

Urban administration and sustainable development: terms of reference

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The article is devoted to the feasibility of city administrations and modern urban sustainable development through a comprehensive review of the theoretical and legal framework. Nowadays, it is important to study the effectiveness of city administrations, which is heterogeneous in its structure, given its special place in the general system of competence of local self-government. Accordingly, problems arise not only in determining the structure of competence of city administrations, but also in setting its limits. Determining the limits of the competence of city administrations is the most important element that affects the consolidation of the general competence of municipal authorities and its redistribution among municipal entities, including the population of the urban district. The paper investigates not only the ambiguous and disordered content, but also the scope of competence of city district administrations. Based on the analysis of theoretical studies, provisions of regulatory legal acts that establish the powers of city administrations, their practical activities, some ways to address the issue of delimitation of competence of city administrations at the horizontal and vertical levels are proposed.

Keywords: urban, terms of reference; local administration; municipal entities.

Introduction

The municipal administrative body, as the executive and administrative body of a municipal entity, shall be vested not only with the authority to resolve issues of local significance, but also with the authority to exercise certain state powers pursuant to Article 37 of the Federal Law "On General Principles of Local Self-Government Organization in the Russian Federation" (General Principles, 2003). The powers of local self-government bodies are consolidated in charters of city districts. Accordingly, the competence of city administrative bodies is also set forth in the basic regulatory act of the municipality. The competence of city administrative bodies is not uniform. It consists of the main powers defined by the charter of the urban district (the main component of the competence) and the powers transferred to city administrations by federal laws, laws of the constituent entities of the Russian Federation and regulations of the city administrations of the district in the city administrations (a variation component of the competence). As a result, it can be stated that the competence of city administrations includes the main set of powers enshrined in the charter of the municipality for a particular urban district and variable powers, which are more subject to change depending on the designated options. Today, not only powers of the main part of the competence of city administrations are heterogeneous, but also variation powers. Differences in the competence of city district administrations are due to a different set of powers, both in relation to the main component of the competence of city district administrations and the powers representing the variable part of the competence of these municipal authorities. For example, the administration of the municipal district - the city of Barnaul - is vested with significant powers set forth in Articles 49 through 60 of the Barnaul City Charter (the Charter, 2018). The administration of the municipal district - the city of Novosibirsk - is also vested with the basic powers set forth in Article 40 of the Charter of the city of Novosibirsk (Novosibirsk City, 2007). It is important to emphasize that the powers of the variable part of the competence of city administrations differ significantly, also due to the possibility of transferring them to local governments by granting them certain state powers. Differences in the powers of city administrations are also due to such factors as the population of an urban district. In fact, members of representative bodies of municipal entities have not been legally regulated to determine the authorities of administrative bodies in the urban districts. The norms of the charters of municipalities that establish the basic powers of city administrations do not contain a clear list of powers in the financial and economic, social and cultural spheres and in the sphere of protection of rights and legitimate interests of citizens. Both the federal legislator and the municipal standard-bearer can clearly establish powers in the abovementioned areas based on the norms of Chapter III of the Federal Law of October 06, 2003. Accordingly, today there is no normative-legal substantiation of a certain set of powers of administrations of city districts in financial-economic, socio-cultural spheres and in the sphere of protection of rights and legitimate interests of citizens.

The municipal standard-bearer, fixing in the charter of the municipality a certain list of powers in the above areas, is guided by the list of issues of local importance for urban districts (Article 16 of the Federal Law of October 06, 2003) and material and financial capabilities of the municipality. However, the municipal standard-bearer does not have a normative substantiation for

the selection of specific powers and their consolidation as basic powers of the municipal administration in the charter of the municipality in the chapter that establishes the status of the municipal administration. The issues of distribution of powers between the city administration and "raion" (region, district) administrative bodies in the city have not been resolved either. Today, it is important to consider the acceptable limits of the competence of the city administration, defining its reasonable basic and variable powers, the origins of which lie with the population and the representative body of the municipal entity.

Materials and methods

The object of the survey is a set of public relations arising in the process of establishing the terms of reference of the local government body in the municipal area. Accordingly, the object of the study is legal theoretical structures, legal acts that determine the nature, content and scope of competence of local government bodies in an urban municipal area.

The legal basis of the study is based on the provisions of the Constitution of the Russian Federation (hereinafter, the "Constitution of the Russian Federation") and the constitutional law, acts of municipal entities in the city districts, and practical materials that make it possible to establish the scope of competence of the local government body in an urban municipal area. The goal of the survey was to use a variety of cognitive methods. Accordingly, along with general scientific methods of analysis and modeling, comparative legal, formal and statistical methods of cognition of the private and scientific nature were used. This predetermined a thorough study of the subject that, along with detailed findings, made it possible to propose some options for the optimal consolidation of the competence of local administration in an urban municipal district that affects the comfortable living conditions of the population.

Results

Competence is a complex legal category. It is inherent in all municipal entities and, accordingly, is the responsibility of city administrations. Competence of city administrations consists of rights and duties (powers) and subjects of conduct (scope of public affairs), in fact it is their powers in their respective fields of activity, as well as individual delegated state powers (Blinova, 2018). Nevertheless, despite the diversity of competence of city administrations, today it does not yet contain the necessary, in our opinion, scope of powers.

The study of theoretical sources, current regulations, and the practice of city administrations' functioning allows us to draw some conclusions. First, the competence of a municipal entity includes several components of its structures. The competence of city administrations as executive and administrative bodies occupies an important place among the structural elements of the municipal entity's competence. However, the competence of city administrations is derived from the competence of the population and competence of the representative body of the municipality (Mankovskaya, 2016). At the same time, the competence of city administrations is the most extensive among the competences of all subjects of the municipality. The city administrations daily and uninterruptedly address the issues of life support of the community population. Accordingly, the viability of a municipality depends on the implementation of this competence. Therefore, the competence of city administrations cannot be reduced and its extension is possible by addressing those issues of local importance that have not yet been included in the charters of city districts but are defined in Article 16 of the Federal Law of October 06, 2003.

Secondly, the competence of city administrations as executive and administrative bodies is complex. As components of the structures of competence of city administrations, it is reasonable to identify the main and variable powers. It is reasonable to combine the main powers of city administrations into several groups: 1) financial and economic; 2) social and cultural; 3) protection of rights and lawful interests of citizens.

Variable powers of city administrations are also divided into groups: powers granted in case of delegation of certain state powers and powers that the city administration may delegate to raion administrations for implementation. The overwhelming majority of these powers are financial and economic, including planning, budgeting, finance and accounting; ownership, use and disposal of municipal property; construction, transport and communications; housing and communal services, improvement, public catering, trade and consumer services; social and economic development; use of land and other natural resources, and environmental protection. It seems reasonable to refer to these basic powers as the basic powers of city administrations. The basic powers of city administrations may be supplemented by variable powers, which they acquire in case of granting certain state powers.

Third, the regulatory consolidation of financial, economic, socio-cultural authorities and powers in the field of protection of rights and legitimate interests of citizens, which constitute the group of basic (basic) powers of city administrations, is implemented in the charters of municipal entities of city districts. At the same time, an analysis of the normative consolidation of the basic (basic) powers of city administrations in charters of municipal formations of urban districts showed that they do not have a consistent, logical consolidation. For example, the charter of Barnaul interrupts the consolidation of financial and economic powers, cites social and cultural powers, and then continues to consolidate financial and economic powers (General Principles, 2010). Article 40 of the Charter of the City of Tomsk fixes the competence of the City of Tomsk administration. However, the main powers are set out in paragraphs 1 to 42, but further paragraphs 43, 44, and 45 establish the powers from different areas of the city administration (Charter of Tomsk, 2010). It is believed that the charters of municipal entities should apply logical streamlining to consolidate the powers of city administrations.

Fourth, the basic (basic) powers of city administrative bodies vary considerably among municipal entities. This can be explained by many factors. Insufficient material and financial capacity of municipalities is one of the most important factors that leads to different sets of authorities of city administrations, even regardless of the type of municipal administration. Accordingly, members of representative bodies of municipal entities are included in the basic powers of city administrations, primarily those that can be exercised today. The representative body is forced to take into account the real financial capabilities of the

municipality, so a number of powers arising from the provisions of Article 16 of the Federal Law of October 06, 2003 remain unclaimed. Nevertheless, they are important for ensuring the vital functions of a municipal community.

Fifth, while ensuring the day-to-day functioning of many different municipal structures, city administrations deal with the issue of delimitation of competence between sectoral and territorial local self-government bodies and the city administration. Such delineation requires clearly delineated criteria that allow an objective delimitation of powers between different structures. The current regulatory framework does not contain clearly delineated criteria that the city administration can use.

Discussion

Community competence is multifaceted and extensive. Theoretical foundations of municipal competence in Russia were reported and detailed in B.M. Lazarev (1972) and Yu.A. Tikhomirov (2004). Even today, municipal competence is the subject of various discussions ranging from interpretation of the concept of competence to its content [9]. Competence makes it possible to determine the real contribution of a city administration to the community's life. Discussions on the content of competence of city administrations; redistribution of powers between city administrations and city district administrations; implementation by city administrations of certain delegated state powers; implementation by city administrations of certain transferred state powers; intersection of competencies of city administrations with the powers of authorities of different territorial levels.

Accordingly, a number of issues require close attention and solution.

First, municipal administrative bodies are now vested with certain powers by their charters. The powers of city administrations differ, including the number of powers that they may possess in accordance with Article 16 of the Federal Law of October 6, 2003. In their charters, representative bodies of municipalities fix the powers of local self-government bodies, including city administrations, based on the material and financial capacity of the municipality. At the same time, the provisions of the above article allow municipal administrations to be vested with other powers, given that municipal administrations, being executive-administrative bodies, exercise powers to manage municipal areas, provide material and financial resources to municipal facilities organize and implement specific activities in their respective areas of management.

Second, despite the fact that the list of issues of local importance was not changed in 2018-2019 (Report, 2019), the scope of powers of city administrations is nevertheless expanding in the process of exercising certain delegated government powers in accordance with Federal Law No 201. The Federal Law of the Russian Federation grants powers to local governments in various areas (Report, 2019). Accordingly, city administrations actually exercise basic (basic) powers in accordance with the charter of the municipal entity and a significant number of delegated state powers. The councils of municipal entities rightly raise the issue of the impossibility of determining the full scope of powers of local self-government bodies and their correlation with the powers of public authorities. Moreover, in the process of exercising the powers, including delegated state powers, there are problems with the material and financial support of city administrations. The federal legislator does not establish clear criteria that allow to determine the volume of material and financial resources for implementation of delegated state powers.

Thirdly, the federal legislator assigns to the local self-government the powers, which by their nature have the state character. Such powers include civil defense, prevention and liquidation of emergencies, mobilization training, prevention of terrorism and extremism. The activities of local self-government bodies and officials are primarily aimed at creating favorable living conditions for the population. At the same time, implementation of the above-mentioned powers cannot be completely ignored. At the same time, municipal councils believe it is necessary to fully assign a number of authorities to the competence of state authorities, including the organization and implementation of territorial and civil defense activities, protection of population and territories of municipalities from natural and human-made emergencies (Report, 2019).

Fourth, the effective exercise of the powers of city administrations in the abovementioned areas also depends on their respective regulations. In our opinion, to implement the declared scope of authorities, it is necessary to increase the competence of the representative body of a municipal entity through amendments to Clause 10, Article 35 of the Federal Law of October 6, 2003 (increase of exclusive competence), as well as Article 16 of the Federal Law of October 6, 2003 (increase of issues of local significance in urban districts). As a result, city administrations, as executive and administrative bodies, shall be vested with real powers to ensure vital functions of the population of the municipality, since their powers shall be within the competence of the representative body.

Fifth, the competence of city administrations is otherwise represented in the Republic of Kazakhstan. Until 2007, the competence of city administrations in the Republic of Kazakhstan was largely identical to the competence of Russian city administrations. In accordance with the Law of the Republic of Kazakhstan "On Amendments and Additions to the Constitution of the Republic of Kazakhstan", amendments were made that changed the process of granting city administrations the relevant powers. It is based on the hierarchical principle. City executive bodies – "aki-mats" are a constituent part of unified system of executive bodies. Actually, they carry out their activity in interrelation with higher executive bodies and the President of the Republic of Kazakhstan. Accordingly, their competence is within the framework of state administration (Gladkova, 2013).

Consistent and in-depth study of the theoretical and legal foundations and practical activities of city administrations in the implementation of their competence will allow to determine the real terms of reference of city administrations, which directly affects the effective functioning of the entire municipal mechanism.

Conclusion

Today, it is advisable to enshrine in the rules of law actually extended terms of reference of city administrations as the main (basic) part of it, as well as the variation component. Such fixation will be possible if the federal legislator makes changes to the Federal Law norms of October 06, 2003. The federal legislator should also join the proposals to improve the powers of local self-government bodies made by representatives of councils of municipal entities of the Russian Federation with regard to the competence of city administrations. This includes monitoring the law enforcement practice of delimitation of powers between

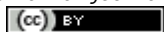
the levels of public authority in the sphere of local self-government and determining the legal status of issues of joint jurisdiction of subjects of the Russian Federation and local self-government bodies at the level of federal legislation.

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