

Act of 5th June 1998 on poviats local government

Chapter 1

General rules

Art. 1. 1. Poviats residents form a local community by virtue of law of local government.

2. Whenever the act refers to a poviat, it should be understood as local government community and the relevant territory.

Art. 2. 1. The poviat performs public tasks specified in statutes on behalf of its own responsibility.

2. The poviat has legal personality.

3. The poviat's independence is subject to judicial protection.

4. The constitution of the poviat is its statute.

5. (repealed)

Art. 3. 1. The Council of Ministers, by regulation:

1) creates, connects, divides and abolishes poviats and sets their boundaries;

2) sets and changes the names of poviats and the seats of their authorities.

2. The regulation referred to in para. 1 may also be issued upon application of an interested poviat council or commune council.

3. Determining the poviat boundaries is done by indicating the entering communes in the poviat, and the change of its boundaries is made in a way that ensures poviat territory as homogeneous as possible due to the settlement system and spatial characteristics, taking into account social, economic and cultural ties, and ensuring the ability to perform public tasks.

4. Joining poviats should also be understood as connecting the city to the rights of a poviat with a poviat having its seat of government in that city. On these connections poviat rights held so far by the city expire.

5. Dividing poviats shall also mean excluding only one or more municipalities from the poviat territory:

1) including this commune or communes in another poviat;

2) establishing a poviat from these communes or from these communes and a city with poviat status; on the day the poviat was created, the poviat rights held so far expire through the city;

3) restoring the status of a city with poviat rights to a city that is in mode of paragraph 4; it was connected with the poviat having the seat of authorities in that city.

6. The changes referred to in para. 1 shall take place on January 1st.

Article 3a 1. The issue of the regulation referred to in art. 3 clause 1, requires consultation with the minister competent for public administration interested in poviat councils or city council with poviat rights and poviat councils preceded by consultations with residents by these councils, and in the case of changes in the borders of poviats violating the borders of voivodeships, in addition, opinions of relevant regional

assemblies. Minister competent for matters of public administration may also apply for opinions of interested municipal councils; in this case it is not necessary to consult the residents of municipalities.

2. Consultation with residents regarding voivodeship violations, changes in the borders of poviats or a poviat and a city with poviat rights in cases, referred to in art. 3 clause 3 and 4 - if the change in boundaries results from the exclusion only one commune or city with poviat status, it may be restricted by regional councils voivodeships to the inhabitants of the appropriate poviat or city with poviat status covered by the change.

3. In the event that the opinion referred to in para. 1, in time of 3 months from the date of receipt of the request for an opinion, requirement for consultation is considered satisfied.

Article 3b 1. The issue of the regulation referred to in art. 3 clause 1 upon request of a poviat council or commune council respectively, requires:

1) an application of the poviat council or commune council preceded by consultations with residents by that council, along with justification and necessary documents, maps and information confirming the validity of the application;

2) opinions of poviat councils or city council with poviat rights as appropriate, a request preceded by consultations by these councils with residents, and in the event of a change in the boundaries of the poviat breaching the borders of voivodeships - opinions of voivodeship assemblies;

3) opinions of commune councils concerned by the application;

4) opinions of the voivode competent for the poviat or city with poviat rights covered by the application.

2. To the application and opinions referred to in para. 1, provisions of art. 3a paragraph 2 and 3 shall apply accordingly.

3. The poviat council, city council with poviat rights or commune council shall apply with the application referred to in para. 1, to the minister competent for administration public via the voivode, by March 31st.

4. The Council of Ministers shall determine, by regulation, the procedure to be followed when submitting the applications referred to in paragraph 1, and documents to be attached to the conclusion.

Article 3c. If you obtain permission to merge the city with the rights of a poviat with a poviat with the seat of authorities in that city or the establishment of a poviat, which will include the current city with poviat rights, expressed in a motion or opinion of a poviat council or a city council with poviat rights and as a result, consultations with residents carried out by these councils, the Council of Ministers is obliged to make this connection or to create a poviat, by way of the regulation referred to in art. 3 clause 1.

Art. 3ca. 1. In the case of merging poviats or creating a new poviat, The Prime Minister, at the request of the voivode, submitted through the minister competent for public administration, appoints an attorney for matters merging poviats or creating a new poviat from among employees subordinate to the voivode or employees of the poviat office, the area of which enters in the combined or newly created poviat.

2. Until the merger of poviats and the creation of a new poviat by task of the proxy referred to in para. 1, which concerns organizational and legal preparation of a poviat for performing public tasks, including

preparation of a draft budgetary resolution of a poviats, budget is in the mode and on the principles set out in public finance regulations.

3. On the day of merging the poviats or creating a new poviats, a representative, referred to in paragraph 1, takes over the tasks and competences of its bodies until the election of new poviats authorities, and in the case in question in art. 390a § 2 of the Act of 5 January 2011 - Electoral Code (Journal of Laws of 2019 pos. 684 and 1504 and from 2020 item 568) - until the day of the first session of the poviats council convened pursuant to art. 15 paragraph 10.

Article 3cb 1. A poviats resulting from the merger of poviats enters all rights and obligations of the combined counties, including rights and obligations resulting from permits, concessions and other administrative acts.

2. The organs of the poviats resulting from the merger of poviats become competent authorities or parties to which are initiated and unfinished administrative and judicial proceedings.

3. Disclosure in land and mortgage registers or registers of transition to a poviats, referred to in paragraph 1, rights disclosed in these books or registers shall follow at the request of the poviats.

4. Where the regulation on the merger of poviats has been issued on an application supported by all interested poviats councils, poviats conclude the agreement referred to in art. 47 section 1 point 2.

5. Acts of local law established by poviats or city authorities on poviats rights before the merger of poviats become acts of local law. Poviats resulting from the merger of poviats are binding in the area of activities of the bodies that established them until the entry into force of new legal acts local established by the poviats authority resulting from the merger of poviats, however not longer than for a period of 3 years from the date of the merger.

Art. 3d. 1. In cases provided for by law and in other matters important for the poviats, there may be consultations on its territory with poviats residents.

2. The rules and procedure for conducting consultations with poviats residents are specified in the resolution of the poviats council, subject to para. 6.

3. The civic budget is a special form of public consultation.

4. As part of the civic budget, residents will vote directly annually to decide on a part of the poviats budget expenses. Tasks selected as part of civic budget are included in the poviats budget resolution. Advice of the poviats in the course of work on the draft budget resolution may not delete or significantly change the tasks selected under the civic budget.

5. Resources spent under the civic budget may be shared for groups covering the entire poviats and parts thereof in the form of communes or groups of communes.

6. The poviats council determines, by resolution, the requirements that it should meet the draft of citizens' budget, in particular:

1) formal requirements to be met by submitted projects;

2) the required number of signatures of residents supporting the project, but not it may be greater than 0.1% of the population of the area covered by the budget in which the project is submitted;

3) rules for the assessment of submitted projects as to their legality and technical feasibility, compliance with formal requirements and the procedure for appealing against decision not to vote on the draft;

4) rules for voting, determining results and submitting them to the public, given that the rules carried out

For voting must ensure equality and directness of voting.

Chapter 2

The scope of activities and tasks of the poviát

Art. 4. 1. The poviát performs public tasks of a statutory supra-municipal nature in the scope of:

1) public education;

2) health promotion and protection;

3) social assistance;

3a) supporting the family and foster care system;

4) family policy;

5) supporting disabled people;

6) collective transport and public roads;

7) culture and protection of monuments and care for monuments;

8) physical culture and tourism;

9) geodesy, cartography and cadastre;

10) real estate management;

11) architecture and construction administration;

12) water management;

13) environmental protection and nature;

14) agriculture, forestry and inland fishing;

15) public order and security of citizens;

16) flood protection, including poviát equipment and maintenance of flood control, fire prevention and prevention of extraordinary threats to human life and health and the environment;

17) preventing unemployment and activating the local labor market;

18) protection of consumer rights;

19) maintenance of poviát facilities and public utilities, and administrative facilities;

20) defense;

21) poviát promotion;

22) cooperation and activities for non-governmental organizations and entities listed in art. 3 clause 3 of the Act of 24 April 2003 on operations of public benefit and volunteering (Journal of Laws of 2019, item 688, 1570 and 2020 and from 2020 item 284);

23) activities in the field of telecommunications.

1a. (Deleted)

2. The poviats' public tasks also include ensuring performance tasks and competences of heads of poviats services specified in acts, inspections and guards.

3. Acts may specify other tasks of the poviats.

4. Acts may specify certain matters falling within the scope of a poviats' activity as government administration tasks performed by the poviats.

5. The poviats, upon a justified request from the commune concerned, delegates its tasks within the scope of its jurisdiction under the conditions established in the agreement.

6. The tasks of the poviats may not violate the scope of activities of the communes.

Art. 4a. Acts may impose an obligation on a poviats to perform tasks in the organization of the preparation and conduct of general elections, and referendums.

Art. 4b. 1. Districts to ensure public order and security citizens as well as fire and flood protection can apply technical measures enabling image registration (monitoring) in the area public space, with the consent of the area manager or entity holding a legal title to this area or on the property and in building structures constituting the property of the poviats or organizational units of a poviats, as well as around such real estate and buildings, if it is necessary to ensure public order and security citizens or fire and flood protection.

2. Monitoring does not include sanitary rooms, cloakrooms, canteens, smoking rooms and social facilities.

3. Image recordings containing personal data are processed only to the purposes for which they were collected and kept for a period not exceeding 3 months from the date of recording, unless separate provisions provide otherwise.

4. After the period referred to in para. 3, image recordings obtained as a result of monitoring containing personal data are subject to destruction, except for situations where recordings have been secured in accordance with separate regulations.

5. Real estate and construction objects covered by monitoring shall be marked with visible and legible information about monitoring, in particular by means of relevant characters.

6. Monitoring, in which personal data is processed, requires the use of safeguards to process this data, in particular preventing their loss or unlawful distribution, also preventing access to data by unauthorized persons.

Art. 5. 1. A poviats may conclude with government administration bodies agreements on the performance of public tasks in the field of administration government.

2. The poviats may enter into agreements on entrusting management of public tasks with local government units, as well as with the voivodeship in whose territory the poviats is located.

3. Agreements referred to in para. 1 and 2, are subject to announcement in the voivodeship official journal.

4. The provisions of the Act of March 8 shall apply accordingly to the agreements 1990 on communal self-government (Journal of Laws of 2020, item 713).

Art. 6. 1. In order to perform its tasks, a poviats may establish units organizational and conclude agreements with other entities.

2. A poviats may not conduct business activities beyond public service tasks.

Art. 6a. The poviats may provide joint services, in particular administrative, financial and organizational ones concerning the following:

1) poviats organizational units belonging to the finance sector public,

2) poviats cultural institutions,

3) other poviats persons included in the public finance sector, legal entities created on the basis of separate acts for the purpose of enforcement, public tasks, excluding enterprises, research institutes, banks and commercial law companies, hereinafter referred to as "supported units".

Art. 6b. 1. Poviats eldership may provide joint service, other organizational units of a poviats, organizational units of the association of poviats or organizational unit of a poviats-commune association, hereinafter referred to as "serving units. "

2. The poviats council with respect to the serviced units in question in art. 6a item 1, defines, by way of resolution, in particular:

1) serving units;

2) supporting units;

3) the scope of duties entrusted to servicing units under joint service.

3. Supporting units referred to in art. 6a points 2 and 3 may, on based on agreements concluded by these units with the servicing unit, join the joint service after prior notification of this intention to the management board the county. The scope of the joint service is specified in the agreement.

4. The servicing entity has the right to request from the serviced entity information and insight into the documentation to the extent which is necessary to perform tasks within the framework of joint service of this unit.

5. The serviced unit has the right to request from the servicing unit information and insight into the documentation regarding the tasks carried out by operating unit as part of a joint operation.

Art. 6c. 1. The scope of joint service may not include competence heads of units included in the public finance sector to dispose of public funds and incur liabilities, as well as prepare and approve of the financial plan and expenditure transfers included in the plan.

2. In the case of entrusting accounting obligations and reporting of the supported units referred to in art. 6a, points 1 and 2 are transmitted in full.

Art. 6d The servicing unit is authorized to process data personal processed by the unit served to the extent and purpose necessary to perform the tasks of joint operation of this unit.

Art. 7. 1. The Acts determine the cases in which the competent administrative authorities of the government may impose an obligation on the poviats to perform certain activities within the scope of poviats tasks related to direct removal of threats to public security and order, and defense.

2. If activities related to the removal of security threats and public order and defense are carried out under an organized action, the imposition of an obligation may relate to the performance of an act, referred to in paragraph 1, also outside the poviats.

3. For the activities referred to in para. 2, the poviats is entitled to refund necessary expenses and expenses together with statutory interest from the authority of the administration that imposed the obligation to perform these activities.

Art. 7a. Poviats, unions and associations of poviats can provide assistance to each other, including financial assistance.

Chapter 3

Poviats authorities

Art. 8. 1. Residents of the poviats decide on universal voting - through poviats elections and referendums - or via poviats authorities¹.

2. Poviats authorities are as follows:

- 1) poviats council;
- 2) poviats management.

Art. 8a. 1. Activities of the poviats authorities are public. Restrictions on disclosure may result only from laws.

2. The public activities of poviats authorities shall include, in particular, law citizens to obtain information, enter the poviats council sessions and meetings of committees, as well as access to documents arising from the performance of public tasks, including minutes of meetings of poviats bodies and poviats council committees.

3. The rules of access to and use of documents are specified in the poviats statute.

Art. 9. 1. The poviats council is a poviats constituting and controlling body, subject to the provisions of the poviats referendum.

2. The term of office of the council lasts 5 years, counting from the day of election.

3. Councilors are elected in direct elections. Rules and mode of conducting elections to the poviats council is determined by a separate act.

¹ Amendments to the consolidated text of the said Act were announced in the Official of Laws of 2019, item 1622, 1649, 2020 and 2473 and from 2020 item 284, 374, 568 and 695.

4. The poviats council consists of fifteen councilors in poviats with up to 40,000 inhabitants and two for each subsequent one started 20,000 inhabitants, but no more than twenty-nine councilors.

5. In the poviats council formed as a result of merger of poviats in the first term of office there are 15 councilors in counties counting to 40,000 inhabitants and three for each subsequent one starting with 20,000 inhabitants.

Art. 10. 1. Dismissal of the poviats council before the end of the term of office takes place by way of poviats referendum.

2. The rules and procedure for conducting a poviats referendum are specified separately law.

Art. 11. (repealed)

Art. 12. The exclusive jurisdiction of the poviats council includes:

1) passing local law, including the poviats statute;

2) selection and dismissal of the management board and determination of its remuneration for the chairman;

3) appointing and dismissing, at the starost's request, the poviats treasurer, or chief accountant of the poviats budget;

4) determining the directions of the poviats management board and examining reports on the activities of the management board, including financial activities;

5) adopting the poviats budget;

6) considering the report on the implementation of the budget and adopting resolutions on discharging or discharging the management board in this respect;

6a) considering the report on the state of the poviats and adopting resolutions on the matter granting or not granting a vote of confidence for the management board in this respect;

7) passing resolutions on the amount of taxes and fees within the limits specified by statutes;

8) adopting resolutions on poviats property matters regarding:

a) the rules for purchasing, selling and encumbering real estate and their rent or rent for a fixed period of more than 3 years or for an indefinite period, unless specific laws provide otherwise; a resolution of the poviats council is also required if after a contract concluded for a fixed period of up to 3 years, the parties conclude further contracts, whose subject is the same property; until the rules are set the management board may carry out these activities only with the consent of the poviats council,

b) issuing bonds and determine the rules for their sale and purchase and redemption,

c) incurring long-term liabilities classified as debt title, referred to in art. 72 section 1 point 2 of the Act of 27 August 2009 on public finance (Journal of Laws of 2019, item 869, as amended)

d) determining the maximum amount of short-term loans and credits taken by the board of directors and the maximum amount of loans and sureties granted by the management board in the financial year,

- e) commitments for undertaking investments and renovations of value crossing the border set annually by the council,
- f) creating and joining unions, associations and foundations and cooperatives and their dissolution or withdrawal from them,
- g) establishing and joining companies, their dissolution and occurrence of them and determining the rules for making contributions and embracing acquisition and disposal of shares and stocks,
- h) cooperating with other poviats and with communes, if it is connected with the need to separate the property,
- i) creation, transformation and liquidation of organizational units and equipping them with assets,
- j) consent to the conclusions of the contract referred to in art. 50a paragraph 1;
- 8a) adopting resolutions on the adoption of administrative tasks government and on entrusting public tasks, about which referred to in art. 5;
- 9) determining the amount to be borne by the management board commitment;
- 9a) adopting resolutions on matters of cooperation with local communities of other countries and joining international associations of local communities;
- 9b) adopting a poviat crime prevention and protection program citizen security and public order;
- 9c) adopting the poviat unemployment prevention program and activation of the local labor market;
- 9ca) adopting development programs as specified in the regulations on the principles of conducting development policy;
- 9d) assessing the state of fire safety and security of poviat flood protection;
- 10) adopting resolutions on the poviat's coat of arms and poviat flag;
- 10a) adopting resolutions on the rules for granting scholarships for students and students;
- 11) adopting resolutions on other matters reserved by laws to powers of the poviat council.

Art. 13. 1. Resolutions of the poviat council and board are adopted by an ordinary majority of votes in the presence of at least half of the statutory composition of the board (board), by vote public, unless the provisions of the Act provide otherwise.

1a. Open voting at council sessions takes place using devices enabling the preparation and consolidation of a list of registered votes of councilors.

1b. If voting in the manner specified in para. 1a is not possible due to technical reasons, roll-call votes shall be held.

1c. Personal lists of councilors' votes are published immediately news in the Public Information Bulletin and on the poviat website; and otherwise customarily accepted in the poviat area.

2. Rejection of the resolution on granting discharge is a vote tantamount to the adoption of a resolution not to grant discharge to the management board.

Art. 14. 1. The poviát council shall elect a chairman and one from its members or two vice-presidents by an absolute majority in the presence of at least half of the statutory composition of the council, by secret ballot.

2. A councilor, who is a member of the management board, may not perform the functions in question in paragraph 1.

3. The chairman's task is solely to organize the work of the council and running the council meeting. The chairman may appoint his own tasks of the Vice-President. In the absence of the chairman and not appointing a vice-president, he performs the tasks of the president or the oldest vice-president.

4. Dismissal of the chairman and vice-chairman of the board takes place at an application of at least 1/4 of the statutory composition of the poviát council, in the mode specified in paragraph 1.

5. In the event of resignation of the chairman or vice-chairman, the council adopts a resolution on accepting this resignation by a simple majority of votes, no later than one month from the date of resignation.

6. Failure to adopt the resolution referred to in para. 5, within 1 month of the day resignation by the chairman or vice-chairman, is tantamount to accepting the resignation by the council at the end of the last day month in which the resolution should be adopted.

7. In the event of cancellation or acceptance of the chairman's resignation and vice presidents, and not electing to replace the functions within 30 days from the date of acceptance of the resignation or from the date of cancellation, session of the poviát council to elect a chairman, convened by a voivode. Convened session is on the day falling within 7 days after the deadline referred to in the first sentence.

8. The session of the poviát council, referred to in para. 7, until you choose the chairman is run by the eldest councilor present at the session, which he expressed permission to conduct the session.

Art. 15. 1. The poviát council meets in sessions convened by chairman of the poviát council as needed, but at least once every once quarter. The agenda convening shall be attached to the notice convening the session with draft resolutions.

1a. The deliberations of the poviát council are transmitted and recorded by means of devices recording image and sound. Recordings of the proceedings are available in the Bulletin of Public Information and on the poviát website and in other ways, customary accepted.

1b. (Deleted)

2. The poviát council may introduce changes in absolute order by majority of votes of the statutory composition of the council.

3. The first session of the newly elected poviát council shall be convened by the electoral commissioner day falling within 7 days after the end of the term of office of the council.

4. (repealed)

5. In the event of early elections, the first session shall be convened by a person which the Prime Minister has appointed to perform the functions of unit bodies local government, on the day falling within 7 days after the announcement of the results of elections to the poviát council.

6. The first session of the newly elected poviát council, until chairman of the council is elected, runs the oldest councilor present at the session.

7. At the request of the board or at least 1/4 of the statutory composition of the poviát council the chairman is obliged to convene a session on a day within 7 days of day of submitting the application. A request to convene a session should meet the requirements specified in paragraph 1.

8. To change the agenda of the session convened in the specified mode in paragraph 7, the provision of para. 2, except that consent, is also required from the applicant.

9. At the starost's request, the chairman of the poviát council is obliged to put on the agenda of the next session of the poviát council a draft resolution, if the applicant is the poviát board, and the project has been submitted to the poviát council at least 7 days before the start of the council session.

10. The first session of the poviát council resulting from the merger of poviáts or the council of the newly created poviát is convened by an election commissioner for the day within 7 days after the day of announcement of the results of elections to the council, and in the case of referred to in art. 390a § 2 of the Act of 5 January 2011 - Electoral Code, on the day falling within 7 days from the date of establishment of the poviát.

11. At the request of the councilors' club, the chairman of the poviát council is obliged to put on the agenda of the next session of the poviát council a draft resolution, reported by the club of councilors if it has entered the poviát council for at least 7 days before the day the council session begins. In the mode referred to in the first sentence, each club of councilors may submit no more than one draft resolution for each another session of the poviát council.

Art. 16. 1. The poviát council controls the activity of the board and poviát organizational units. To this end, it appoints an audit committee.

2. The audit committee consists of councilors, including representatives of all clubs, with the exception of councilors performing the functions referred to in art. 14 paragraph 1 and being board members.

3. The audit commission shall give its opinion on the implementation of the poviát budget and shall apply with a request to the poviát council on granting or not granting discharge to Management Board. The discharge request is subject to a regional opinion of an accounting office.

4. The audit commission performs other tasks commissioned by the poviát council in the field of control. This permission does not affect the control rights of others committees appointed by the council pursuant to art. 17.

Art. 16a. 1. The poviát council shall consider: complaints about the activities of the poviát board and poviát organizational units; applications and petitions submitted by citizens; to this end, it sets up complaints, petition and petition committee.

2. The committee of complaints, motions and petitions consists of councilors, including representatives of all clubs, except for councilors performing functions, fr. referred to in art. 14 paragraph 1 and being members of the management board.

3. The principles and mode of operation of the complaint, motions and petition committees are set out in the statute of the county.

Art. 17. 1. The poviats council may appoint permanent and temporary members of committees for specific tasks, determining the subject of their activity and composition.

2. The committees are subject to the poviats council in the whole scope of their activity, submit their work plans and activity reports to it.

3. A councilor receives a diet for membership in no more than two committees.

Art. 18. 1. Councilors may create clubs for councilors.

2. The councilors' club consists of at least 3 councilors.

3. The rules of operation of council clubs are set out in the poviats statute.

Art. 19. Internal organization and working mode of the council and appointed committees by the council, as well as the rules for creating council clubs, are specified in the statute.

Art. 19a. Chairman of the poviats council in connection with the implementation of his own duties may issue official orders to eldership employees performing organizational, legal and other tasks related to functioning of the poviats council, commissions and councilors. In this case, the chairman poviats council exercises the powers of official superior in relation to employees referred to in the first sentence.

Art. 20. 1. Before taking up the mandate, the councilor shall take the oath:

"I solemnly vow to perform my duties honestly and conscientiously The Polish Nation, protect the sovereignty and interests of the Polish State, do everything for the well-being of the homeland and local government poviats and the well-being of citizens, abide by the Constitution and other laws of the Polish Republic". The oath may be made with the addition of a sentence: "Help me, God."

2. (repealed)

3. A councilor absent at the first session of the poviats council, and a councilor, who obtains the mandate during the term of office, takes the oath at the first session in which s/he is present.

Art. 21. 1. A councilor is obliged to be guided by the good of the community local government poviats. The councilor maintains a permanent relationship with the residents and them organizations, and in particular accepts postulates reported by residents of the poviats and presents them to the poviats authorities for consideration, however, he is not bound by voter instructions.

2. The councilor is obliged to participate in the work of the poviats authorities and poviats organizational units to which s/he was elected or Designate.

2a. In performing the mandate of the councilor, the councilor has the right, if it does not infringe the goods of other people's personal information and materials, of access to premises in which this information and materials are located, and insight in the activities of the poviats eldership, as well as companies with the

participation of the poviats, companies commercial with the participation of poviats legal persons, poviats organizational unit as well as plants and enterprises local governments, subject to the provisions on legally protected secrets.

3. In connection with the performance of his mandate, the councilor shall enjoy legal protection intended for public officials. This provision shall also apply to persons who are not members of the management board.

4. On the principles established by the poviats council, subject to par. 5, councilman allowances and reimbursement of business travel expenses. Poviats council at determining the amount of councilors' diets, takes into account the functions performed by the councilor.

4a. The councilor who is a board member for a fee is not entitled to a diet in the poviats where s/he obtained the mandate.

4b. In a poviats which is a unit of public interest within the meaning of Art. 2 point 9 of the Act of 11 May 2017 on statutory auditors, companies auditing and public oversight (Journal of Laws of 2019, item 1421, 1571, 2200 and 2217 and of 2020 item 568) is also considered a function performed by a councilor membership in the audit committee.

5. The amount of allowances due to the councilor cannot exceed within a month in total one and a half times the base amount specified in the Budget Act for persons holding managerial positions on the basis of the provisions of the Act of December 23, 1999 on the formation of remuneration in the state sphere budgetary and amending certain acts (Journal of Laws of 2018, item 2288 and of 2020 item 278).

5a. The Council of Ministers determines, by regulation, the maximum amount diets due to the councilor during the month, taking into account the number of inhabitants of the districts.

5b. The minister competent for public administration will determine by the way regulation, the method of determining the amount due for reimbursement of travel expenses business councilors, taking into account the desirability of repayment actually incurred expenditure related to the performance of the mandate and facilitation of making settlements.

6. (repealed)

7. A councilor may not vote if it concerns her/his interest legal.

8. The mandate of a poviats councilor may not be combined with:

- 1) the mandate of a deputy or senator;
- 2) performing the functions of a voivode or vice voivode;
- 3) membership in the body of another local government unit.

9. In matters concerning the poviats, councilors may direct interpellations and queries to the starost.

10. The interpellation concerns matters of significant importance to the poviats. Interpellation should contain a brief presentation of the actual state of affairs subject and questions arising therefrom.

11. Inquiries shall be submitted regarding current issues of the poviats, as well as to obtain information about the specific facts. The provision of para. 10th sentence the second shall apply accordingly.

12. Interpellations and questions are submitted in writing to the chairman of the board, who passes them on to the starost immediately. Starost, or a person through him appointed, is obliged to answer in writing no later than within 14 days of receiving the question or question.

13. The content of interpellations and questions and the answers given is given to public information by immediate publication in the Information Bulletin Public and on the website of the poviats, and otherwise customarily accepted.

Art. 22. 1. The employer shall release the councilor from work in order to enable councilors to participate in the work of poviats authorities.

2. Termination with an employment councilor requires the prior consent of the council poviats, of which the councilor is a member. The poviats council will refuse to accept the solution employment relationship with a councilor if the basis for terminating this relationship are events related to the performance of the mandate by the councilor.

Art. 23. 1. An employment relationship of a starost may not be established with a councilor of poviats in which the councilor obtained a mandate.

2. A councilor may not act as head of a poviats unit organizational and his deputy.

3. The provision of para. 1 does not apply to councilors elected to the board with whom they have relations work is made on the basis of selection.

4. Establishment by the councilor of the employment relationship referred to in para. 1 and 2, is tantamount to the resignation of the mandate.

5. The poviats board or starost may not entrust a poviats councilor in which he does the function of the councilor obtained with a mandate, performing work on the basis of a civil law contract.

Art. 24. 1. A councilor, who performed work as part of a mandate employment relationship in the poviats office, or served as head of unit organizational structure of the poviats in which he obtained the mandate, is obliged to submit application for unpaid leave within 7 days from the day of announcement of the election results by the competent electoral authority before making the oath in question in art. 20 clause 1.

2. The councilor referred to in para. 1 receives unpaid leave for a period holding the mandate.

3. The councilor referred to in para. 1 receives unpaid leave regardless of the type and duration of the employment relationship. Employment relationship for a specified period, which would cease before the expiry of the mandate is extended to three months after this date.

4. In relation to a councilor acting as head of unit organizational taken over or created by the poviats during the term of office, referred to in paragraph 1, expires after 6 months from the day of taking over or creating that one unit.

5. Failure by the councilor to submit the application referred to in para. 1 is tantamount to the resignation of the mandate.

Art. 25. After the councilor's mandate referred to in art. 24 respectively, the poviats eldership or poviats organizational unit is being restored councilor to work in the same or an equivalent job position, with the remuneration corresponding to the remuneration that the councilor would receive, if s/he did not take unpaid leave. The councilor declares his readiness to join work within 7 days from the day the mandate expires.

Art. 25a. 1. Councilors may not take additional classes or receive donations that may undermine voters' confidence in the exercise of their mandate in accordance with from art. 20 clause 1.

2. Councilors may not refer to their mandate in connection with the taken additional activities or self-employment bill or jointly with other people.

Art. 25b. 1. Councilors may not run a business on their own bill or jointly with other people using poviats property, in which the councilor obtained a mandate, as well as manage such activities or be a representative or representative in conducting such activities.

2. If the councilor led before the performance of the mandate business activity referred to in para. 1 is obliged to stop conducting this business within 3 months from the date of submission vows. Failure to comply with the obligation referred to in the first sentence, is the basis for stating the expiry of the councilor's mandate in the mode of Art. 383 of the Act of 5 January 2011 - Electoral Code.

3. Councilors and their spouses as well as spouses of members of the poviats board, poviats secretaries, poviats treasurers, heads of organizational units poviats and managers and members of poviats management bodies legal persons may not be members of the management or control bodies and auditing or proxies of commercial companies with the participation of poviats persons, legal entities or entrepreneurs in which such persons participate. Choice or the appointment of these persons to these functions is not legally valid.

4. If the election or appointment referred to in para. 3 occurred before commencing the performance of the councilor's mandate or the day of electing a board member poviats or before being employed as poviats secretary, by appointment poviats treasurer, head of poviats organizational unit and person managing body and member of the management body of a poviats legal person, referred to in paragraph 3, are obliged to renounce their position or function on time 3 months from the day of making the vow by the councilor or from the date of election, employment under an employment contract or appointment. In case of not resigning from the position or function, the person referred to in para. 3 loses them from power rights after the deadline referred to in the first sentence.

5. Councilors may not hold a block of more than 10% of shares in commercial companies with the participation of poviats legal persons or entrepreneurs in which such persons participate. Shares or shares exceeding this packet should be sold by the councilor before the first session of the poviats council, and if they are not, they do not participate during the term of office and 2 years after its expiry in the exercise of their rights (voting rights, dividend rights, property distribution rights, subscription rights).

Art. 25c. 1. Councilor, member of the poviats board, poviats secretary, treasurer poviats, head of the poviats organizational unit, managing person and member of the management body of a poviats legal entity and a person issuing decisions Administrative authorities on behalf of the starost are obliged to submit a statement about their own account financial status, hereinafter referred to as "financial declaration". Statement of property applies to their separate assets and property covered by marriage community of property. The property declaration contains information about:

1) cash resources, real estate, shares and stocks in companies commercial and acquisition of another state person from the Treasury legal entities, local government units, their associations, a municipal person legal or metropolitan association of property that was subject to disposal by way of tender, as well as data on running a business and concerning holding positions in commercial companies;

2) income from employment or other gainful activities or classes, with the sums received from each title;

3) movable property with a value exceeding 10,000 PLN;

4) monetary liabilities with a value above 10,000 PLN, including credits and loans taken out and the conditions on which they were taken for granted.

2. The person submitting the property declaration determines his affiliation individual assets, income and liabilities to assets separate and assets covered by matrimonial property community.

3. Declaration of financial interests together with a copy of your tax return achieved income in the tax year (PIT) for the previous year and its adjustment submit in duplicate:

1) councilor - chairman of the poviát council;

2) starost, chairman of the poviát council - voivode;

3) deputy governor, member of the poviát board, poviát secretary, poviát treasurer, head of the organizational unit of the poviát, managing person and member management body of a poviát legal entity and a person issuing decisions administrative office on behalf of the starost.

4. The councilor submits the first property declaration within 30 days from the day taking the oath. S/he is obliged to attach information about the method and date of ceasing business activity using the property of the poviát in which it obtained fine, if such activity was conducted before the election day. Further statements of property are submitted by the councilor every year until April 30, as of 31 December of the previous year, and 2 months before the end of the term of the office.

5. Member of the poviát board, poviát secretary, poviát treasurer, head of organizational unit of the poviát, a managing person and a member of the body managing a poviát legal person and a person issuing decisions on behalf of the starost, they make the first financial declaration within 30 days of being elected or appointed. A member of the poviát management board for the first asset declaration, poviát secretary, poviát treasurer, head of poviát organizational unit, managing person and member of the management body of the poviát legal entity, and the person issuing administrative decisions on behalf of the starost are obliged to join information on the method and date of cessation of business activity, if they conducted it before the date of election, appointment or employment. Next property declarations are submitted by them annually by 30 April, according to as at December 31 of the previous year, and on the date of dismissal from office or termination of the employment contract.

5a. If the time limits specified in para. 4 or 5 will not be met, respectively, chairman of the poviát council, voivode or starost within 14 days from declaration of non-compliance with the deadline, calls the person who has not submitted a statement to its immediate submission by setting an additional fourteen-day period. This deadline is counted from the day the call was successfully delivered.

6. The data included in the asset declaration are analyzed by persons, to which a financial statement was made. Persons who made the statement property, transfer one copy to the tax office competent with

regarding the place of residence of the person submitting the property declaration. The property declaration is kept for six years.

7. S/he also analyzes the data contained in the asset declaration head of the tax office competent for the place of residence of the person making a declaration of property. By analyzing the asset declaration, the head of the tax office also takes into account the income statement in the tax year (PIT) of the spouse of the person making the declaration.

8. The entity performing the analysis referred to in para. 6 and 7, is entitled to comparison of the content of the asset declaration analyzed and the attached copy statements on the amount of income earned in a tax year (PIT) with content previously submitted asset declarations and with copies attached thereto statements about the amount of income achieved in a tax year (PIT).

9. In case of suspicion that a person making a financial statement it provided untruth or concealed truth, the entity performing the analysis the declaration applies to the Central Anti-Corruption Bureau for an inspection of its asset declaration.

10. (repealed)

11. The proceedings regarding the control of a property declaration shall apply respectively, the provisions of the Act of 9 June 2006 on the Central Office Anticorruption (Journal of Laws of 2019, items 1921 and 2020).

12. Entity analyzing asset declarations up to On October 30 each year, the poviats council presents information about:

- 1) persons who have not submitted a property declaration or have submitted them after the deadline;
- 2) irregularities found in the analyzed statements

property together with their description and an indication of the persons who filed incorrect statements;

- 3) actions taken in connection with the irregularities found in the asset declarations analyzed.

13. The Prime Minister shall determine, by regulation, the specimen form the property declaration of the councilor and the model property declaration form member of the poviats board, poviats secretary, poviats treasurer, head of unit organizational poviats, managing person and member of the managing body poviats legal person and person issuing administrative decisions on behalf of starosts, taking into account the prohibitions set out in relation to these persons in regulations of Act of 21 August 1997 on restricting business operations economic activity by persons discharging public functions (Journal of Laws of 2019, item 2399).

Art. 25d 1. The information contained in the asset declaration is public, excluding the address of the person submitting the declaration, and about the location of the property.

2. The voivode and the chairman of the poviats council provide copies to the starost declarations of property that have been made to them.

3. Public information contained in asset declarations shall be made available in the Public Information Bulletin referred to in the Act of 6 September 2001 on access to public information (Journal of Laws of 2019, item 1429 and of 2020. Pos. 695).

Art. 25e (Deleted)

Art. 25f. 1. Failure to submit the asset declaration despite the additional lapse the deadline referred to in art. 25c paragraph 5a by:

1) councilor - causes the termination of the mandate pursuant to art. 383 of the act about which referred to in art. 25b paragraph 2;

2) a member of the poviát management board, poviát secretary, poviát treasurer, manager organizational unit of the poviát, a managing person, and a member of the body managing a poviát legal entity and a person issuing decisions administrative on behalf of the starost - causes the loss of their remuneration for the period from the day on which the statement should be submitted until the date of submission statements.

2. If a member of the poviát management board or poviát treasurer fails to submit it on time property declarations, the poviát council dismisses them, by resolution, at the latest after 30 days from the date on which the deadline for submitting the declaration expired.

3. If the poviát secretary, head of the poviát organizational unit, a person managing body and member of the management body of a poviát legal entity and a person issuing administrative decisions on behalf of the starost will not submit on time asset declarations, the competent authority dismisses or dissolves them employment contract no later than 30 days after the day on which the deadline expired make a statement.

4. Cancellation and termination of the employment contract in the manner specified in para. 2 and 3 is tantamount to termination of the employment contract without notice on the basis of Art. 52 § 1 point 1 of the Labor Code.

Art. 25g Providing untruth or concealing the truth in a statement property, causes liability pursuant to art. 233 § 1 of the Criminal Code.

Art. 25h 1. Member of the poviát board, poviát treasurer, poviát secretary, head of the organizational unit of the poviát, managing person and member of the body managing a poviát institution and a person issuing decisions administrative office on behalf of the starost while performing the function or duration employment and for a period of 3 years after leaving office or termination Employment cannot accept any kind of benefit property, free of charge or against payment in an amount lower than its actual value from the entity or its subsidiary if taking part in issuing the resolution on individual matters concerning him they had direct impact on its content.

2. A subsidiary within the meaning of para. 1 is the entity in which:

1) the entrepreneur has directly or indirectly the majority of votes in his bodies, also on the basis of agreements with other partners and shareholders;

2) the entrepreneur is entitled to appoint or dismiss the majority members of the management bodies of the subsidiary;

3) more than half of the members of the entrepreneur's management board are also members of management board or persons performing managerial functions in the entity in a relationship with the entrepreneur.

3. The prohibition referred to in para. 1 does not apply to the purchase of an item or service available as part of a public offer, and also does not apply to customary items used for advertising and promotional purposes as well as awards awarded in artistic competitions.

Art. 26. 1. The poviats board is the poviats executive body.

2. The poviats board consists of the starost as its chairman, deputy governor and other members.

2a. A member of the county board cannot be a person who is not a citizen Polish.

3. Membership in the county board cannot be combined with membership in the body of another local government unit and with employment in government administration, as well as with the mandate of a deputy and senator. Loss of membership in the county board takes place on the day of election or employment.

4. The following applies to the management board and members of the management board: art. 21 paragraph 7.

Art. 27. 1. The poviats council shall elect a board of 3 to 5 people, including a starost and deputy chairman, within 3 months from the day the election results were announced by the competent electoral authority, subject to para. 2 and 3. The number of board members determines the poviats council in the statute.

2. The poviats council elects the starost by an absolute majority of statutory votes composition of the council, by secret ballot.

3. The poviats council elects the deputy starost and other members of the board for starost's application by simple majority in the presence of at least half statutory composition of the council, by secret ballot.

Art. 28. The poviats management board shall operate until the day of choosing a new board, subject to Art. 29 paragraph 5.

Art. 29. 1. If the poviats council fails to elect the board on time specified in art. 27 section 1 shall be dissolved by virtue of law.

2. Information on the dissolution of the poviats council for a specific reason in paragraph 1 voivode immediately informs in a customary manner adopted in the poviats area and announces in the form of an announcement in the voivodeship official journal.

3. After dissolution of the poviats council for the reason specified in para. 1 conducts early elections.

3a. Until the election of the board by the new council, the Prime Minister, on motion of the minister competent for public administration, designates a person, which in this period performs the function of poviats authorities.

4. If the poviats council elected as a result of early elections, referred to in paragraph 3, fails to select the board within the period specified in art. 27 paragraph 1 shall be dissolved by virtue of law. Information on the dissolution of the council is given to messages in the mode specified in paragraph 2.

5. In the case referred to in para. 4, no elections are held early. Until the election day of the poviats council for the next term and election poviats board, the tasks of the board and the board are taken over by the

government commissioner established by the Prime Minister at the request of the minister competent for matters of public administration.

6. Poviats are dissolved by law also in cases referred to in Article 390 § 1 item 3 and § 5 of the Act of January 5, 2011 – Electoral Code.

7. In the event of changes in the territorial division of the country whose effects specifies Art. 390 § 5 and 8 of the Act referred to in para. 6, provisions shall apply accordingly to paragraphs 2-5, with the principle that a person who performs the function during this period within poviats, is appointed for each poviat resulting from the changes in the territorial division of the state.

Art. 30. 1. Resolution of the poviat council regarding failure to grant it to the management board discharge is the equivalent to submitting an application to dismiss the board of directors, unless after the end of the financial year, the poviat board was dismissed for another reason.

1a. The resolution on discharge by the poviat council is absolute by majority of votes of the statutory composition of the poviat council.

2. The poviat council shall hear the matter of dismissal of the management board for a reason of which referred to in paragraph 1, at a convened session not earlier than 14 days after being taken resolutions not to grant discharge to the management board. After reading with opinions referred to in art. 16 clause 3, and with the resolution of the regional chamber on the resolution of the poviat council not to grant it to the management board discharge, the poviat council may dismiss the board by a majority of at least 3/5 votes statutory composition of the council, by secret ballot.

Art. 30a. 1. The poviat management board shall annually submit the poviat council to 31 May report on the state of the poviat.

2. The report includes a summary of the activities of the poviat board in a year previous, in particular the implementation of policies, programs and strategies, resolutions of the council poviat and civic budget.

3. The poviat council may specify detailed requirements by resolution regarding the report.

4. The poviat council shall consider the report referred to in para. 1 during the session on which is the resolution of the poviat council regarding granting or not granting discharge board. The report is considered first. Above the report on the state of the poviat is being discussed.

5. In the debate on the report on the state of the poviat, councilors take the floor without restrictions time.

6. In the debate on the report on the state of the poviat, poviat residents can take voice.

7. A resident who would like to take the floor in the mode specified in para. 6, consists written notification to the chairman of the council, supported by signatures:

1) in a poviat, up to 100,000 inhabitants - at least 150 people;

2) in a poviat with over 100,000 inhabitants - at least 300 people.

8. The application shall be submitted no later than on the day preceding the day on which a session was convened during which a poviat status report is to be presented. Residents are allowed to vote in the order

they were received by chairman of the reporting council. Number of inhabitants who can speak in the debate is 15 unless the council decides to increase this number.

9. After the debate on the report on the status of the poviát, the poviát council conducts a vote on granting a vote of confidence to the poviát board. A resolution on granting a vote of confidence to the poviát management board is taken by the poviát council by an absolute majority of votes of the statutory composition of the poviát council. Failure to resolve on granting a vote of confidence to the poviát management board is equivalent to adopting a resolution not to grant a vote of confidence to the poviát board.

10. The poviát council's failure to grant confidence in the poviát board tantamount to submitting an application for dismissal of the board.

11. The poviát council considers the matter of dismissal of the management board for the reason of which referred to in paragraph 10, at a convened session not earlier than 14 days after taking its resolutions on not granting a vote of confidence to the management board. Poviát Council may dismiss management by a majority of at least 3/5 of the statutory composition of the board.

Art. 31. 1. The poviát council may dismiss a staroste for reasons other than failure to discharge or a vote of confidence in the board of directors only on application at least 1/4 of the statutory composition of the board.

2. The application referred to in para. 1 requires written form and justification the reasons for the appeal and is subject to the opinion of the audit commission.

3. The staroste's appeal shall be dismissed by a majority of at least 3/5 votes statutory composition of the council, by secret ballot. Voting on an appeal the poviát council carries out after hearing the opinion of the audit commission at the next session after the one at which the request for appeal was made, but not earlier than after 1 month from the date of submitting the application. If the application to dismiss the staroste has not obtained the required majority of votes, another request for appeal may be notified not earlier than 6 months after the previous vote.

4. Dismissal of the staroste or her/his resignation is, respectively, tantamount to dismissal of the entire poviát board or resignation by entire poviát management.

5. The poviát council may dismiss individual members upon a justified request from the staroste members of the board by a simple majority in the presence of at least half statutory composition of the council, by secret ballot.

Art. 31a. 1. In the event of resignation being lodged by the staroste, its acceptance followed by a simple majority of votes.

2. In the event of the staroste's resignation, the poviát council at the next session shall take up resolution to accept the resignation of the entire board.

3. Failure to adopt the resolution referred to in para. 2, is equivalent to acceptance resignation from the end of the last day of the month in which the council session was held by the poviát referred to in par. 2.

Art. 31b 1. In the event of dismissal or resignation of the entire board, the board the poviát chooses a new management board in the mode referred to in art. 27 respectively, within 3 months from the date of

appeal or from the date of acceptance of the resignation. If you do not choose a new board within 3 months of appeal or from the date of acceptance of the resignation, the provisions of art. 29 shall apply accordingly.

2. In the event of dismissal of a management board member who is not his chairman, the poviát council elects a new member of the board within 1 month from the date of appeal.

3. The removed board of a poviát or its individual members perform current obligations until the election of a new management board or its individual management members. The poviát council may release a member of the board from this obligation.

4. The provision of para. 3 the first sentence shall apply accordingly in the case of submission resignation by the entire board. Article 31c 1. In the event of resignation from membership in the Management Board by a member who is not its chairman, the poviát council adopts a resolution on accepting resignation and dismissal from ordinary management board member by majority of votes not later than within 1 month from the day of resignation.

2. Failure by the poviát council to adopt a resolution within the period referred to in para. 1 is tantamount to accepting the resignation at the end of the last day of the month, in which the resolution should be adopted.

3. In the event of resignation by a member of the management board who is not the chairman, the starost is obliged not later than within 1 month from the day acceptance of resignation or expiry of the period referred to in paragraph 2, present to the council poviát a new candidate for board member.

Art. 32. 1. The poviát board carries out the resolutions of the poviát council and the tasks of the poviát determined by law.

2. The tasks of the poviát management board include in particular:

1) preparing draft resolutions of the council;

2) implementing resolutions of the council;

2a) developing development programs in the manner specified in the regulations on the principles of conducting development policy;

3) poviát property management;

4) implementation of the poviát budget;

5) employing and dismissing heads of organizational units of the poviát;

6) adopting organizational regulations of the poviát entity.

3. In the performance of its tasks, the poviát management board shall only report to the poviát council.

4. The internal organization and the mode of work of the management board are specified in the poviát statute.

5. The poviát statute shall be published in the voivodeship official journal.

Art. 33. The Management Board performs the tasks of a poviát with the help of a poviát eldership and organizational units of the poviát, including the poviát labor office.

Art. 33a. 1. The managers of poviát services, inspections and guards perform tasks and competences specified in the acts with the help of organizational units

- commands and inspectorates.

2. Organizational units constituting an auxiliary apparatus of managers poviát services, inspections and guards can create, transform and liquidate voivode, at the starost's request, approved by the relevant manager combined service, inspection or voivodeship guard, unless separate provisions state otherwise.

3. The organizational units referred to in para. 2, except for organizational units of the Police, are poviát budgetary units within the meaning provisions of the Act of November 26, 1998 on public finance (Journal of Laws 2003 item 148, 391, 594 and 874 and 2005 item 2104)².

4. Special conditions or rules for appointment, dismissal and procedure hiring and dismissing managers and employees of poviát services, inspections and guard set out separate laws.

Art. 33b. Poviát complex administration consists of:

1) poviát eldership;

2) poviát labor office, being the organizational unit of the poviát;

3) organizational units constituting an auxiliary apparatus of managers poviát services, inspections and guards.

Art. 34. 1. The starost organizes the work of the poviát and poviát eldership board, manages the current affairs of the poviát and represents the poviát outside.

1a. The starost prepares a flood protection operational plan and announces and cancels the ambulance and flood alarm.

1b. In the event of a state of natural disaster being introduced, the starost works on principles set out in separate regulations.

2. In urgent matters related to the threat to the interest public, directly threatening health and life, and in matters that may cause significant material losses the starost takes necessary actions belonging to the poviát management board. This does not apply to issuing regulations ordinal in the case referred to in art. 42 section 2.

3. The activities referred to in para. 2, require presentation to approval at the nearest poviát board meeting.

Art. 35. 1. The organization and rules of functioning of a poviát eldership are specified organizational rules.

² Currently the Act of 27 August 2009 on public finance (Journal of Laws of 2019, item 869, 1622, 1649, 2020 and 2473 and from 2020 item 284, 374, 568 and 695), pursuant to art. 118 section 3 of the Act of August 27, 2009 - Regulations introducing the Public Finance Act (Journal of Laws item 1241), which entered into force on 1 January 2010.

2. The staroste is the head of the poviats eldership and the superior official services of eldership employees and heads of organizational units poviats and the superior of poviats services, inspections and guards.

3. Starosts exercising authority over poviats services, inspection and guard:

- 1) appoints and dismisses the heads of these units, in consultation with the voivode, and also performs actions towards them in matters of labor law, unless specific provisions provide otherwise;
- 2) approve their action programs;
- 3) agree on the joint operation of these units in the poviat;
- 4) in special situations, manages the joint activities of these units;
- 5) commissioned inspections in justified cases.

Art. 36. 1. The organization and operating principles of organizational units poviats are defined in organizational regulations adopted by the poviat board, unless that separate provisions provide otherwise.

2. Legal status of poviats eldership employees and units organizational poviats shall be specified in a separate act.

Art. 37. 1. The poviat council shall appoint and recall the poviat treasurer upon request of the mayor.

2. The secretary and treasurer participate in the work of the poviat board and may participate in the proceedings of the poviat council and its committees in an advisory capacity.

Art. 38. 1. In individual cases in the field of public administration decisions belonging to the poviat's jurisdiction are issued by the starost, unless the regulations they specifically provide for issuing decisions by the poviat management.

2. The starost may authorize the deputy starost, individual members of the board poviats, eldership employees, poviats services, inspections and guards, and heads of organizational units of the poviat to publish on his behalf the decisions referred to in paragraph 1.

2a. Decisions issued by the poviat management in the field of public administration signs the starost. The decision lists the names of board members, who participated in the decision.

3. The decisions referred to in para. 1 and 2, reference may be made to local government an appeal board, unless a specific provision provides otherwise.

Art. 38a. 1. In order to implement the tasks of a starost in the field of sovereignty over poviats services, inspections and guards as well as tasks specified in acts in the field of public order and security of citizens, a commission is formed security and order, hereinafter referred to as "the committee".

2. The tasks of the commission include:

- 1) assessment of threats to public order and the security of citizens on the territory the county;
- 2) giving opinions on the work of the Police and other poviats services, inspections and guards, as well as organizational units performing tasks in the poviat public order and security of citizens;
- 3) preparation of the draft crime prevention program and public order and security of citizens;

(4) providing opinions on projects of other police and other cooperation programs poviats services, inspections and guards, as well as organizational units performing public order tasks in the poviat and citizen security;

5) providing opinions on the poviat's draft budget - in the scope referred to in item 1;

6) giving opinions on draft local legal acts and other documents in matters related to the performance of the tasks referred to in points 1, 2 and 4;

7) giving opinions on those commissioned by the starost, other than those mentioned in item 2 and items 4–6 issues regarding public order and security of citizens.

3. Mayor of the city with poviat rights and starost of the poviat bordering on such a city may form, by agreement, a joint commission for the city of poviat rights and a poviat bordering such a city. In this case city president and starost co-chair the commission.

4. The agreement referred to in para. 3, shall specify in particular:

1) the procedure for appointing members of the committees referred to in para. 5 points 2-4;

2) rules for covering the costs of commission activities and reimbursement to committee members and the persons appointed to participate in its work expenditure indeed incurred in connection with participation in the work of the commission;

3) rules of administrative and office service for the commission.

5. The commission includes:

1) starost as the chairman of the commission;

2) two councilors delegated by the poviat council;

3) three people appointed by the starost from among those distinguished by knowledge about the problems that are the subject of the work of the commission and are popular amongst local community with personal authority and public trust, in particular representatives of municipal governments, organizations NGOs, educational staff, as well as institutions dealing with combating social pathologies and preventing unemployment;

4) two representatives delegated by the poviat commander (municipal) Police, and in the case of the Capital City of Warsaw delegated by Commander of the Metropolitan Police.

6. The prosecutor appointed by the competent authority also participates in the work of the commission district attorney.

7. The starost may appoint officers to participate in the work of the commission and employees of poviat services, inspections and guards other than the Police and employees of other public administration bodies performing tasks in the field of public order and security of citizens in the poviat.

8. The officers and employees referred to in para. 7, participate in the work of the commission with an advisory vote.

9. The commission's term of office lasts 3 years.

10. Dismissal of a member of the commission before the end of the term of office by the authority which him appointed or delegated, it is possible only for important reasons, which are given on writing. Membership in the commission of a councilor delegated by the poviát council ceases always with the expiry of his mandate.

11. In the event of the death, dismissal or resignation of a member of the committee before expiry of the term of office, the body which appointed or delegated him, appointed or delegated a new member of the commission for the remainder of the previous term member.

Art. 38b. 1. The chairman of a committee may perform the tasks of a committee demand from the Police and other poviát services, inspections and guards, as well as from poviát and communal organizational units performing tasks in the field public order and security of citizens, documents and information about them work, with the exception of personnel files of employees and officers, materials operational intelligence or investigation, and files in individual administrative cases.

2. The Commission may cooperate in carrying out its tasks with municipal governments from the poviát area, as well as associations, foundations, churches and religious associations as well as other organizations and institutions.

3. The starost shall not later than the end of January of the following calendar year submits to the poviát council the report on the commission's activities for the previous year. The starost's report is published in the voivodeship official journal.

Article 38c 1. The costs of the commission's activities shall be borne by the budget's own resources the county. The poviát council will determine the rules of return for committee members and appointed persons to participate in her work the expenses actually incurred in connection with the participation in the work of the committee, applying the provisions on reimbursement of travel expenses, as appropriate for councilors of the poviát.

2. The administrative office is provided by the eldership.

Art. 39. (repealed)

Chapter 4

Local law acts enacted by the poviát

Art. 40. 1. On the basis and within the limits of the authorizations contained in the acts of the council of a poviát is acts of local law in force in the poviát.

2. Acts of local law are adopted in particular in matters of:

- 1) requiring regulation in the statute;
- 2) ordinal, referred to in art. 41;
- 3) a special mode of managing poviát property;
- 4) the rules and procedure for using poviát facilities and utilities public.

Art. 41. 1. To an extent not regulated in separate statutes or other generally applicable provisions, in particularly justified cases, the poviát council may issue poviát order regulations if it is necessary to protect

the life, health or property of citizens, to protect the environment either to ensure order, peace and public safety, provided that these reasons occur in the area of more than one commune.

2. Poviats order regulations referred to in para. 1 may provide for fines imposed on them in accordance with the procedures and principles for their violation specified in the law on offenses.

Art. 42. 1. The acts of the local poviat law constitute the poviat council in the form resolutions, unless the act authorizing the issuing of an act provides otherwise.

2. Poviats order regulations referred to in art. 41 in cases urgent, may issue management.

3. Poviats order regulations referred to in para. 2, are subject to approval at the next session of the poviat council. They lose their power in the event of failure to submit them for approval or refusal to approve. Power Loss Date applicable is determined by the poviat council.

4. The starost sends order regulations for information to the authorities Executive of communes located in the poviat and neighboring poviats the day after their establishment.

Art. 42a. 1. A group of poviat residents with active rights electoral to the decision-making body, may submit a citizens' initiative adopt resolutions.

2. The group of residents referred to in para. 1 must count:

1) up to 100,000 inhabitants in the poviat - at least 300 people;

2) in a poviat with over 100,000 inhabitants - at least 500 people.

3. Draft resolution submitted as part of a citizens' initiative resolution becomes the subject of proceedings of the poviat council at the next session after submitting the project, but no later than 3 months after submission project.

4. The resolution initiative committee has the right to indicate authorized persons to represent the committee during the work of the council.

5. The poviat council shall determine by resolution: detailed rules for contributing civic initiatives, principles of creating committees for resolution initiatives, principles of promoting civic resolution initiatives, formal requirements, they must correspond to submitted projects, subject to the provisions of this Act.

Art. 43. 1. (repealed)

2. He signs the local laws immediately after their adoption chairman of the poviat council and directs for publication.

3. (repealed)

4. (repealed)

Art. 44. Rules and procedure for publishing local law and issuing of the voivodship official journal is specified in the Act of July 20, 2000. on the publication of normative acts and some other legal acts (Journal of Laws from 2019 item 1461).

Art. 45. (repealed)

Chapter 5

Poviat property

Art. 46. 1. The poviat's property is property and other property rights acquired by poviat or other poviat legal entities.

2. Poviat legal entities, outside the poviat, are self-government units organizational, to which laws directly grant such status, and those legal entities, which can be created on the basis of separate acts only by the poviat.

3. The poviat is a subject of rights and obligations in civil law relations, which relate to the property of a poviat not belonging to other poviat legal entities. Art. 47. 1. Acquisition of property by a poviat shall take place:

1) on the basis of a separate act, with the proviso that it does not constitute property any municipality;

2) by transfer in connection with the creation or change of poviat boundaries in the mode Art. 3; the transfer of property takes place by agreement of the interested parties poviats, and in the event of disagreement - by a decision of the Prime Minister, taken at the request of the minister competent for public administration;

3) as a result of a takeover from the Treasury pursuant to an agreement, excluding the assets intended to satisfy claims reprivatization and implementation of the program of widespread enfranchisement;

4) by other legal actions;

5) in other cases specified in separate provisions.

2. The Council of Ministers shall, by regulation, determine:

1) the mode of transferring property by the State Treasury to poviats, including needs in the area of poviat tasks;

2) categories of property excluded from the transfer of poviats, designated for satisfaction of restitution claims and implementation of the program widespread enfranchisement.

Art. 48. 1. Declaration of will in property matters on behalf of the poviat consists of two board members or one board member and an authorized person by the board.

2. The Management Board may authorize eldership employees, poviat manager services, inspections and guards as well as organizational units of the poviat for submission declarations of will related to the ongoing operations of the poviat.

3. If a legal act may give rise to obligations for its effectiveness, countersignature of the poviat treasurer is needed for its effectiveness a person authorized by him.

4. The poviat treasurer who refused to countersign, however, has an obligation to do so achievements at the written command of the starost, while notifying about it Poviat Council and Regional Accounting Chamber.

Art. 49. The poviats are not responsible for the obligations of other poviats legal persons, unless a specific provision provides otherwise. Other poviats legal persons are not responsible for the obligations of the poviats.

Art. 50. 1. The management and protection of poviats property should be performed from special care.

2. Property protection includes in particular monitoring on the premises of real estate and construction works constituting the property of the poviats and in the area around such real estate and construction works. The provisions of art. 4b paragraph 2-6 apply accordingly.

Art. 50a. 1. The poviats may conclude an agreement with the investor pursuant to which exchange for the implementation of an investment that meets the collective needs of the community, related to the investor taking the road lane for placement in the lane Road infrastructure equipment unrelated to needs management of roads or traffic needs, will set the rate for the seizure of road lane in an amount lower than specified in the resolution referred to in art. 40 clause 8 of the Act of 21 March 1985 on public roads (Journal of Laws of 2020, item 470 and 471). The conclusion of the contract takes into account the provisions regarding public aid.

2. The poviats announces in the Public Information Bulletin and on the website poviats and in another way customary in the poviats area message about intention to conclude a contract. The message shall contain at least an indication of the type investment meeting the collective needs of the community, the implementation of which by the investor expects the poviats, and information about the date when investors can report interest in entering into a contract.

3. The conclusion of the contract is preceded by negotiations with investors who have reported interest in its conclusion.

4. The conclusion of the contract may not take place before the expiry of 30 days from the expiry date the deadline for expressing interest in its conclusion, as indicated in the announcement.

5. The contract shall specify at least:

1) the type of investment together with an indication of the purpose to which its conclusion with the point of view of meeting the collective needs of the community;

2) the manner, place and detailed conditions for the implementation of the investment;

3) the amount of the fee for the occupation of the road lane in relation to technical infrastructure devices located in the road lane related to the implementation of the investment.

6. The rate of the fee referred to in para. 5 point 3, it is determined:

1) based on data on the estimated number of square meters of lane road occupied by technical infrastructure equipment not related to Road management needs or traffic needs, placed in the road lane in connection with the implementation of the investment;

2) based on data on the investor's anticipated revenue from realized investments within 5 years of its completion;

3) at the level enabling the investor to recover the difference between expected net present value of the investment by the date referred to in point 2, taking into account the obligation to pay fees for the

occupation of the road lane calculated according to the amount of fees specified in the resolution on which referred to in art. 40 clause 8 of the Act of March 21, 1985 on public roads, an expected net present value of investments in this period, including reasonable return on investment.

7. The contract is concluded under pain of nullity in the form of a notarial deed.

8. Information on the conclusion of the contract together with its content is subject to immediate publications in the Public Information Bulletin and on the poviats website; and otherwise customarily accepted in the poviats area.

9. The provisions of para. 2-8.

Chapter 6

County finances

Art. 51. 1. The poviats independently conducts financial management on the basis of budget resolution.

2. (repealed)

3. (repealed)

Art. 52. (repealed)

Art. 53. The poviats council, determining the mode of work on the draft budget resolution, takes into account, in particular, obligations of poviats services, inspections and guards in progress work on this project.

Art. 54. (repealed)

Art. 55 (repealed)

Art. 56. 1. (repealed)

2. (repealed)

3. Giving new tasks to a poviats by law, requires providing financial resources necessary for their implementation in the form of increase in income.

Art. 57. (repealed)

Art. 58 (repealed)

Art. 59 (repealed)

Art. 60. 1. The management board is responsible for the proper implementation of the poviats budget the county.

2. The poviats board has the exclusive right to:

1) incurring liabilities to be covered in the budget resolution the amounts of expenses under the authorizations granted by the poviats council;

2) issue securities as part of authorizations granted by county council;

- 3) making budget expenses;
- 4) submitting proposals for changes in the poviats budget;
- 5) disposal of the poviats budget reserve;
- 6) blocking budget funds in cases specified by statute.

Art. 61. Management of funds at the disposal the poviats is public. The requirement of disclosure is met in particular by:

- 1) transparency of the budget debate;
- 2) publication of the budget resolution and reports on the implementation of the budget the county;
- 3) presentation of the full list of amounts of earmarked subsidies granted from the budget the county;
- 4) disclosure of the management report on the activities referred to in art. 60 paragraph 2 points 1 and 2.

Art. 62 (repealed)

Art. 63. The poviats' cash order is separated from its cash performance.

Art. 64. 1. A regional chamber controls the poviats' financial management of account.

2. (repealed)

Chapter 7

Unions of poviats and poviats-commune associations and associations and poviats agreements

Art. 65. 1. In order to jointly perform public tasks, including issuing decisions in individual cases in the field of public administration, poviats can form relationships with other poviats. A relationship can be created also for the purpose of joint operation referred to in art. 6a.

2. Resolutions on establishing a union, joining or withdrawing from an association associations are taken up by councils of interested poviats.

3. Rights and obligations of the poviats participating in the association, related with the performance of tasks delegated to the union, they transfer to the association on announcement of the association's statute.

4. Associations of poviats, Art. 38.

Art. 66 1. The Association carries out public tasks on its own behalf and on its own responsibility.

2. The union has legal personality.

Art. 67. 1. Establishment of an association and accession of a poviats to an association require the adoption of its statute by an absolute majority of the statutory member councils, respectively, by the councils of the poviats concerned or by the council of the person concerned the county.

1a. The draft statute of the association is subject to agreement with the voivode.

1b. The voivode takes a position within 30 days of the day delivery of the draft statute. The provisions of art. 77b paragraph 3 and art. 85 shall apply accordingly.

1c. In proceedings on agreeing a draft statute for the association of poviats intending to form a union represents the staroste of one of the poviats authorized by starosts of other poviats.

2. The association's statutes should specify:

1) the name and seat of the association;

2) members and duration of the relationship;

3) the tasks of the union;

4) union bodies, their structure, scope and mode of operation;

5) rules of using the compound's facilities and devices;

6) rules for participation in the costs of joint operations, profits and covering losses compound;

7) rules of joining and occurrence of members as well as settlement rules property;

8) rules and procedure for liquidation of a relationship;

9) (repealed)

10) other rules determining cooperation.

3. The association's statute shall be published in the voivodeship official journal.

4. The association acquires legal personality on the day the statute is published.

Art. 67a. 1. An amendment to the statute of an association shall be made by the association in its form the resolution. The provisions of art. 67 section 1a and 1b shall apply accordingly.

2. Resolution amending the statute of the union, the chairman of the meeting of the union transfers within 7 days of its taking to the councils of participating poviats in a relationship, and in the event that an amending resolution relates to accession union of a new poviat - also the council of this poviat.

3. The poviat council may, in the form of a resolution, raise objections to resolution amending the statute of the association within 30 days of the date of delivery the resolution. An objection suspends implementation of the resolution amending the statute relationship.

4. An amendment to the statute of a union shall be announced in the voivodeship journal official.

Art. 67b. 1. The union is subject to liquidation on the terms and in the manner set out in the statute.

2. After completing the liquidation, the association shall provide the voivode with information on termination of liquidation and a request to delete the connection from the register, about which referred to in art. 68 paragraph 1.

3. Information on deletion of a relationship from the register referred to in art. 68 paragraph 1 subject to announcement in the voivodeship official journal.

Art. 68. 1. The register of associations of poviats is kept by the minister competent for matters public administration.

2. Entry in the register of associations of poviats is made on the basis of an application governor.

3. The notification referred to in par. 2 may refer to:

- 1) registration of the association of poviats;
- 2) changes in the statute of the association of poviats;
- 3) deleting the association of poviats from the register of associations of poviats.

4. The notification referred to in para. 2, includes a declaration of compliance with the law of resolutions constituting the basis for filing a notification.

5. The notification referred to in para. 2 shall be provided with a qualified signature e.

6. The minister competent for public administration matters shall determine by way of Regulation:

1) procedure in cases:

- a) registration of the association of poviats,
 - b) registration of changes in the statute of the association of poviats,
 - c) deleting the association of poviats from the register of associations of poviats,
- 2) model application for registration of the association of poviats,
 - 3) specimen application for amendment of the statute of the association of poviats,
 - 4) a model application for deleting a union of poviats from the register of unions counties,
 - 5) documentation necessary to prepare the applications referred to in items 2-4,

6) the method of keeping a register of associations of poviats, including the manner of making the entries in this register,

7) scope of data subject to entry in the register of associations of poviats,

8) the procedure for announcing the statute of the association of poviats, amending this statute and information on the removal of the association of poviats from the register of associations of poviats, having regard to the need to ensure the efficiency of proceedings in cases, making entries in the register of associations of poviats and announcing acts and information referred to in item 8, uniformity of notifications and having regard to that the register of associations of poviats should contain in particular the name of the association poviats and its seat, designation of poviats participating in the association and indication of the union's tasks.

Art. 69. 1. The assembly is the controlling and controlling body of the association relationship, hereinafter referred to as "the assembly".

2. The rules for representing a poviat in a relationship are determined by the poviat council, except that the assembly consists of two representatives of the participating poviats in relation with.

Art. 70. 1. Resolutions of the assembly are adopted by an absolute majority votes of the statutory number of members of the assembly.

2. A member of the assembly may submit a written objection together with a justification in relation to the resolution of the meeting within 7 days of its adoption.

3. Filing of an objection suspends execution of the resolution and requires re-execution consideration of the case.

4. An objection may not be raised against a resolution adopted as a result of the re-examination consideration of the case.

Art. 71. 1. The executive body of the association is the management board.

2. The association's board is appointed and dismissed by the assembly from among members of the assembly.

3. Unless the statute so provides, non-board members may be elected members of the assembly not exceeding 1/3 of the board's membership.

Art. 72. 1. The financial management of the association of counties shall apply provisions of the poviats financial management, respectively.

2. The union's financial plan shall be adopted by the union's meeting.

Art. 72a. 1. In order to jointly perform public tasks, including issuing decisions in individual cases in the field of public administration, poviats can form associations with communes, forming a poviat-commune association. A relationship may also be created for the purpose of joint service in question in art. 6a and in art. 10a of the Act of 8 March 1990 on commune self-government.

2. The provisions of the poviat-commune association shall apply accordingly regarding the relationship of poviats, except that:

1) in the proceedings on agreeing a draft statute of the poviat association - municipal poviats and municipalities intending to form a union represent staroste of one of the poviats or head of one of the communes authorized by starosts and commune heads of other poviats and communes;

2) the rules for representing individuals in a union are set out in the statute of the association.

Art. 72b. 1. The register of poviat and commune associations is kept by the minister competent for public administration. The provisions of art. 68 paragraph 2-5 shall apply respectively.

2. The minister competent for public administration matters shall determine by way of Regulation:

1) procedure in cases:

a) registration of the poviat and commune association,

b) registration of changes in the statute of a poviat and commune association,

c) deleting the poviat-commune association from the register of unions district and community,

2) model application for registration of a poviat-commune association,

3) specimen application for amendment of the statute of a poviat and commune association,

- 4) a model application for deleting a poviats-commune association from the register poviats and commune associations,
- 5) documentation necessary to prepare the applications referred to in items 2-4,
- 6) the method of keeping a register of poviats and commune associations, including the manner making entries in this register,
- 7) scope of data subject to entry in the register of associations of poviats-commune,
- 8) procedure for announcing the statute of a poviats and commune association, amendments to this statute and information on deleting a poviats-commune association from the register of unions district and community, having regard to the need to ensure the efficiency of proceedings in cases making entries in the register of poviats and commune associations and publishing acts and information referred to in point 8, uniformity of notifications and considering that the register of poviats and commune associations should include in particular the name of the poviats and commune association and its seat, designation poviats and communes participating in the association and indication of the union's tasks.

Art. 72c 1. A commune may join the association of poviats. In this case the association of poviats is transformed into a poviats-commune association.

2. Transformation of the association of poviats or transformation of the association inter-commune into a poviats-commune association requires an amendment to the association's statute in the mode and on the rules concerning respectively the association of poviats or the association.

3. The poviats-commune association enters into all rights and obligations of the transformed relationship.

4. The organs of the poviats-commune association become competent organs or parties to initiated and unfinished administrative and court proceedings.

5. Disclosure in land and mortgage registers or registers of transition to a relationship, referred to in paragraph 1, rights disclosed in these books or in registers occurs at the request of the association.

Art. 73. 1. Poviats may conclude agreements regarding entrustment one of them conducting public tasks.

2. To the extent not regulated by the content of the agreement, to the agreements about which referred to in paragraph 1, the provisions on poviats associations shall apply accordingly.

Art. 74. (repealed)

Art. 75. 1. Poviats may form associations, including with communes and provinces.

2. To the associations referred to in para. 1, the provisions shall apply accordingly the Act of 7 April 1989 - Law on Associations (Journal of Laws of 2019 Pos. 713 and from 2020 item 695), except for the establishment of an association required there are at least 3 founders.

Art. 75a. Rules of the poviats joining international associations local and regional communities have separate rules.

Chapter 8

Supervision over the activities of the poviats

Art. 76. 1. The President of the Council of Ministers supervises the activities of the poviats and voivode, and in financial matters - the regional accounting office.

2. Supervisory authorities may enter the poviats activity only in cases specified by laws.

3. Supervision over the association of poviats is exercised by the voivode competent for the seat

relationship.

Art. 77. Supervision over the implementation of poviats tasks is exercised on based on the legality criterion.

Art. 77a. Supervisors have the right to request information and data regarding organization and functioning of the poviat, necessary for the performance of the supervisory powers.

Art. 77b 1. If the law makes the validity of a poviat authority's decision conditional on its approval, agreement or opinion by another authority, attachment position by this authority should take place no later than within 14 days from delivery of this decision or its draft, subject to paragraph 2.

2. The deadline referred to in para. 1 is 30 days if the approval, agreement or opinion is required of the entity's decision-making body local government.

3. If the body referred to in para. 1 and 2, will not take a position on the case, the decision is considered adopted in the wording submitted by the poviat, on the expiry of the period specified in paragraph 1 or 2.

4. To be approved, agreed or reviewed by the poviat authority decisions of other bodies, the provisions of para. 1-3 shall apply accordingly.

Art. 78. 1. The starost is obliged to submit to the voivode resolutions of the council within 7 days of their collection. Resolutions of the poviat authorities regarding the issue order regulations shall be forwarded within two days of their adoption.

2. The starost shall submit to the regional accounting office on the terms referred to in paragraph 1, a budget resolution, a resolution on the discharge for management board and other resolutions included in the scope of the chamber's supervision.

Art. 79. 1. A resolution of a poviat authority that is unlawful shall be null and void. The supervision authority shall declare the resolution invalid in whole or in part within no longer than 30 days from the day of its delivery to the supervision authority.

2. The supervisory authority initiating the proceeding regarding the assertion invalidity of the resolution or in the course of such proceedings, it may suspend enforcement the resolution.

2a. The provision of para. 2 shall not apply to the resolution challenging the decision supervisory board to the administrative court.

3. The supervisory decision should contain factual justification and legal provisions and instruction on the admissibility of bringing a complaint to court Administration.

4. In the case of an insignificant breach of law, the supervision authority shall not state invalidity of the resolution, limiting itself to indicating that the resolution has been issued in violation of the law.

5. The provisions of the Code of Administrative Procedure shall apply accordingly.

Art. 80. 1. The supervisory authority declares the organ's resolution invalid poviat suspends its execution by virtue of law in the scope covered by the statement nullity on the day of delivery of the supervisory decision. 2. The provision of para. 1 shall not apply to the resolution challenging the decision supervisory board to the administrative court.

Art. 80a. 1. In the event of a complaint by a poviat authority supervisory decision, the administrative court appoints a hearing no later than within 30 days of receipt of the complaint by the court.

2. In the event of a complaint regarding the decision referred to in art. 83 paragraph 2 and art. 84 section 1, the administrative court shall consider this complaint within 30 days. The complaint The Supreme Administrative Court examines the cassation appeal within 30 days.

Art. 81. 1. After the deadline referred to in art. 79 paragraph 1, supervisory authority cannot, on its own, annul a resolution of a poviát body. In this case, the supervisory authority may challenge the resolution before an administrative court.

2. In the case referred to in para. 1, issuing the order it is up to the court to suspend the implementation of the resolution.

Art. 82. 1. A resolution of a poviát authority shall not be annulled after expiry 1 year from the date of its adoption, unless the obligation to submit a resolution has been breached within the period referred to in art. 78 section 1, or if the resolution is an act of law local.

2. If the resolution has not been annulled due to the expiry of the deadline referred to in paragraph 1 and there are grounds for annulment, court administrative authority decides that the resolution is unlawful. Such resolution loses its force as of the date of the decision on its non-compliance with the law. Code provisions administrative proceedings as to the effects of such a judgment shall apply respectively.

Art. 83. 1. In the event of a repeated breach by the poviát council The Constitution or statutes, the Sejm, at the request of the Prime Minister, may by way of procedure resolutions resolve the county council. The dissolution of the council is synonymous with the dissolution of all poviát authorities. The Prime Minister on the request of the minister competent for public administration then appoints a person which until the election of new poviát authorities performs the function of these authorities.

2. If a repeated violation of the Constitution or statute is committed, poviát board, the voivode calls the poviát council to apply the necessary funds, and if this summons has no effect - through the minister competent for public administration - applies to the President of the Council of Ministers for the dissolution of the county board. In the event of termination of the board, until election of a new board, the function of the board is performed by a person appointed by the President of the Board of Ministers.

Art. 84. 1. In the event of unsuspecting hope for rapid improvement and prolongation lack of efficiency in the performance of public tasks by poviát authorities, The Prime Minister, at the request of the minister competent for administration public, may suspend poviát authorities and establish a receivership for a period up to 2 years, but no longer than for the board to be elected by the next term of office.

2. Establishment of a receivership may take place after prior approval presenting charges to poviát authorities and summoning them immediately submit an improvement program.

3. The government commissioner is appointed by the Prime Minister on a proposal voivode submitted through the minister competent for public administration.

4. The government commissioner shall take over the tasks and competences of the organs poviát on the day of appointment.

Art. 85. 1. Decisions of the supervisory body regarding the poviát, including decisions referred to in art. 83 paragraph 2 and art. 84 section 1, as well as the position seized in accordance with art. 77b, are subject to appeal to the administrative court due to unlawfulness within 30 days of their delivery.

2. The provision of para. 1 shall apply accordingly to decisions regarding organs associations and agreements of poviats.

3. A poviat or association of poviats is entitled to file a complaint legal interest, entitlement or competence have been violated. Base for lodging a complaint is a resolution of the body which adopted the resolution or which it concerns supervisory decision.

3a. To file a complaint about the decision of the supervisory authority regarding resolutions of the poviat council, served after the expiry of the council's term, the council is entitled poviat of the next term of office within 30 days of the election of the chairman of the council.

4. To proceed in matters referred to in para. 1 and 2 shall apply respectively, provisions on appealing against an administrative court decision in individual cases in the field of public administration.

5. Supervisory decisions become final upon the deadline of lodging a complaint or on the day the court rejects or rejects the complaint.

Art. 85a. 1. If the competent authority of the poviat, contrary to the resulting obligation from the provisions of art. 383 § 2 and 6 of the Act referred to in Art. 29 paragraph 6, and art. 5 paragraph 2, 3 and 5 of the Act of August 21, 1997 on restricting business operations economic activity by persons discharging public functions to the extent applicable expiry of the councilor's mandate, dismissal from office, respectively termination of the employment contract with a member of the poviat board, poviat secretary, poviat treasurer, head of the poviat organizational unit and person management or a member of the management body of a poviat legal entity, no adopts resolutions, does not dismiss or terminates the employment contract, the voivode calls the poviat authority to take the appropriate act within 30 days.

1a. The provision of para. 1 shall apply accordingly to the obligations referred to in art. 6a of the Act of 21 November 2008 on local government employees (Journal of Laws from 2019 item 1282).

2. In the event of the ineffective expiry of the period specified in paragraph 1, voivode, after notification to the minister competent for public administration, appears replacement order.

3. The provision of art. 85 shall apply accordingly, however entitled to submit a complaint is also the person whose legal interest or right is concerned replacement order.

Art. 86. The court proceedings referred to in the preceding articles, is free of court fees.

Art. 87. 1. Everyone whose legal interest or right has been violated a resolution adopted by the poviat authority in a matter of public administration, may appeal the resolution to an administrative court.

2. The provision of para. 1 shall not apply if an administrative court has already ruled on the case and dismissed the complaint.

3. A complaint against the resolution referred to in para. 1, may be brought to court administrative on their own behalf or representing a group of poviat residents, who give their written consent.

4. (repealed)

Art. 88. 1. The provisions of art. 87 shall apply accordingly if the poviat authority does not performs actions prescribed by law or by legal actions or actually violates the rights of third parties.

2. In the cases referred to in para. 1, an administrative court may order the supervisory authority to carry out the necessary activities for the applicant, at the expense of and county risk.

Art. 89. The provisions of this chapter shall not apply to individual decisions in matters of public administration issued by poviat authorities and associations of poviats. Instance control in this

area and supervision extra-state, as well as the control exercised by the court are specified in separate provisions.

Art. 90. The provisions of this chapter shall also apply to relationships and agreements referred to in the Act.

Art. 90a. (Deleted)

Chapter 9

Cities with poviats rights

Art. 91. Poviats rights are granted to cities which on December 31, 1998. they had more than 100,000 inhabitants, as well as cities that day ceased to be the seat of voivodes, except at the request of the appropriate city council the city was given no poviat status and those granted the city status with poviat rights when carrying out the first administrative division of the country for poviats.

Art. 92. 1. The functions of poviat organs in cities with poviat rights are exercised by:

1) city council;

2) city president.

2. A city with poviat rights is a commune that performs the tasks of a poviat in the rules set out in this Act.

3. The structure and operation of the city's organs with poviat rights, including name, composition, numbers, their appointment and dismissal, as well as the principles of supervision determines the act on municipal local-government.

Chapter 10

Final regulations

Art. 93. The Act shall enter into force on time and on the principles set out in a separate act³, with the exception of the provision of art. 3, which shall enter into force on announcement⁴ of the Act.
3)

³ The Act entered into force on January 1, 1999, with the exception of art. 2 clause 5, art. 5, art. 6 clause 1, art. 8 clause 2, art. 9 item 1 Art. 12 points 1-3, art. 13 section 1, art. 14 paragraph 1-3, art. 15 paragraph 1-3 and 5, art. 16 clause 1 and 2, art. 17 clause 1 and 2, art. 18, art. 19, art. 20, art. 21 paragraph 1-3, 5, 7 and 8, art. 22, art. 23, art. 26, art. 27 section 1 and 2, art. 32 paragraph. 1, paragraph 2 points 1, 2 and 5, paragraph 3 and 4, art. 34 section 1, art. 35 section 1 and 3 point 1, art. 36 paragraph 1, art. 37, Art. 39, art. 40 clause 1 and 2 point 1, art. 42 section 1, art. 43, art. 47 section 2, art. 62 paragraph 2, art. 76 item 1 and 2, Art. 77, art. 78 section 1, art. 79, art. 85 and art. 92 paragraph 1 and 2, which entered into force on announcements in the Official Gazette of the Republic of Poland by the National Electoral Commission collective results of elections to poviat councils, pursuant to art. 1 clause 1 of the Act of July 24, 1998 on the entry into force of the Act on poviat self-government, the act on self-government of voivodeships and the act on government administration in the voivodeship (Journal of Laws, item 631); announcement of the National Electoral Commission of October 23, 1998 on collective information the results of elections to poviat councils throughout the country were announced on October 27, 1998 (Journal of Laws, item 861); on the terms set out in the Act of 13 October 1998 - Introductory provisions; Acts reforming public administration (Journal of Laws, item 872 and 1126, of 2000, items 70, 136, 228,239, 632, 1041 and 1312, from 2001, item 497, 1084, 1194 and 1623, from 2009, item 206 and 2016 pos. 2260).

⁴ The Act was promulgated on July 18, 1998.