

DIRECTORY OF TASKS OF LOCAL GOVERNMENT UNITS

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Abstract: The article discusses the issue of performance of tasks in local government units at the level of municipalities, districts and local provinces. It presents the scope of own and delegated tasks belonging to the activities of municipalities, districts and provincial governments, as well as the legal and organizational-legal forms of the tasks performed. Own tasks are contained in the Law on Municipal Self-Government, the Law on County Self-Government, the Law on Provincial Self-Government. Tasks outsourced to government administration result from laws or signed agreements.

Keywords: tasks, economy, local government units, finance.

1. Introduction

Local government, due to its position in the legal order and competencies, plays various roles that determine its importance in the state and in the economy. Being a community of residents living in the territory of the municipality, county, province, it carries out certain tasks of the state in their local and regional form to meet the needs of citizens. It provides a sense of identification with the place and legally defined opportunities for residents to participate in the exercise of power and its control. Local government is an integral part of the state system, which carries out certain pools of public tasks. One can agree with Eugene Wojciechowski that local government is otherwise the state, but at the regional and local level. Local self-government is the foundation of a democratic state under the rule of law and occupies an important position

in the structure of the state. This position is defined in legal regulations, in constitutions and laws. The relationship between central and local authorities is determined by the principle of decentralization of public power.

In the process of decentralization, there is a transfer of powers and tasks from the central authorities to administrative units, lower level, including the expansion of the scope of authority to make independent decisions, mainly in the economic, social and administrative fields. The entrusted public tasks are carried out by the local government in its own name and on its own carry out certain delegated tasks on the basis of an agreement with the government administration.

2. Tasks of the municipality

The municipality is a unit of local self-government of the lowest level. It carries out public tasks on its own responsibility, relying on its legal personality. Municipalities take an active part in economic life, mainly through a number of tasks provided for this unit in Polish legislation [Bojar-Fijałkowski, 2013, p. 41].

In accordance with Article 7(1) of the Act of March 8, 1990 on municipal self-government, the municipality's own tasks include [3]: Satisfying the collective needs of the community is one of the municipality's own tasks. In particular, own tasks include matters of:

- 1) spatial order, real estate management, environmental and nature protection and water management,
- 2) municipal roads, streets, bridges, squares and traffic organization,
- 3) water supply and water supply, sewerage, removal and treatment of municipal sewage, maintenance of cleanliness and order and sanitation, landfills and disposal of municipal waste, supply of electricity and heat and gas - 3a) telecommunications activities,
- 4) local public transportation,
- 5) health care,
- 6) social welfare, including care centers and institutions - 6a) family support and foster care system,
- 7) municipal housing construction,
- 8) public education,
- 9) culture, including municipal libraries and other cultural institutions, as well as protection and care of monuments,

- 10) physical culture and tourism, including recreational areas and sports facilities,
- 11) marketplaces and market halls,
- 12) municipal greenery and tree planting,
- 13) municipal cemeteries,
- 14) public order and safety of citizens, as well as fire and flood protection, including equipment and maintenance of the municipal flood storage facility,
- 15) maintenance of municipal public facilities and equipment and administrative facilities,
- 16) pro-family policy, including the provision of social, medical and legal care for pregnant women,
- 17) support and dissemination of the idea of self-government, including the creation of conditions for the operation and development of auxiliary units and implementation of programs to stimulate civic activity,
- 18) promotion of the municipality,
- 19) cooperation and activities for non-governmental organizations and entities listed in Article 3 Paragraph 3 of the Act of April 24, 2003 on public benefit activities and volunteerism,
- 20) cooperation with local and regional communities of other countries.

It is worth noting that the set of tasks presented above is not a closed set, it means that further own tasks of the municipality can be added to it, which result from the relevant legal acts. Catalog of own tasks of the municipality, can be defined by four categories, they concern [Dolnicki, 2021, p. 318]:

- tasks from the area of technical infrastructure,
- tasks from the area of social infrastructure,
- tasks from the area of public order and safety,
- tasks from the area of spatial and ecological order.

The second category of tasks performed by the municipality, are commissioned tasks. According to the law, a municipality can take over these tasks in two ways - mandatory and voluntary. The first, results from the laws themselves, while the second, is carried out by means of agreements between municipal bodies and government administration bodies. In either case,

the implementation of tasks delegated by the municipality, involves the provision of sufficiently high financial resources by the government administration [Dolnicki, 2021, p.318].

Article 8 of the Law of March 8, 1990 on municipal self-government, addressing the issue of delegated tasks of the municipality, indicates that [3]:

1. Laws may impose on a municipality the obligation to perform tasks assigned in the field of government administration, as well as in the field of organizing the preparation and holding of general elections and referendums.
2. Tasks within the scope of government administration may also be performed by the municipality on the basis of an agreement with the authorities of this administration; (2a) The municipality may perform tasks within the scope of county jurisdiction and tasks within the scope of provincial jurisdiction on the basis of agreements with these units of local government; (2b) Property disputes arising from the agreements referred to in paragraphs (2) and (2a) and Article 74 shall be considered by a common court.
3. The municipality shall receive funds in the amount necessary to perform the tasks referred to in paragraphs 1, 2 and 2a.
4. The detailed rules and deadlines for the transfer of funds referred to in paragraph (3) shall be determined by the laws imposing on municipalities the obligation to carry out commissioned tasks or agreements concluded.
5. In the event of failure to meet the deadlines referred to in paragraph (4), the municipality shall be entitled to interest in the amount established for tax arrears.

The municipal government has been obliged by the state to perform public tasks. Implementation of these tasks is a basic condition for the functioning of local governments in Poland. The activities carried out in this regard are not a one-time activity, they are activities that are constantly repeated and expanded.

In summary, the municipality has been obliged to carry out its own tasks, as well as those assigned to it. Being the basic unit of local self-government, as well as the unit that is closest to the residents of a given region, it mainly carries out tasks that meet the basic needs of the local community. This type of tasks in the literature is referred to as tasks of local character. It is worth noting that the presented catalog of tasks carried out by the municipality is not a closed catalog, at any time the municipality may receive new tasks to perform.

3. Tasks of the district

The district, is a unit of local self-government of medium level. It is identical in nature to a municipality, but differs in the range of tasks performed. The district with its scope covers the region of neighboring municipalities - the so-called land district or the region of a city with while the tasks carried out by the district, are distinguished by their supra-municipal character. Generally speaking, the tasks of the district include tasks of a local nature that exceed the capabilities, as well as the competencies of the municipality [Szczechowicz, 2015, p. 262-263].

Article 4 of the Law of June 5, 1998 on county government, presents a catalog of tasks performed by the county, on its basis [3]:

1. The district performs public tasks of a supra-municipal nature, specified by law, in the field of:
 - 1) public education,
 - 2) promotion and protection of health,
 - 3) social assistance,
 - 4) 3a) support for the family and the system of foster care,
 - 5) pro-family policy,
 - 6) support for the disabled,
 - 7) public transportation and public roads,
 - 8) culture and protection and care of monuments,
 - 9) physical culture and tourism,
 - 10) geodesy, cartography and cadastre,
 - 11) real estate management,
 - 12) architectural and construction administration,
 - 13) water management,
 - 14) environmental and nature protection,
 - 15) agriculture, forestry and inland fisheries,
 - 16) public order and security of citizens,
 - 17) flood protection, including equipment and maintenance of the district flood control warehouse, fire protection and prevention of other extraordinary threats to human life and health and the environment,
 - 18) counteracting unemployment and updating the local labor market,
 - 19) protection of consumer rights,
 - 20) maintenance of district public facilities and equipment and administrative facilities,
 - 21) defense,

- 22) promotion of the district, county rights - the so-called urban district. As its primary purposes, it is assumed to perform a kind of complementary and compensatory function with respect to the municipality,
- 23) cooperation and activities for non-governmental organizations and entities listed in Article 3 Paragraph 3 of the Act of April 24, 2003 on Public Benefit Activity and Volunteerism (Journal of Laws of 2019, Item 688, 1570 and 2020 and 2020, Item 284),
- 24) activities in the field of telecommunications.

As in the case of the municipality, the tasks of the district can also be reduced to specific categories [Dolnicki, 2021, p.320]:

- expanded social infrastructure (establishment and supervision of hospitals, social welfare homes),
- extended technical infrastructure (construction of public roads - district)
- taking care of public order, as well as public safety,
- activities in the field of environmental protection with a broader scope,
- activities in the field of resolving local problems, among other things, fighting unemployment, providing assistance to people with disabilities, as well as protecting consumer rights.

The district performs a kind of supplementary function in relation to the municipality. The tasks of the district, are for the most part tasks of their own nature. The main reason for the establishment of the district as a unit of local self-government, is assumed to be the creation of a system of implementation of public tasks in the local space with municipalities included in the composition of the district [Szczechowicz, 2015, p.262].

The literature indicates that the Law on County Government does not contain a direct division of county tasks into own and commissioned tasks. However, it has been pointed out that special laws may indicate which tasks will be carried out under own tasks and which under government administration [Dolnicki, 2021, p.320].

Article 5 of the Law on County Self-Government stipulates that , "The county may conclude agreements with government administration bodies on the performance of public tasks within the scope of government administration" [5].

It is worth adding that according to Article 4 paragraph 2 "The public tasks of the district also include ensuring the performance of the tasks and powers of the heads of district services,

inspections and stations, as specified in the laws" [5]. The group of such entities includes [Dolnicki, 2021, p.321]:

- district police headquarters,
- district headquarters of the State Fire Service,
- district inspectorates of building supervision,
- district sanitary inspectorate.

The above provision indicates that over the above-mentioned entities, the county has a superior function, and more specifically, it belongs to the competence of the starost, who supervises the tasks carried out by these entities. As a result, the county government and, above all, the starost, due to his function, performs mainly government administration tasks, but this is done with constant control by the county council. This type of tasks, is referred to in the literature as **the county's own tasks of a governmental nature** [Dolnicki, 2021, p.321].

In summary, the district is a kind of supplementary unit of local government. Its primary purposes, is to supplement the tasks carried out by the municipality. The catalog of tasks entrusted to the district, has been provided with such tasks that exceed the capabilities and competencies of municipal government. It is worth mentioning that the district government and the municipal government often cooperate together, for example, in the construction of roads, this cooperation mainly relates to financial aspects.

4. Tasks of the province

The province is a local government unit of the highest level, at the same time it is a unit of the basic territorial division of the country. It carries out tasks of a provincial nature, without prejudice to the individuality in the activities of the district and municipality. The tasks of the voivodeship, focus primarily on regional development - economic, social and economic [Szczechowicz, 2015, p.265-266].

In the Law of June 5, 1998 on the self-government of the province in Article 11 paragraph 1 and paragraph 2, presented the area of activities of the province [3]:

1. The provincial government defines a strategy for the development of the province, taking into account in particular the following objectives:
 - 1) nurturing Polishness and developing and shaping the national, civic and cultural consciousness of residents, as well as nurturing and developing local identity,
 - 2) stimulating economic activity,
 - 3) raising the level of competitiveness and innovation of the province's economy,

- 4) preservation of the values of the cultural and natural environment taking into account the needs of future generations,
- 5) shaping and maintaining spatial order.

The provincial self-government conducts a policy of provincial development, which consists of:

- 1) creating conditions for economic development, including the creation of the labor market,
- 2) maintenance and development of social and technical infrastructure of provincial importance,
- 3) obtaining and combining financial resources: public and private, in order to implement tasks of public interest,
- 4) supporting and carrying out activities to raise the level of education of citizens,
- 5) rational use of natural resources and shaping the environment in accordance with the principle of sustainable development,
- 6) supporting the development of science and cooperation between the spheres of science and the economy, supporting technological progress and innovation,
- 7) supporting the development of culture and taking care of cultural heritage and its rational use,
- 8) promoting the qualities and development opportunities of the province,
- 9) supporting and carrying out activities for social integration and counteracting social exclusion.

In the process of creating a strategy for the development of the province and the implementation of plans for its development, the provincial government cooperates with [Dolnicki, 2021, p.325]:

- local units of local self-government from within the province,
- government administration in particular with the voivode,
- other voivodships,
- non-governmental organizations,
- universities , as well as scientific and research units.

It is worth adding that the provincial self-government, while carrying out tasks in the field of provincial development, may undertake cooperation with other international organizations and regions of neighboring countries [Dolnicki, 2021, p.325].

Tasks of a provincial nature, are presented in Article 14 paragraph 1 of the Law on Provincial Self-Government [5]:

1. The provincial self-government shall perform tasks of a provincial nature specified by laws, in particular in the field of:
 - 1) public education, including higher education,
 - 2) promotion and protection of health,
 - 3) culture and protection of monuments and care of monuments,
 - 4) social assistance - 4a) support for the family and the foster care system,
 - 5) pro-family policy,
 - 6) modernization of rural areas,
 - 7) spatial development,
 - 8) environmental protection,
 - 9) (repealed),
 - 10) public transportation and public roads,
 - 11) physical culture and tourism,
 - 12) protection of consumer rights,
 - 13) defense,
 - 14) public security;
 - 15) prevention of unemployment and activation of the local labor market - 15a) telecommunications activities,
 - 16) protection of employee claims in the event of insolvency of the employer.

The province, in order to carry out its tasks, creates provincial local government organizational units, to which tasks of a provincial nature are delegated for implementation. The possibility of creating such units, must result from relevant legal acts [Dolnicki, 2021, p.326].

It is worth noting that the primary and target group of recipients of projects implemented by the provincial government are various units organizational entities, primarily business entities. It is at these entities that the activities of the provincial local government, which conducts an extensive regional policy, are directed. Only to a small extent, the recipients of the activities of this local government are a kind of group of residents of the province [[Dolnicki, 2021, p.326].

In summary, the area of activities of the voivodeship focuses primarily on the continuous development, improvement of the economic, regional, economic and cultural situation of the area. The primary task of the provincial government is to create a strategy for the development of the region, taking into account all the necessary needs of the entire community to ensure its optimal and balanced development in relation to other provinces in the state. It is worth noting that the implementation of the development strategy is a long-term process, as a large part of the area's development projects are implemented over several or even a dozen years, as well as in cooperation with other provinces.

4. Conclusion

Concluding the above considerations, it should be emphasized that local government units carry out both own tasks and commissioned tasks. The set of own tasks is definitely much more extensive than the set of commissioned tasks. Own tasks are given priority and are implemented first. Commissioned tasks, on the other hand, are tasks of a public nature arising out of state need. Undoubtedly, it is worth recalling that outsourced tasks cannot address the basic needs of society, as such needs should be met within the framework of the entities' own tasks.

The municipality, as the basic unit, primarily carries out tasks of a local nature, and thus meets the most important needs of citizens. The district, as an intermediate unit, carries out supra-municipal tasks, i.e. supplementary tasks of a broader nature than those carried out by the municipality. The province, on the other hand, as a supreme unit, carries out tasks of a regional nature, primarily focusing on developing a strategy for the development of the province. It is worth recalling that the set of tasks carried out by the units is an open set and can be expanded at any time to include touching tasks.

Bibliography

1. Bojar-Fijałkowski T., *Ustawowe zadania gminy w polskim modelu samorządu terytorialnego*, „Przestrzeń, Ekonomia, Społeczeństwo” 2013 nr 4/2.
2. Dolnicki B., *Samorząd terytorialny*, Wolters Kluwer, Warszawa 2021.
3. Dz. U. z 2021r. , poz. 1834 z późn. zm.
4. Szczechowicz H., *Wykonanie zadań publicznych w jednostkach samorządu terytorialnego*, Zeszyty Naukowe, Zbliżenia Cywilizacyjne, Tom 11 (2015).

5. Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa, Dz. U. z 2021r., poz. 1834 z późn. zm.