycznej*. Warszawa: Trio.
- Kurleto, M. H. (2008). *Organizacje pozarządowe w działalności pożytku publicznego*. Warszawa: Wydawnictwo Uniwersytetu Jagiellońskiego.

- Kurowska, A. (2010, February 19). Janosikowe trafi do trybunału?. *Rzeczpospolita*.
- Kursa, M. (2008, March 1). Kraków chce zaskarżyć janosikowe. *Gazeta Wyborcza*. Kraków.
- Lande, C. H. (1983). Political Clientelism in Political Studies: Retrospect and Prospects. *International Political Science Review*, 4(4).
- Lemieux, V. (1986). Deconcentration and Decentralization: a Question of Terminology?. *Canadian Public Administration*, 29(2).
- Leoński, Z. (2006). *Samorząd terytorialny w RP*. Warszawa: C.H. Beck.
- Lijphart, A. (1999). *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*. New Haven and London: Yale University Press.
- Lipińska, M. (Ed.). (2000). *Dziesięć lat odrodzonego samorządu terytorialnego w Polsce. Konferencja*. Warszawa: Dział Wydawniczy Kancelarii Sejmu RP.
- Litvack, J., Ahman, J., & Bird, R. (1998). *Rethinking Decentralization in Developing Countries*. Washington: World Bank Publications.
- Lutrzykowski, A., & Legiędź-Gałuszka, M. (2007). Wspólnota samorządowa czy społeczność lokalna (regionalna)? Spór nie tylko semantyczny. In J. Marszałek-Kawa, & A. Lutrzykowski (Eds.). *Samorząd terytorialny w Polsce i w Europie (doświadczenia i nowe wyzwania)*. Toruń: Wydawnictwo Adam Marszałek.
- Lyons, M. (2001). *Third Sector: the Contribution of nonprofit and cooperative enterprises in Australia*. Crows Nest: Allen and Unwin.
- Łukasiewicz, J. (2004). *Zarys nauki administracji*. Warszawa: LexisNexis.
- Mackiewicz-Łyziak, J., Malinowska-Misiąg, E., Misiąg, W., & Tomalak, M. (2008). *Wyrównywanie dochodów jednostek samorządu terytorialnego*. Warszawa: Instytut Badań nad Gospodarką Rynkową.
- Madurowicz, W. (1974). Podwójne podporządkowanie. Z zagadnień centralizmu demokratycznego w systemie rad narodowych. *Problemy Rad Narodowych*, 38(1).
- Malec, J., Malec, D., (2003). *Historia administracji i myśli administracyjnej*. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego.
- Marszałek-Kawa, J., & Lutrzykowski, A. (Eds.). (2007). *Samorząd terytorialny w Polsce i w Europie (doświadczenia i nowe wyzwania)*. Toruń: Wydawnictwo Adam Marszałek.
- Matheson, A. (2008). Modernizacja sektora publicznego: nowy program. In J. Czaputowicz (Ed.). *Administracja publiczna. Wyzwania w dobie integracji europejskiej*. Warszawa: PWN.
- Mayo, E. (2003). The Human Problems of an Industrial Civilization. In K. Thompson (Ed.). *The Early Sociology of Management and Organizations*. London: Routledge.
- McLaughlin, K., Osborne, S. P., & Ferlie, E. (Eds.). (2008). *New Public Management. Current trends and Future Prospects*. London and New York: Routledge.
- Meier, K. J., & Hill, G. C. (2007). Bureaucracy in the Twenty-First Century. In E. Ferlie, L. E. Lynn Jr., & C. Pollitt (Eds.). *The Oxford Handbook of Public Management*. Oxford: Oxford Handbook.

- Michalak, B. (2007). Prawne ramy rywalizacji wyborczej wyborach do organów samorządu terytorialnego. In J. Marszałek-Kawa (Ed.). *Samorząd terytorialny. Studium politologiczne*. Toruń: Wydawnictwo Adam Marszałek.
- Michałowski, S. (Ed.). (2002). *Samorząd terytorialny III Rzeczypospolitej. Dziesięć lat doświadczeń*. Lublin: Wydawnictwo UMCS.
- Michałowski, S., & Pawłowska, A. (Eds.). (2004). *Samorząd lokalny w Polsce. Społeczno-polityczne aspekty funkcjonowania*. Lublin: Wydawnictwo UMCS.
- Milakovich, M. E., & Gordon, G. J. (2008). *Public Administration in America*, Boston: Wadsworth Publishing.
- Millon-Delsol, Ch. (1998). Zasada subsydiarności – założenia, geneza, problemy współczesne. In D. Milczarek (Ed.). *Subsydiarność*. Warszawa: Elipsa.
- Millon-Delson, Ch. (1995). *Zasada pomocniczości*. Kraków: Znak.
- Misztal, W. (2003). Demokracja lokalna w Polsce. *Rocznik Lubuski*, 29(2).
- Modzelewski, P. (2009). Świadczenie usług administracyjnych przez urzędy jako dobro publiczne. In J. Kleer (Ed.). *Samorząd lokalny. Od teorii do badań empirycznych*. Warszawa: CeDeWu.
- Modzelewski, W. & T., Żukowski, A. (2007). Polski samorząd terytorialny w stosunkach międzynarodowych. Zarys problematyki. In J. Marszałek-Kawa (Ed.). *Samorząd terytorialny. Studium politologiczne*. Toruń: Wydawnictwo Adam Marszałek.
- Mordel, T. (2009). Co zmienia nowa ustawa o pracownikach samorządowych?. *Samorządu Terytorialny*, 19(1–2).
- Mroczkowska, R. (2009). *Nowa ustawa o pracownikach samorządowych*, Gdańsk: Ośrodek Doradztwa i Doskonalenia Kadr.
- Niewiadomski, Z. (2002). *Samorząd terytorialny. Ustrój i gospodarka*. Bydgoszcz-Warszawa: Wydawnictwo Prawnicze.
- Nowacka, E. J. (2002). *Reformy samorządu terytorialnego w Polsce, Wielkiej Brytanii i USA*. Poznań-Wrocław: Wydawnictwo Forum Naukowe.
- Nowacka, E. J. (2006). *Polski samorząd terytorialny*. Warszawa: LexisNexis.
- Nowosielski, M. (2004). Protesty w Polsce w latach 1998–2000. Próba systematyzacji. In P. Buczkowski, & P. Matczak (Eds.). *Konflikt nieunikniony*. Poznań: Wydawnictwo Wyższej Szkoły Bankowej.
- Obębalski, M. (2006). Zagadnienie monitoringu i oceny rozwoju regionalnego. In D. Strahl (Ed.). *Metody oceny rozwoju regionalnego*. Wrocław: Wydawnictwo Akademii Ekonomicznej.
- Ofiarska, M. (2008). *Formy publicznoprawne współdziałania jednostek samorządu terytorialnego*. Warszawa: C.H. Beck.
- Olbromski, C. J. (2007). Klasyczny model biurokracji Maxa Webera. In K. Zuba (Ed.). *Biurokracja. Fenomen władzy politycznej w strukturach administracyjnych*. Toruń: Wydawnictwo Adam Marszałek.
- Oleński, J. (Ed.) (2009). *Mały rocznik statystyczny Polski 2009*. Warszawa: GUS.

- Olsen, P. (2006). Maybe It Is Time to Rediscover Bureaucracy. *Journal of Public Administration Research and Theory*, 16(1).
- Olszewski, P. (2007). *Samorząd terytorialny w programach ugrupowań politycznych w Polsce (1989–1998)*. Toruń: Wydawnictwo Adam Marszałek.
- Osborne, S. P. (Ed.). (2008). *The Third Sector in Europe. Prospects and Challenges*. Padstow: Routledge.
- Osiński, J. (2008). Administracja publiczna na tle zmian instytucji państwa w XXI wieku. In J. Czaputowicz (Ed.). *Administracja publiczna na progu XXI wieku. Wyzwania i oczekiwania*. Warszawa: PWN.
- Pająk, K. (2003). *Samorząd terytorialny w Polsce. Wybrane aspekty funkcjonowania*. Bydgoszcz: Wydawnictwo Akademii Bydgoskiej.
- Pennings, P., Keman, H., & Kleinnijenhuis, J. (2006). *Doing Research in Political Science. An Introduction to Comparative Methods and Statistics*. London: Sage.
- Peter, J. (2006). *Local Governance in Europe*. London: Sage.
- Piasecki, A. K. (2008). Lokalna demokracja bezpośrednia. In E. Ganowicz, & L. Rubisz (Eds.) *Polityka lokalna. Właściwości, determinanty, podmioty*. Toruń: Wydawnictwo Adam Marszałek.
- Piasecki, A. K. (2009). *Samorząd terytorialny i wspólnoty lokalne*. Warszawa: PWN.
- Piekara, A. (1995). Konstytucyjne podstawy samorządu terytorialnego. In K. B. Janowski (Ed.). *Nowa Konstytucja RP. Wartość, jednostka, instytucje*. Toruń: Wydawnictwo Adam Marszałek.
- Piekara, A., & Niewiadomski, Z. (1992). *Samorząd terytorialny i rozwój lokalny*. Warszawa: Wydawnictwo Uniwersytetu Warszawskiego.
- Pietras-Goc, B. (2007). Cztery klucze. Pasywność w ocenie doradcy lokalnego. In W. Dziemianowicz, & P. Swianiewicz (Eds.). *Gmina pasywna*. Warszawa: Komitet Przestrzennego Zagospodarowania Kraju.
- Pius XI (1931). *Quadragesimo Anno*. Retrieved from http://www.opoka.org.pl/biblioteka/W/WP/pius_xi/encykliki/quadragesimo_anno_15051931.html
- Podstawowe informacje. *Serwis informacyjny Ministerstwa Pracy i Polityki Społecznej* (2010), Retrieved from http://www.pozytek.gov.pl/Podstawowe_informacje,768.html?PHPSESSID=6a7d26cfcdf7244b895f2f07b91
- Pogłódek, M. (2004). Prawnoustrojowa pozycja wójta (burmistrza, prezydenta) oraz starosty powiatowego, marszałka województwa. In S. Michałowski, & A. Pawłowska (Eds.). *Samorząd lokalny w Polsce. Społeczno-polityczne aspekty funkcjonowania*. Lublin: Wydawnictwo UMCS.
- Popławski, M. (2008). Zawołowany centralizm? Próba określenia stanowiska Prawa i Sprawiedliwości wobec samorządu terytorialnego prezentowanego w programach i deklaracjach politycznych z lat 2005–2007. In D. Karnowska (Ed.). *Demokracja w Polsce po 2005*. Toruń: Wydawnictwo Adam Marszałek.
- Prud'homme, R. (1995). The Dangers of Decentralization. *The World Bank Research Observer*, 10(2).

- Przybyszewski, R. (2009). *Administracja publiczna wobec przemian społeczno-ekonomicznych epoki informacyjnej*. Toruń: Wydawnictwo Adam Marszałek.
- Radomski, G. (Ed.). (2006). *Samorząd w polskiej myśli politycznej XX wieku*. Toruń: Wydawnictwo Adam Marszałek.
- Radomski, G. (2009). *Samorząd terytorialny w myśli politycznej Narodowej Demokracji 1918–1939*. Toruń: Wydawnictwo Adam Marszałek.
- Rajca, L. (2008). Demokracja lokalna i regionalna w państwach Europy Zachodniej. *Samorząd Terytorialny*, 18(1).
- Regulski, J. (1998). Nowy ustrój, nowe szanse, nowe procedury. *Reforma Administracji Publicznej*, 1(1).
- Regulski, J. (2000). *Samorząd III Rzeczypospolitej*. Warszawa: PWN.
- Rękawek, A. (2008a). *Stowarzyszenia rodziców – nowa szansa dla szkoły*. Warszawa: Wolters Kluwer.
- Rękawek, A. (2008b). *Współpraca ze stowarzyszeniami – nowe możliwości rozwoju szkoły*. Warszawa: Wolters Kluwer.
- Richards, R. A. W. (1962). *On Administrative Decentralization*. *Australian Journal of Public Administration*, 21(1).
- Rhodes, R. A. W. (1996). The New Governance: Governing without Government. *Political Studies*, 44(4).
- Rhodes, R.A.W. (1997). *Understanding Governance. Policy Networks, Governance, Reflexivity and Accountability*. Glasgow: OPEN University Press.
- Risse, T. (2000). Transnational Actors and World Politics. In W. Carlsnaes, T. Risse, & B. A. Simmons (Eds.). *Handbook of International Relations*. Los Angeles: Sage 2000.
- Robinson, M. K. (2001). *Nonprofit Boards That Work. The End of One-Size-Fits-All Governance*. New York: Johny Willey & Sons.
- Romanowski, I. (2002). Nadzór wojewody lubelskiego nad działalnością samorządu terytorialnego w latach 1991–2000. In S. Michałowski (Ed.). *Samorząd terytorialny III Rzeczypospolitej. Dziesięć lat doświadczeń*. Lublin: Wydawnictwo UMCS.
- Rondinelli, D. A. (1980). Government Decentralization in Comparative Perspective: Theory and Practice in Developing Countries. *International Review of Administrative Sciences*, 47(1).
- Rondinelli, D. A. (1983). Implementing Decentralization Programs in Asia: a Comparative Analysis. *Public Administration And Development*, 3(3).
- Rondinelli, D. A., & Cheema, G. S. (2007). *Decentralizing Governance: Emerging Concepts and Practices*. Harvard: Brookings Institution Press.
- Rondinelli, D. A., McCullough, J. S., & Johnson, R. W. (1989). Analysing Decentralization Policies in Developing Countries: a Political–Economy. *Development and Change*, 20(1).
- Rondinelli, D. A., Nellis, J. R., & Cheema, G. S. (1983). Decentralization in Developing Countries. A Review of Recent Experience. *World Bank Working Papers*, 581(8).

- Rostbøll, Ch. F. (2005). Preferences and Paternalism: On Freedom and Deliberative Democracy. *Political Theory*, 33(3).
- Rymsza, M. (2005). Współpraca administracji publicznej z organizacjami pozarządowymi w świetle wyników badań. In T. Mordela (Ed.). *Nowy model świadczenia usług publicznych – współpraca administracji publicznej z trzecim sektorem: wyzwania, przeszkody, dobre praktyki*. Łódź: WSAP.
- Saito, F. (2008). *Foundations for Local Governance. Decentralization in Comparative Perspective*. Heidelberg: Springer.
- Sakowicz, M. (2008). Zastosowanie nowych technologii informacyjno-komunikacyjnych w rządzeniu i zarządzaniu administracją publiczną. In J. Osiński (Ed.). *Administracja publiczna na progu XXI wieku. Wyzwania i oczekiwania*. Warszawa: SGH.
- Schachter, H. L. (1989). *Frederick Taylor and the Public Administration Community: a Reevaluation*. New York: Suny Press.
- Silverman, J. M. (1992). *Public Sector Decentralization. Economic Policy and Sector Investment Programmes*. Washington: World Bank Publications.
- Skiba, R. (2005). III sektor a inne sektory. In A. Gałązka (Ed.). *Elementarz III sektora*. Warszawa: Klon/Jawor.
- Słobodzian, B. (2007). Cele i zasady reformy administracji samorządowej w 1998. In J. Marszałek-Kawa (Ed.). *Samorząd terytorialny. Studium politologiczne*. Toruń: Wydawnictwo Adam Marszałek.
- Smith, P. (1990). The Use of Performance Indicators in the Public Sector. *Journal of the Royal Statistical Society*, 153(1).
- Smoke, P. (2003). Decentralization in Africa: Goals, Dimensions, Myths and Challenges. *Public Administration and Development*, 23(1).
- Sobczak, J. (2002). Konstytucyjne podstawy reform samorządowych w Polsce. In S. Michałowski (Ed.). *Samorząd terytorialny III Rzeczypospolitej. Dziesięć lat doświadczeń*. Lublin: Wydawnictwo UMCS.
- Sobolewska-Myślik, K. (2007). *Partie polityczne na poziomie lokalnym*. In E. Ganowicz, & L. Rubisz (Eds.). *Polityka lokalna. Właściwości, determinanty, podmioty*. Toruń: Wydawnictwo Adam Marszałek.
- Sørensen, E., & Torfing, J. (2008). Introduction. Governance Networks Research: Towards a Second Generation. In E. Sørensen, & J. Torfing (Eds.). *Theories of Democratic Network Governance*. New York: Palgrave Macmillan.
- Sowa, K. Z. (1988). *Wstęp do socjologicznej teorii zrzeszeń*. Warszawa: PWN.
- Sowiński, P. (2007). Uczestnicy procesu karnego. In G. Artymiak, M. Rogalski, & Z. Sobolewski (Eds.). *Proces karny. Część ogólna*. Warszawa: Wolters Kluwer.
- Sowiński, R. (2002). Ustawa regulująca udział jednostek samorządu terytorialnego w międzynarodowych zrzeszeniach społeczności lokalnych. *Samorząd Terytorialny*, 12(7–12).
- Starościak, J. (1972). *Prawo administracyjne*. Warszawa: PWN.

- Stolarczyk, P. (Ed.). (2009a). *Rocznik statystyczny województwa kujawsko-pomorskiego 2009*. Bydgoszcz: GUS.
- Stolarczyk, P. (Ed.). (2009b). *Województwo Kujawsko-Pomorskie 2009 – Podregiony, Powiaty, Gminy*. Bydgoszcz: GUS.
- Strzała, A. E. (2010a, February 2). *Charakterystyka trzeciego sektora w Polsce w 2007 r.* Retrieved from <http://www.pozytek.gov.pl/Badania,i,analizy,-aktualnosci,1058.html?PHPSESSID=fde2f80a5920d42afbe45bcd6cf96dd1>tania ze strony: 2.02.2010.
- Strzała, A. E. (2010b, February 2). *Pierwsze pełne badanie fundacji, stowarzyszeń oraz podmiotów kościelnych i wyznaniowych w ramach statystyki publicznej*. Retrieved from <http://www.pozytek.gov.pl/Badania,i,analizy,-aktualnosci,1058.html?PHPSESSID=fde2f80a5920d42afbe45bcd6cf96dd1>tania ze strony: 2.02.2010.
- Suski, P. (2008). *Stowarzyszenia i fundacje*. Warszawa: LexisNexis.
- Szczerski, K. (2004). *Porządki biurokratyczne*. Kraków: Księgarnia Akademicka.
- Szczerski, K. (2008). Partnerstwo obywatelskie. Problematyka relacji administracji publicznej z organizacjami obywatelskimi. In J. Czaputowicz (Ed.). *Administracja publiczna. Wyzwania w dobie integracji europejskiej*. Warszawa: PWN.
- Szewc, A., & Szewc, T. (2006). *Wójt, burmistrz, prezydent miasta*. Warszawa: Wolters Kluwer.
- Szewc, T. (2006). *Dostosowanie prawa polskiego do Europejskiej Karty Samorządu Terytorialnego*. Bydgoszcz–Katowice: Branta.
- Szreniawski, J. (1994). *Prawo administracyjne. Część ogólna*. Lublin: Wydawnictwo UMCS.
- Szreniawski, J. (1997). *Wprowadzenie do nauki administracji*. Lublin: Morpol.
- Sztumski, J. (1999). *Wstęp do metod i technik badań społecznych*. Katowice: Śląsk.
- Śliz, A., & Szczepański, M. (2008). Społeczności lokalne: od platońskiego polis do systemów lokalnych. In E. Ganowicz, L. Rubisz (Eds.). *Polityka lokalna. Właściwości, determinanty, podmioty*. Toruń: Wydawnictwo Adam Marszałek.
- Śniecikowski, W. (1996). *Szkice o samorządzie terytorialnym*. Pasłęk: FRDL 1996.
- Tarno, J. P. (2004a). Pojęcie i istota samorządu terytorialnego. In J. P. Tarno, M. Sieniuc, J. Sulimierski, & J. Wyporska (Eds.). *Samorząd terytorialny w Polsce*. Warszawa: LexisNexis.
- Tarno, J. P. (2004b). Polski model samorządu terytorialnego. In J. P. Tarno, M. Sieniuc, J. Sulimierski, & J. Wyporska (Eds.). *Samorząd terytorialny w Polsce*. Warszawa: LexisNexis.
- Tarno, J. P., Sieniuc, M., Sulimierski, J., & Wyporska, J. (2004). *Samorząd terytorialny w Polsce*. Warszawa: LexisNexis.
- Til, J. V. (2008). *Growing Civil Society, From Nonprofit Sector to Third Space*. Bloomington & Indianapolis: Indiana University Press.
- Tokarski, Z. (2008). *Wolontariat w Polsce. Raport z badań w Polsce w latach 2000–2003*. Łódź: Wydawnictwo WSHE.

- Torring, J. (2007). Introduction. Democratic Network Governance. In M. Martussen, & J. Torring (Eds.). *Democratic Network Governance in Europe*. Eastbourne: Palgrave Macmillan.
- Torre, J. M. de (1997). Human Transcendence: The Principle of Subsidiarity and the Role of Authority. *Catholic Social Science Review*, 2(1997).
- Ura, E., & Ura, E. (2006). *Prawo administracyjne*. Warszawa: LexisNexis.
- Walichniewicz-Bartnik, P. (2007). Proces dewolucji i jego ewentualne konsekwencje dla Zjednoczonego Królestwa Wielkiej Brytanii i Irlandii Północnej. In J. Marszałek-Kawa (Ed.). *Samorząd terytorialny w Polsce i w Europie. Doświadczenia, współczesne wyzwania*. Toruń: Wydawnictwo Adam Marszałek.
- Walker, L. (1989). Woodrow Wilson, Progressive Reform and Public Administration. *Political Science Quarterly*, 104(3).
- Wankiewicz, B. (2009). *Zasoby finansowe a rozwój samorządności lokalnej. Obszary rozwoju – rozwiązania modelowe*. Warszawa: CeDeWu.
- Wasilkowski, J. (1972). *Pojęcie własności we współczesnym prawie polskim*. Warszawa: Książka i Wiedza.
- Weber, M. (1978). *Economy and Society*. Berkeley & Los Angeles: University of California Press.
- Wengler, L. (2006). Wygaśnięcie porozumienia komunalnego. *Samorząd Terytorialny*, 16(1).
- Wiatr, J. J. (2002). *Konsekwencje reformy 1998 roku dla władzy lokalnej*. In *Władza lokalna po reformie samorządowej*. Warszawa: Scholar.
- Wierzbica, A. (2007). Pojęcie miasta na prawach powiatu. In B. Dolnicki (Ed.). *Ustawa o samorządzie powiatowym*. Warszawa: Wolters Kluwer.
- Winkler, D. R., & Gershberg, A. I. (2000). Education Decentralization in Latin America. The Effects on the Quality of Schooling. In S. J. Burki, & G. E. Perry (Eds.). *Decentralization and Accountability of the Public Sector*. Washington: World Bank.
- Witkowski, W. (2007). *Historia administracji w Polsce 1764–1918*. Warszawa: PWN.
- Wojtaszczyk, K. A. (2003). *Państwo współczesne*. In K. A. Wojtaszczyk, & W. Jakubowski (Eds.). *Spółczesność i polityka*. Warszawa: ASPRA-JR.
- Wolff-Powęska, A. (2008). Lokalność w Niemczech i w Polsce – doświadczenia i perspektywy. In K. Bondyra, M. S. Szczepański, & P. Śliwa (Eds.). *Wielopolska Regionalna? Regionalizm w Polsce a polityka strukturalna w Unii Europejskiej*. Poznań: Wydawnictwo Wyższej Szkoły Bankowej.
- Wójcik, S. (1999). *Samorząd terytorialny w Polsce w XX wieku*. Lublin: Wydawnictwo Katolickiego Uniwersytetu Lubelskiego.
- Wróbel, A. (2000). *Kodeks postępowania administracyjnego. Komentarz*. Kraków: Zakamycze.
- Zawalińska, K. (Ed.). (2005). *Rozwój obszarów wiejskich. Doświadczenia krajów Europy*. Warszawa: Instytut Rozwoju Wsi i Rolnictwa.
- Zgud, Z. (1999). *Zasada subsydiarności w prawie europejskim*. Kraków: Zakamycze.

- Zieliński, E. (1996). Przekształcenia ustrojowo-polityczne w Polsce. In E. Zieliński (Ed.). *Transformacja ustrojowa państw Europy Środkowej i Wschodniej*. Warszawa: Elipsa.
- Zieliński, E. (2001). *Administracja rządowa w Polsce*. Warszawa: Elipsa.
- Zieliński, E. (2004). *Samorząd terytorialny w Polsce*. Warszawa: Elipsa.
- Zięba-Załużka, H. (1999). Rezygnacja z instytucji samorządu w latach 1950–1990. In H. Zięba-Załużka (Ed.). *Samorząd terytorialny Rzeczypospolitej Polskiej po reformie ustrojowej*. Rzeszów: Wydawnictwo Oświatowe FOSZE.

Appendix A

Questionnaire

Characteristics of local associations from the area of the Kujawsko-Pomorskie and opinions of their members on cooperation with municipalities, on the territory of which they function

Ladies and Gentlemen!

Thank you for your time. This survey is part of a scientific research project. Its goal is to provide information on the potential of local associations from the area of the Kujawsko-Pomorskie and their experiences on cooperation with municipalities.

The survey is anonymous. In some questions, you may select more than one answer. You will be informed about that in the question. The sequence of options of answers is random. The survey takes about 25 minutes. The credibility of the study will truly serve the non-governmental organizations not only in the region, but throughout Poland!

1. Does your organization operate in the Kujawsko-Pomorskie region?
 - a\ yes
 - b\ no
2. Does your organization have a legal form of registered association?
 - a\ yes
 - b\ no
3. Does in your organization act primarily people associated with the community of one municipality?
 - a\ yes
 - b\ no
4. Is your associations activities aimed primarily at members of that community?
 - a\ yes
 - b\ no
5. How many inhabitants does your municipality have?
 - a\ less than 10.000
 - b\ 10.001–20.000

- c\ 20.001–50.000
 - d\ 50.001–100.000
 - e\ over 100.000
 - f\ Do not know / hard to say
6. What type of municipality is it?
- a\ urban
 - b\ rural
 - c\ urban–rural
 - d\ do not know / hard to say
7. Does your association have a PBO status?
- a\ yes
 - b\ not
 - c\ do not know / hard to say
8. How many members does your association have?
- a\ > 15
 - b\ 15–20
 - c\ 21–30
 - d\ 31–50
 - e\ 51–100
 - f\ 100 <
 - g\ do not know / hard to say
9. How many of your members are active?
- a\ all or nearly all
 - b\ most
 - c\ half
 - d\ minority
 - e\ none or almost none
 - f\ do not know / hard to say
10. What kind of tasks do you perform? (You can choose any number of answers)
- a\ culture
 - b\ education and science
 - c\ sport and physical education
 - d\ civic education and promotion of democracy
 - e\ religion
 - f\ protection of health or promotion of healthy lifestyles
 - g\ tourism and sightseeing

- h\ national traditions
 - i\ preventing addictions or help to addicts
 - j\ international cooperation and European integration
 - k\ ecology
 - l\ rural development
 - m\ economic development
 - n\ social aid
 - o\ other, what?
 - p\ do not know / hard to say
11. Which of the following aspects do you find to be the most important in implementation of projects of your association? (You can choose two answers)
- a\ flexibility
 - b\ ingenuity
 - c\ innovation
 - d\ rule of law
 - e\ compliance with procedures
 - f\ minuteness
 - g\ do not know / hard to say
12. What is your relationship to new things?
- a\ highly favorable
 - b\ quite favorable
 - c\ indifferent
 - d\ fairly unwilling
 - e\ highly reluctant
 - f\ do not know / hard to say
13. When planning your next project, do you try to repeat a previously performed one?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
14. Do you present in public tenders original, but risky, concepts?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say

15. Does your association, at the end of a project, evaluate the effects?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
16. Are among the beneficiaries of projects done research on their expectations about the future and satisfaction with the project?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
17. Suppose you have a very limited budget. What will you spend funds on first?
- a\ payment of experts
 - b\ purchase of materials
 - c\ do not know / hard to say
18. What is the most likely scenario, if some organizational aspects change directly in the course of a project or an event?
- a\ meeting of all members is held
 - b\ meeting of organization's management or project authors is held
 - c\ brief consultation with those also absent is held
 - d\ changes take place immediately in progress by those directly involved, without further consultation with the absent
 - e\ otherwise, how?
 - f\ do not know / hard to say
19. Does it happen that during the performance of your tasks you stay in the associations office longer than you have planned for the day?
- a\ we do not plan
 - b\ definitely yes
 - c\ rather yes
 - d\ rather not
 - e\ definitely not
 - f\ do not know / hard to say
20. What aspect motivates members of the association for activities in your organization the most? (You may choose two answers)
- a\ financial compensation

- b\ the desire to self-fulfillment
 - c\ willingness to help
 - d\ spiritual / religious motivation
 - e\ desire to gain professional experience
 - f\ development of career
 - g\ other, what?
 - h\ do not know / hard to say
21. How many people are usually involved in the coordination of your project?
- a\ 1
 - b\ 2–3
 - c\ 4–6
 - d\ 7 and more
 - e\ do not know / hard to say
22. Do you employ staff in your association?
- a\ not
 - b\ yes – 1
 - c\ yes – 2 to 3
 - d\ yes – from 4–6
 - e\ yes – from 7–10
 - f\ yes – more than 10
 - g\ do not know / hard to say
23. In what positions do the association employ (paid) staff? (You can choose any number of responses)
- a\ we do not employ anyone on a permanent basis
 - b\ member of associations authorities
 - c\ project manager
 - d\ accountant
 - e\ specialist associated with associations project
 - f\ assistant management / employee of the registry
 - g\ computer specialist
 - h\ other, what?
 - i\ does not know / hard to say
24. Should your association be employing on a permanent basis people for the following positions? (You can choose any number of responses)
- a\ there is no such need
 - b\ member of the associations authorities
 - c\ project manager
 - d\ accountant

- e\ specialist associated with the associations project
 - f\ assistant management / employee of the registry
 - g\ computer specialist
 - h\ other, what?
 - i\ do not know / hard to say
25. Does implementation of your project involve experts from outside?
- a\ yes, often
 - b\ yes, sometimes
 - c\ yes, very occasionally
 - d\ never
 - e\ do not know / hard to say
26. Are external experts remunerated for their participation in the project?
- a\ no – we do not cooperate with external specialists
 - b\ always
 - c\ sometimes
 - d\ very occasionally
 - e\ never
 - f\ do not know / hard to say
27. Are internal experts remunerated for their participation in the project?
- a\ no – we do not have internal specialists
 - b\ always
 - c\ sometimes
 - d\ very occasionally
 - e\ never
 - f\ do not know / hard to say
28. Do members of the association (not including specialists) get remuneration for participation in the projects?
- a\ always
 - b\ some times
 - c\ very occasionally
 - d\ never
 - e\ do not know / hard to say
29. What aspects, according to your observations, motivate external experts to participate in your projects the most? (You can choose two answers)
- a\ not applicable – we do not use the services of external specialists
 - b\ financial compensation
 - c\ the desire to self-fulfillment

- d\ need of helping
 - e\ desire to gain professional experience
 - f\ develop career
 - g\ other, what?
 - h\ do not know / hard to say
30. How often do young people ask you for an internship?
- a\ very often
 - b\ common
 - c\ sometimes
 - d\ rare
 - e\ very rare
 - f\ never
 - g\ do not know / hard to say
31. What usually happens when a member of the association proves to be disinterested or incompetent? (You can choose three answers)
- a\ is instructed or informally urged
 - b\ is instructed or urged by the association to the forum
 - c\ he gets an informal reprimand
 - d\ receives a reprimand at the associations general meeting
 - e\ is moved away from projects
 - f\ is excluded from the association
 - g\ other actions are taken, what are they?
 - h\ there are no consequences
 - i\ do not know / hard to say
32. Are individuals working in the association strictly assigned to the task?
- a\ yes, always
 - b\ yes, sometimes
 - c\ yes, very occasionally
 - d\ never
 - e\ do not know / hard to say
33. Do members of the association maintain collegial relationships outside activities in the organization?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say

34. Were members of the association in friendly relationships before joining the association?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
35. Has competition for the position in the group ever appeared?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
36. How many organizational levels does your association have?
- a\ five or more
 - b\ four
 - c\ three
 - d\ two
 - e\ no
 - f\ do not know / hard to say
37. Has the association since its establishment increased the number of levels?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
38. How is division to ordinary members and authorities important during the implementation of your projects?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
39. Has the association specialized divisions?
- a\ yes, they are formalized
 - b\ yes, there are informal
 - c\ no
 - d\ do not know / hard to say

-
40. Can people from other divisions participate in other departments projects?
- a\ not applicable – we do not have divisions
 - b\ yes, often
 - c\ yes, sometimes
 - d\ yes, very occasionally
 - e\ not
 - f\ do not know / hard to say
41. In the case of failure of a project is it easy to identify the guilty person?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
42. What are the main causes of failure to identify those responsible for failures? (You can choose two answers)
- a\ not applicable – always manage to identify the guilty
 - b\ large structure
 - c\ difficulties in managing
 - d\ personal faults of individual members
 - e\ there are no rules or procedures
 - f\ the dynamics of acting
 - g\ other, what?
 - h\ do not know / hard to say
43. What are the main reasons for successful identification of those responsible for failures? (You can choose two answers)
- a\ not applicable – the guilty cannot be established
 - b\ small structure
 - c\ good governance
 - d\ clear division of tasks
 - e\ good regulations or procedures
 - f\ other, what?
 - g\ do not know / hard to say
44. Do persons involved in individual projects, exchange information regarding actions taken?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say

-
45. What are the main reasons for a smooth transfer of information? (You can choose two answers)
- a\ not applicable – information is not transferred
 - b\ small structure
 - c\ good governance
 - d\ clear division of tasks
 - e\ good regulations or procedures
 - f\ other, what?
 - g\ do not know / hard to say
46. What are the main reasons that information is not always transferred? (you may choose two answers)
- a\ not applicable – information is always transferred
 - b\ large structure
 - c\ difficulties in managing
 - d\ personal faults of individual members
 - e\ there are no rules or procedures
 - f\ the dynamics of action
 - g\ unhealthy rivalry among
 - h\ other, what?
 - i\ do not know / hard to say
47. How many hours per month, are members involved in projects dedicated to the society?
- a\ 0–3
 - b\ 4–8
 - c\ 9–15
 - d\ 15–19
 - e\ 19–40
 - f\ more than 40
 - g\ do not know / hard to say
48. Shall members of the association take annual leave at their other workplace in relation to the implemented project?
- a\ so often
 - b\ yes sometimes
 - c\ so very rare
 - d\ do
 - e\ do not know / hard to say
49. How many associations with a similar profile of activity are in your municipality?
- a\ no

- b\ 1–2
 - c\ 2–4
 - d\ 5–8
 - e\ 9 and more
 - f\ do not know / hard to say
50. Do you think that you compete with other NGOs for public grants from municipalities?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
51. Do you think that you compete with other NGOs for recipients of results of your projects?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
52. Are you, when creating new projects, considering what other NGOs will prepare?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
53. What helps your association to be better than other similar NGOs the most? (You can choose three answers)
- a\ unofficial contacts with officials
 - b\ creating own image in the media
 - c\ opinion of residents of your municipality
 - d\ innovative projects
 - e\ efficiency
 - f\ following procedures and regulations
 - g\ size of organization
 - h\ previous experience and achievements
 - i\ other, what?
 - j\ do not know / hard to say

54. What part of your budget are funds obtained from your municipality?
- a\ 0%
 - b\ 1–20%
 - c\ 21–40%
 - d\ 41–60%
 - e\ 61–80%
 - f\ 81–100%
 - g\ do not know / hard to say
55. What part of your budget are funds obtained from other public partners than municipality?
- a\ 0%
 - b\ 1–20%
 - c\ 21–40%
 - d\ 41–60%
 - e\ 61–80%
 - f\ 81–100%
 - g\ do not know / hard to say
56. What part of your budget are funds collected from the business sector?
- a\ 0%
 - b\ 1–20%
 - c\ 21–40%
 - d\ 41–60%
 - e\ 61–80%
 - f\ 81–100%
 - g\ do not know / hard to say
57. What part of your budget are funds derived from other NGOs?
- a\ 0%
 - b\ 1–20%
 - c\ 21–40%
 - d\ 41–60%
 - e\ 61–80%
 - f\ 81–100%
 - g\ do not know / hard to say
58. What part of your budget are funds collected from your members?
- a\ 0%
 - b\ 1–20%
 - c\ 21–40%

- d\ 41–60%
 - e\ 61–80%
 - f\ 81–100%
 - g\ do not know / hard to say
59. How members of the association threat resources gathered by the organization?
- a\ can be used freely
 - b\ must be used strictly in relation to the objective of the organization
 - c\ do not know / hard to say
60. Does it happen that members used resources of association for their private purpose?
- a\ yes, all kinds of resources
 - b\ yes, but only those that do not get used (for example, computer or a bicycle)
 - c\ it never happens
 - d\ do not know / hard to say
61. Did you punish or are you punishing people for using non-renewable resources for private purposes? (for example a cinema ticket) (you can choose any number of responses)
- a\ exclusion from the organization
 - b\ reprimand
 - c\ instruct
 - d\ do not punish
 - e\ do not know / hard to say
62. Do members of the association carrying out tasks using its own resources for which they do not receive reimbursement? (You can choose any number of responses)
- a\ not
 - b\ yes, they use their own phone
 - c\ yes, they use their cars
 - d\ yes, they bring their own equipment or purchase it
 - e\ yes, informally pay for various services
 - f\ yes, yet another way, how?
 - g\ do not know / hard to say
63. Does your association receive funding or other assistance from companies or private enterprises?
- a\ yes, often
 - b\ yes, sometimes
 - c\ yes, rarely
 - d\ do not
 - e\ do not know / hard to say

-
64. Does your association uses funds provided by private companies to carry out municipal public tasks?
- a\ not applicable – we do not get such funds
 - b\ yes, often
 - c\ yes, sometimes
 - d\ yes, rarely
 - e\ no
 - f\ do not know / hard to say
65. Does your association use funds obtained from other NGOs to carry out municipal public tasks?
- a\ not applicable – we do not get such funds
 - b\ yes, often
 - c\ yes, sometimes
 - d\ yes, rarely
 - e\ no
 - f\ do not know/hard to say
66. Do you think that some projects may receive or are likely to get private sponsors?
- a\ definitely yes
 - b\ rather yes
 - c\ rather no
 - d\ definitely not
 - e\ do not know / hard to say
67. Which of the following projects do you think can most count on private sponsors?
(You can choose two answers)
- a\ for all private sponsors projects are the same value
 - b\ general help addressed to the elderly
 - c\ support addressed to addicts
 - d\ general assistance to children
 - e\ support addressed to pathological families
 - f\ assistance aimed at sick people
 - g\ do not know / it is difficult to say
68. Are private sponsors expecting an official written letter with thanks?
- a\ definitely yes
 - b\ rather yes
 - c\ rather no
 - d\ definitely not
 - e\ do not know / hard to say

-
69. Are you from your own initiative sending official letters with thanks to private sponsors?
- a\ not applicable – we do not get such funds
 - b\ definitely yes
 - c\ rather yes
 - d\ rather no
 - e\ definitely not
 - f\ do not know / hard to say
70. Who of the following subjects does the association work with most often? (You can choose two answers)
- a\ Municipality
 - b\ Province
 - c\ Region (self-government)
 - d\ Region (government)
 - e\ central authorities and offices
 - f\ territorial branch offices of central government offices
 - g\ EU institutions
 - h\ other NGOs
 - i\ private companies
 - j\ do not know / hard to say
71. Is getting funds for daily functioning, not related to the implementation of projects, a problem?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
72. Did you try to get an office for the association?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
73. Is getting an office for an association a problem?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say

-
74. Is your association using private or business premises of members or friends?
- a\ yes, in the past, but no longer
 - b\ yes, until now and only such
 - c\ yes, today we use such facilities plus official headquarters of the association
 - d\ no
 - e\ do not know / hard to say
75. What is the general opinion? Is your municipality likely to cooperate with NGOs?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
76. Did your association cooperate with the municipality in which it functions?
- a\ yes
 - b\ not
 - c\ do not know / hard to say
77. Would your association like in the future to take up or continue cooperation with the municipality in which it functions?
- a\ yes
 - b\ not
 - c\ do not know / hard to say
78. How familiar are you with the possible forms of cooperation with the municipality?
- a\ very good
 - b\ good
 - c\ intermediate
 - d\ poor
 - e\ very poor
 - f\ do not known any
 - g\ do not know / hard to say
79. What forms of cooperation with your municipality or your association come into?
(You can choose any number of answers)
- a\ not applicable – it did not
 - b\ formal, public consultation
 - c\ formalized structures of cooperation
 - d\ informal consultations
 - e\ public tenders for public tasks

- f\ debates and conferences
 - g\ consulting or provision of information
 - h\ other what?
 - i\ do not know / hard to say?
80. What is your opinion on how your municipality informs about the possible forms of cooperation with it?
- a\ very good
 - b\ good
 - c\ intermediate
 - d\ poor
 - e\ very poor
 - f\ do not know / hard to say
81. What made you decide to engage in cooperation with your municipality? (You can choose any number of responses)
- a\ not applicable – we do not cooperate
 - b\ own initiative
 - c\ good attitude of municipal authorities
 - d\ financial need / insufficient funding
 - e\ will to develop association
 - f\ good programs for cooperation with NGOs
 - g\ consistent vision of solving problems
 - h\ other, what?
 - i\ do not know / hard to say
82. Which of the following reasons caused you to not cooperate with your municipality? (You can choose any number of answers)
- a\ not applicable – we work together
 - b\ lack of information about opportunities
 - c\ will to act independently
 - d\ bad attitude of municipal authorities
 - e\ lack of municipal cooperation programs with NGOs
 - f\ too much competition from other NGOs
 - g\ lack of human resources in the association
 - h\ lack of own resources to participate in public tenders
 - i\ no coherence between activities undertaken by the association and the municipality
 - j\ other, what?
 - k\ do not know / hard to say

-
83. Is the attitude towards cooperation of authorities of your municipality more favorable in the period before local elections?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
84. Is the time period for which the municipality signs the contract with NGOs for the implementation of a project right?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
85. Are rules competing for municipal grants equal for all?
- a\ definitely yes
 - b\ rather yes
 - c\ rather no
 - d\ definitely not
 - e\ do not know / hard to say
86. Are rules of competing for municipal grants clear and legible?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
87. Does your municipality, after announcing results of municipal grants competition, provide a proper explanation of your result?
- a\ yes – exhaustive
 - b\ yes – not exhaustive
 - c\ not
 - d\ do not know / hard to say
88. Should the municipality provide the detailed, public explanation of results of municipal grants competitions?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not

- d\ definitely not
 - e\ do not know / hard to say
89. Are there specific technical criteria used which your municipality assess applications public grants?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
90. Should your municipality be more specific about criteria, according to which public grants applications are assessed?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
91. Has your municipality ever withdrawn from providing you money after you have won a competition for public grant?
- a\ not applicable – We have never won such competition
 - b\ yes, often
 - c\ yes, rarely
 - d\ yes, once
 - e\ no
 - f\ do not know / hard to say
92. Whose is to blame for such a withdrawal?
- a\ not applicable – it has not taken place
 - b\ municipality
 - c\ our association
 - d\ both parties
 - e\ do not know / hard to say
93. Does your municipality, by a website or in print, deliver information about various spheres of your activity, e.g. information about EU funds?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say

94. Which aspects of cooperation of your municipality with NGOs should be upgraded the most? (You may choose three answers)
- a\ nothing
 - b\ transparency
 - c\ involvement
 - d\ fairness
 - e\ communication
 - f\ consultations
 - g\ amount of funds transferred
 - h\ procedures
 - i\ promotion of NGOs
 - j\ other, what?
 - k\ do not know / hard to say
95. Has cooperation of your municipality with NGOs improved in recent years?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
96. Do officials look forward to information or advice from you?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
97. Are there any official forums, panels, joint committees of NGOs and communities in your municipality that take care of NGO-municipality cooperation?
- a\ yes, even too many
 - b\ yes, just enough
 - c\ yes, there is too little of them
 - d\ no, there are not any
 - e\ do not know / hard to say
98. How good are informal contacts of your association with municipal representatives?
- a\ very good
 - b\ good
 - c\ average
 - d\ poor

- e\ very poor
 - f\ they are not any
 - g\ do not know / hard to say
99. Public consultations of your municipality and NGOs take place:
- a\ too often
 - b\ just often enough
 - c\ too rare
 - d\ do not take place at all
 - e\ do not know / hard to say
100. What do you think about the effects of consultations or other meetings on cooperation with NGOs organized by the municipality?
- a\ not applicable – they are not any / we do not participate
 - b\ very good
 - c\ good
 - d\ average
 - e\ poor
 - f\ very poor
 - k\ do not know / hard to say
101. Should your municipal authorities be involved in the integration of local NGOs?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
102. Should your municipal authorities organize free training and workshops for NGOs?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
103. Has your association taken part in public grant competition the result of which would perform municipal public task?
- a\ yes
 - b\ not
 - c\ do not know / hard to say

-
104. Would your association like to take part in such competition in the future?
- a\ yes
 - b\ no
 - c\ do not know / hard to say
105. Have you ever got any funds in such a competition?
- a\ not applicable –we did not take part
 - b\ yes
 - c\ not
 - d\ do not know / hard to say
106. Are the funds that you have applied for in competition always been the same amount that you have asked for?
- a\ not applicable – we did not apply for such funds
 - b\ are at the level as we applied for
 - c\ are almost at that level that we applied for and are sufficient to carry out the task without modification
 - d\ are smaller, but we usually manage to find some other sources of funding
 - e\ are smaller and we have to resign from the project
 - f\ do not know / hard to say
107. How often are funds transferred by the municipality smaller than the amount that you applied for?
- a\ not applicable – we do not apply for such funds
 - b\ always or very often
 - c\ often
 - d\ rare
 - e\ very seldom or never
 - f\ do not know / hard to say
108. Why you did not get funds from the municipal competitions? (You can choose any number of answers)
- a\ not applicable – no application or all applications successful
 - b\ lack of correct information about the rules / rules unclear
 - c\ too late acquainted knowledge about the competition
 - d\ dishonest organizers
 - e\ errors in competition announcement
 - f\ too complicated competition forms
 - g\ submission of the application after the deadline
 - h\ big competition
 - i\ different priorities and visions than the municipality
 - j\ no experience or achievements

- k\ no additional funds, because the municipality does not cover 100% of the project
 - l\ bad or no image in the media
 - m\ other, what?
 - n\ do not know / hard to say
109. Why do you think you have got funds in these competitions? (You may choose any number of answers)
- a\ not applicable – we have never got such funds
 - b\ original project
 - c\ little competition
 - d\ large demand for offered action
 - e\ compliance with the vision proposed by the municipality
 - f\ prior public agreement on projects priorities
 - g\ informal contacts with officials
 - h\ good information availability
 - i\ earlier achievements and experience
 - j\ good brand or image in the media
 - k\ good technical or human resources
 - l\ possession of other large funds
 - m\ interesting project partners
 - n\ other, what?
 - o\ do not know / hard to say
110. Do you manage to fulfill the terms of the contract after winning a competition for public funds?
- a\ not applicable – never signed such an agreement
 - b\ yes, always
 - c\ yes, usually
 - d\ yes, rarely
 - e\ not
 - f\ do not know / hard to say
111. Is there a designated person in the municipality or institution dealing with delivering information or consultations with NGOs?
- a\ yes, and it is competent
 - b\ yes, but it is incompetent
 - c\ not
 - d\ do not know / hard to say
112. Do these people know the specificity of the third sector?
- a\ not applicable – we do not come into contact with such people
 - b\ definitely yes

- c\ rather yes
 - d\ rather not
 - e\ definitely not
 - f\ do not know / hard to say
113. Has your association attended or planned to participate in local government elections?
- a\ yes
 - b\ no
 - c\ do not know / hard to say
114. Has your association supported candidates in any elections: presidential, parliamentary or local government?
- a\ yes
 - b\ not
 - c\ do not know / hard to say
115. Has it ever occurred inside your association the phenomenon of taking financial or other benefits in return for a favour, for issuing a positive decision, a privilege?
- a\ yes, at least several times
 - b\ yes, it was a single case
 - c\ we have never experienced such a phenomenon
 - d\ do not know / hard to say
116. Has a phenomenon of adoption of financial or other benefits in return for a favour, for issuing a positive decision, a privilege, taken place in relation to a government entity?
- a\ yes, at least several times
 - b\ yes, it was a single case
 - c\ we have never experienced such a phenomenon
 - d\ do not know / hard to say
117. Has in your association the phenomenon of favoring relatives or friends when filling posts ever taken place?
- a\ yes, at least several times
 - b\ yes, it was a single case
 - c\ we have never experienced such a phenomenon
 - d\ do not know / hard to say
118. Has the phenomenon of favoring relatives or friends when filling posts taken place in relation to a government entity?
- a\ yes, at least several times

- b\ yes, it was a single case
 - c\ we have never experienced such a phenomenon
 - d\ do not know / hard to say
119. Has in your association the phenomenon of promoting by influential persons for who you provide services for ever occurred?
- a\ yes, at least several times
 - b\ yes, it was a single case
 - c\ we have never experienced such a phenomenon
 - d\ do not know / hard to say
120. Has the phenomenon of promotion by influential persons for who you provide services taken place in relation to a government entity?
- a\ yes, at least several times
 - b\ yes, it was a single case
 - c\ we have never experienced such a phenomenon
 - d\ do not know / hard to say
121. What consequences have people from your associations involved in the described phenomena in previous questions been? (You may choose any number of responses)
- a\ not applicable – no it did not happen
 - b\ criminal consequences
 - c\ these individuals were excluded from the association
 - d\ they were given a formal reprimand
 - e\ they were given an informal reprimand
 - f\ they have not met any consequences
 - g\ do not know / hard to say
122. Do you use official procedures or official documents within inside communication in you association?
- a\ definitely yes
 - b\ rather yes
 - c\ rather not
 - d\ definitely not
 - e\ do not know / hard to say
123. What role in the implementation of your projects do you assign to rules and procedures compared to the goal of the project?
- a\ very big
 - b\ big
 - c\ average
 - d\ little

- e\ very small
- f\ not any
- g\ do not know / hard to say

124. Has in your association taken place the phenomenon of excessive attachment to procedures?
- a\ yes, at least several times
 - b\ yes, it was a single case
 - c\ we have never experienced such a phenomenon
 - d\ do not know / hard to say

Thank you for your time!