ORDINANCE No. 985/2020 BY THE MAYOR OF THE CITY OF KRAKÓW of 23/04/2020

on defining a detailed procedure for examining and processing applications for the implementation of public tasks under a local initiative

Based on Art. 30, Sec. 2, Point 4 of the Act of 08/03/1990 on local government (Journal of Laws of 2019, Item 506. 1309. 1571. 1696, 1815). Art. 19c, Sec. 1 of the Act of 24/04/2003 on public benefit and volunteer work (Journal of Laws of 2019, Item 688, 1570 and 2020 and of 2020, Item 284) and Art. 10, Sec. 1 of Resolution No. LXXXI/1969/17 by the Kraków City Council of 30/08/2017 on defining a procedure and detailed criteria for evaluating applications for execution of public tasks under a local initiative (Official Journal of Małopolska Voivodship of 2017, Item 5599), it is ordered as follows:

**Chapter 1**

Terms

§ 1. Whenever this Ordinance refers to:

1. local initiative - shall be understood as a form of cooperation of the Municipality of Kraków with its residents in order to jointly execute a public task for the Kraków Municipality;
2. Act - shall be understood as the Act of 24/04/2003 on public benefit and volunteer work (Journal of Laws of 2019, Item 688, 1570 and 2020 and of 2020, Item 284);
3. Resolution - shall be understood as Resolution of the Kraków City Council No. LXXXI/1969/17 of 30/08/2017 on defining a procedure and detailed criteria for evaluating applications for the implementation of a public task under a local initiative (Official Journal of Małopolska
Voivodship of 2017, Item 5599);
4. The municipality - shall be understood as the Municipality of Kraków;
5. UMK - shall be understood as the Kraków City Hall;
6. k.o. - shall be understood as an organizational unit of the Kraków City Hall;
7. m.j.o. - shall be understood as a municipal organizational unit;
8. Department - shall be understood as the relevant unit of the Kraków City Hall (UMK) responsible for the coordination of tasks related to the local initiative;
9. residents - shall be understood as people residing in the territory of the Municipality of Kraków;
10. Mayor - shall be understood as the Mayor of the City of Kraków;
11. Commission - shall be understood as the Commission of the City Council of Kraków competent for civil dialogue with the City residents;
12. Districts - shall be understood as the authority of an auxiliary unit of the municipality operating in the territory of the Municipality of Kraków;
13. applicants - shall be understood as persons submitting an application for a local initiative;
14. application - shall be understood as an application for the execution of a public task under a local initiative;
15. team - shall be understood as a team appointed by the head of the k.o./m.j.o. to evaluate the merits of the application under a local initiative.

**Chapter 2**

Reporting applications

§ 2. A detailed procedure for examining and implementing requests for the execution of a public task under a local initiative is established.

§3.1. Based on Art.19b of the Act and pursuant to the Resolution, the following parties have the right to submit an application for implementation of a public task under a local initiative:

1. residents directly, subject to Par 3, Sec. 2 of the Resolution - the minimum number of applicants is 2;
2. residents through non-governmental organizations (NGOs) or entities mentioned in Art. 3, Sec. 3 of the Act, which are based in the territory of the Kraków Municipality, with the exception of social cooperatives.
3. Submission of the application by a non-governmental organization or an entity mentioned in Art. 3, Sec. 3 of the Act, directly, through a social cooperative, through non-governmental organizations based outside the Municipality or by one resident, constitutes a formal error and shall result in rejection of the application for formal reasons.

§ 4. 1. The application must be submitted using the form specified in **Annex 1 to the present Ordinance.**

1. The application should be accompanied by a personal list of residents supporting the local initiative, signed by at least 15 residents of the the Municipality, containing information about the address of residence and signatures of residents supporting the local initiative in accordance with **Annex 1 to the application form.**
2. Residents submitting the application through non-governmental organizations or entities listed in Art. 3, Sec. 3 of the Act, with the exception of social cooperatives, authorize them to represent them in contacts with the UKM through a declaration according to the formula contained in **Annex 2 to the application form.**

§ 5. 1. The application may contain the opinion of the locally competent District or Districts.

1. The list of Districts is available in the Public Information Bulletin in the "Authorities and the City" / "Districts" tab.
2. Missing opinion(s) of the District(s) or negative opinion(s)/information(s) do not constitute a formal deficiency.
3. In the case of applications, the scope of which includes infrastructure projects on real estate not owned by the Municipality of Kraków, the application shall be accompanied with the consent of the administrator of the area, according to the template contained in **Annex 4 to the application form.**
4. The consent of the site administrator is verified by the head of the Municipality responsible for the implementation of the local initiative.

§ 6. 1. Applications are submitted to the Mayor through the Department.

1. The application may be submitted:
2. personally, by submitting to the UMK information and administration desk;
3. by post, to the address of the seat of the Department;
4. using ePUAP (electronic Platform of Public Administration Services), signing the application with a qualified electronic signature or a trusted signature;
5. in other electronic form, if any other dedicated city internet portal is available.

§ 7. The deadline for submitting the application must be no later than 8 weeks before the proposed deadline for the task.

**Chapter 3**

Applications handling

§ 8. 1. Applications submitted to the Mayor through the Department are verified in terms of formal correctness.

1. The application is rejected for formal reasons in the case of, among others:
2. specified in § 3, Sec. 2 of this Ordinance;
3. absence of the consent by the administrator of the area covered by the local initiative's proposal to use the area for the purposes of its implementation, in the case specified in § 5, Sec. 4;
4. when the application does not have a personal list of residents supporting the Municipality attached;
5. when the expensed incurred by the Municipality and the contribution of social work are not specified;
6. absence of a declaration attached to the application confirming the involvement of residents in the implementation of the initiative, according to the formula contained in **Annex 3 to the application form;**
7. when the deadline for implementing the local initiative proposed by the applicants is planned to be less than 8 weeks from the application submission deadline.

§ 9. 1. The application that meets the criteria of formal correctness is forwarded by the Department to the local c.o. or m.j.o. appropriate for the given type of local initiative, which will be responsible for the substantive evaluation and implementation of the local initiative.

1. If an application is submitted to inappropriate k.o./m.j.o., k.o./m.j.o. should immediately indicate the appropriate k.o./m.j.o. the application should be forwarded to, in accordance with the competencies.

§ 10. 1. A copy of the application, after the formal verification, shall be sent by the Department to the Committee for assessment.

1. In the absence of the opinion by the relevant District (relevant Districts) attached to the application, in accordance with § 5, Sec. 3 of the Resolution, a copy of the application is also sent to the relevant District(s) in order to obtain the opinion or relevant information that may affect the assessment of the application.
2. Opinions or information received from the Commission and/or the District (or Districts) are forwarded to the appropriate k.o./m.j.o responsible for the substantive verification and implementation of the application.
3. If no opinion is expressed or no information is provided by the Commission and/or the District(s), the Department informs the appropriate k.o./m.j.o. about it.

§ 11. Prior to commencing the substantive verification of the application, the head of the committee agrees with the Department on the amount of funds available in the Department's financial plan allocated for the implementation of the local initiative, as of the application evaluation date.

§ 12. 1. A team is appointed by the head of the committee to perform a substantive assessment of the application.

2. The assessment team consists of at least 3 k.o./m.j.o. employees

1. The application is assessed in accordance with the criteria set out in the Resolution.
2. The application is assessed on the form defined in **Annex 2 to this Ordinance.**
3. If it is found, during the substantive assessment, that the submitted application does not contain relevant information needed for its analysis or the implementation of the task is not possible within the time limit proposed by the applicant, or the requested involvement of the Municipality in the execution stage of the initiative is defined contrary to the principle of rational management of public funds, the applicant is informed on the need to supplement or modify the scope of the application.
4. In the event of the circumstances referred to in Sec 5, the modification is performed in agreement with the applicant. Making the application more realistic is the basis for its further approval and implementation. If the applicant does not agree to the proposed change, the Mayor may not forward the application to further processing.

§ 13. After the evaluation, the head of the k.o./m.j.o. submits the application evaluation form to the Department (Annex 2 to this Ordinance), together with a copy of the substantive assessment performed by the team members, containing information about a possible declaration of the Districts regarding the co-financing of the application, in accordance with § 10, Sec. 3 of the present ordinance and § 5, Sec. 2 of the Resolution.

§ 14. 1. If the application evaluation is positive, the Mayor, depending on the number of points awarded to the initiative and the amount of funds secured in the Department's financial plan available for the implementation of local initiatives, makes the final selection of the submitted applications, taking into account the criterion of advisability and effectiveness, and forward the application for implementation.

1. Applications with less than 60 points cannot be accepted.
2. If the application is not forwarded for implementation, the k.o./m.j.o. informs the applicants about it, at the same time providing the reasons for the application rejection.

**Chapter 4**

Implementation of the applications

§ 15. 1. Once the Mayor forwards the application for implementation, the head of the committee immediately informs the applicants about it and begins to agree with the applicants a detailed cost estimate and schedule for the execution of the initiative, which, together with the verified application, are annexed to the Agreement.

1. Immediately after making the arrangements referred to in § 1, the Agreement for the implementation of a local initiative is being processed, which is concluded by the applicant representing the initiative group and the head of the k.o./m.j.o.
2. When commencing the implementation of the local initiative, the head of the k.o./m.j.o. immediately informs the Department about the amount of funds needed for the implementation of the initiative, at the same time preparing a budget proposal for increasing the financial plan for the k.o./m.j.o.

§ 16. 1. After the implementation of the local initiative, the head of the k.o./m.j.o. prepares within 30 days,

in cooperation with the Applicant, a report on the implementation of the local initiative.

2. The report template is provided in **Annex 3 to this Ordinance.**

1. The head of the k.o./m.j.o. sends a copy of the report immediately after it is created to the Department for information.
2. The report on the implementation of the local initiative is published by the Department in the Public Information Bulletin and on the municipal information platform.

**Chapter 5**

Final Provisions

§ 17. The financial resources allocated to the implementation of local initiatives are planned in the Department's Financial Plan.

§ 18. The Department shall publish information on the call for proposals under the local initiative scheme in the Public Information Bulletin and on the municipal information platform.

§ 19. The Department shall collect information on the implementation of a local initiative in the Municipality.

§ 20. The directors of the k.o. and m.j.o. are obliged to cooperate according to the provisions of this Ordinance.

§ 21. The current provisions shall apply to cases initiated and not completed before the present Ordinance enters into force.

§ 22. The implementation of the Ordinance shall be entrusted to the Director of the Department.

§ 23. The following ordinances are repealed:

1. 207/2018 by the Mayor of the City of Kraków of 26/01/2018 on the determination of the detailed procedure for the processing and implementation of applications for the implementation of a public task under a local initiative;
2. No. 1307/2015 by the Mayor of the City of Kraków of 28/05/2015 on the establishment of the Team for supporting local initiatives, adopting the rules of procedure of the Team and specifying the detailed procedure for processing applications for local initiatives;
3. No. 3207/2016 by the Mayor of the City of Kraków of 28/11/2016 on the amendment of the Ordinance No. 1307/2015 by the Mayor of the City of Kraków of 28/05/2015 on the establishment of the Team for supporting local initiatives, adopting the rules of procedure of the Team and specifying the detailed procedure for processing applications for local initiatives;

§ 24. The Ordinance comes into force on the day of its signing.)