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# MONITORING REPORT OF THE SAKREBULOS' OVERSIGHT FUNCTION

(BATUMI, ZUGDIDI, OZURGETI, LENTEKHI, MESTIA,  
CHOKHATAURI)

THE PERIOD FROM JUNE 1, 2023 TO JUNE 30, 2024

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## INTRODUCTION

According to the Constitution of Georgia, local executive bodies implement the decisions of representative bodies and are accountable to them.<sup>1</sup> Accountability is ensured through oversight mechanisms established by the organic law "Local Self-Government Code" and the regulations adopted by each Sakrebulo in accordance with this law. The primary purpose of oversight is to uphold the accountability of executive bodies, ensuring that their activities comply with the legislation, including acts approved by the representative body. This also extends to the proper allocation of the local budget, the monitoring of various activities, and the identification of negative consequences arising from governance policies. A key element of the oversight function is the ability to implement appropriate corrective measures when violations or misconduct occur within the executive body.

In 2023, the Georgian Young Lawyers' Association (GYLA) conducted a study to monitor the oversight practices of Sakrebulos in seven municipalities: **Batumi, Zugdidi, Ozurgeti, Chokhatauri, Tkibuli, Mestia, and Lentekhi**. The study covered the period from December 3, 2021, to June 1, 2023. Based on the requested information, the processing of publicly available relevant sources, and interviews conducted with representatives of local bodies, the following general findings were identified:"

- Oversight mechanisms were incompletely described in the regulations of the Sakrebulo;
- A large part of the members of the Sakrebulo were not fully familiar with their rights/opportunities in the direction of oversight and how to use the mechanisms;
- The practice of using oversight mechanisms was mostly weak and ineffective.

In cooperation with the Sakrebulos, after the survey, GYLA presented to them in August-September 2023 recommendations for improving the oversight activities at both the normative and practical levels, as well as prepared for them the corresponding changes in the Rules of Procedure (RoPs) of the Sakrebulos. The changes introduced new oversight mechanisms, such as: thematic inquiry, thematic speaker, summoning an official to the session of the Sakrebulo and measures to respond to breach of RoPs. The Sakrebulos of Zugdidi and Lentekhi approved these changes at the end of 2023.

The amendments to the RoPs adopted by these Sakrebulos introduced several enhanced oversight mechanisms, including thematic inquiry, the appointment of a thematic speaker, mandatory attendance of officials at commission meetings (by invitation), and the summoning officials to Sakrebulo meetings (specifically in Zugdidi). Additionally, certain procedures were refined to improve the interpellation process and clarify associated deadlines. Furthermore, a dedicated section on oversight mechanisms was added to the Sakrebulo' websites, enhancing transparency and accessibility to oversight tools for public governance. The Zugdidi Municipality Sakrebulo introduced amendments to the commission regulations, explicitly outlining control mechanisms for individuals accountable to the Sakrebulo. Additionally, the municipalities of Lentekhi and Ozurgeti approved comprehensive strategies and action plans for each commission. These documents aim to strengthen the oversight function by detailing specific activities, performance indicators, and a monitoring framework to ensure effective oversight and accountability.

The Ozurgeti, Chokhatauri, Mestia and Batumi municipal Sakrebulos did not consider the package of amendments to the regulations prepared by GYLA, which, as mentioned earlier, aims to strengthen the oversight activity of the Sakrebulo and refine a number of important procedures.

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<sup>1</sup> Constitution of Georgia, Article 74, Paragraph 1.

Even after developing and proposing the amendments, GYLA continued to monitor the oversight activities of these Sakrebulo, as well as to develop the normative frameworks.

This document focuses on the oversight activities of the municipal Sakrebulo in six municipalities<sup>2</sup> - **Batumi, Zugdidi, Ozurgeti, Chokhatauri, Mestia, and Lentekhi** – concerning the respective executive bodies. It examines how control mechanisms are regulated at the normative level and how they are applied in practice. In this report, the terms "oversight" and "control" will be used interchangeably to refer to the oversight mechanisms employed by the municipal Sakrebulo to oversee the mayor and the local executive body system.

The report discusses the forms of control provided by both the Code and the regulations/statutes of the municipal Sakrebulo (hereinafter referred to as 'regulations'), which may be used by the Sakrebulo for overseeing the activities of executive bodies. Initially, the normative material is analyzed and evaluated, followed by an assessment of the practical application of existing mechanisms within the respective Sakrebulo. To address the identified shortcomings, potential opportunities for improvement are also highlighted.

The main instruments used in the research are:

- Requesting and processing the minutes and audio/video recordings (if available) of Sakrebulo and commission meetings;
- Analyzing relevant decisions of the Sakrebulo and commissions for the research;
- Requesting, searching and processing public information and documentation;
- Reviewing and analyzing information published on the websites and social media of the target Sakrebulo;
- Searching for and analyzing information related to the research subject through media sources.

Several research instruments are used together or separately, as needed.

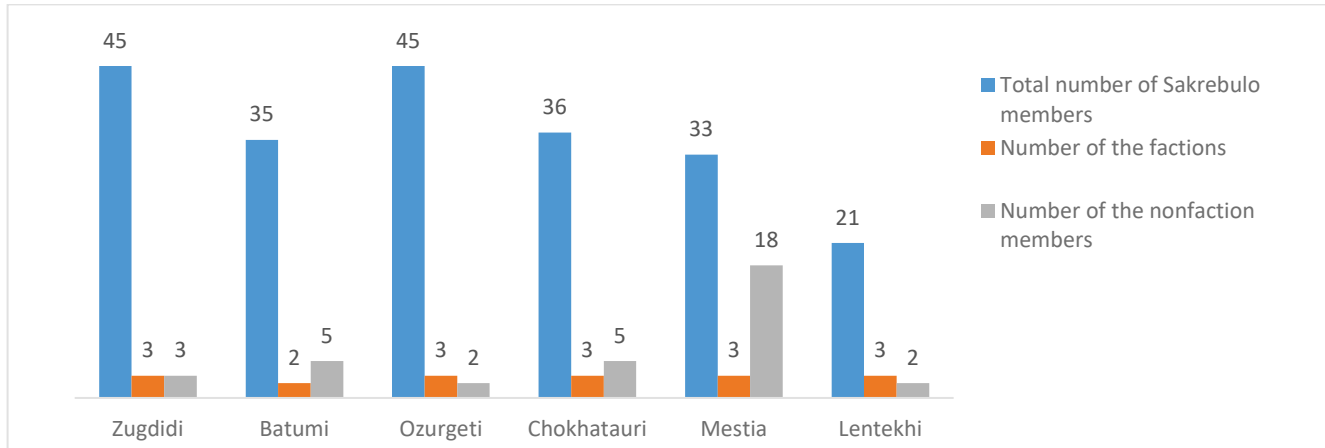
The reporting period of the study is from June 1, 2023 to June 30, 2024 (13 months).

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<sup>2</sup> During the course of the project, Tkibuli municipality withdrew from cooperation.

## PARTY DISTRIBUTION IN THE SAKREBULOS

Before presenting the results of the monitoring of oversight activities, it is essential to examine the party configuration within the municipal Sakrebulos, as the actual distribution of power has a considerable influence on oversight practices. This section offers an overview of the party distribution in the target Sakrebulos as of June 30, 2024, along with any significant shifts or dynamics observed during the reporting period.<sup>3</sup>



As a result of the 2021 elections in the municipal Sakrebulos of Zugdidi and Batumi, no party was able to secure a majority.<sup>4</sup> In these Sakrebulos, the election of the chairperson was delayed for several months, leading to a crisis and delays in the Sakrebulo's operations. Ultimately, with support from Sakrebulo members from the "United National Movement," a member of the "Zugdidi for Georgia" faction was elected as the chairperson of Zugdidi Sakrebulo. Additionally, following the mid-term elections in Batumi in April 2022, the "Georgian Dream" party secured a majority in the Sakrebulo by gaining one additional mandate.<sup>5</sup> As a result, the "Georgian Dream" party has won the majority in the target municipalities, except for Zugdidi.

Aside from Zugdidi, where positions are held by representatives of the 'Zugdidi for Georgia' faction and the 'Akhali' party, in all other target municipalities, the majority of positions are occupied by members of the 'Georgian Dream' party (only one position each in Batumi and Ozurgeti is held by an independent member).

It should be noted that the mayor in all target municipalities is from the "Georgian Dream" party.

<sup>3</sup> Number of members in each Sakrebulo. see Election Code of Georgia, Appendix 1.

<sup>4</sup> Nino Kapanadze, Minority in Majority - Procedural War and Crisis in Sakrebulos, Georgian Young Lawyers' Association, 2022, available at: <https://bit.ly/3z6NiHN>, updated: 05.10.2024.

<sup>5</sup> Ibid, Also see the report on the interim elections of the Parliament of Georgia and the municipal councils held on April 2, 2022, 2022, June, Central Election Commission of Georgia, available at: <https://bit.ly/3fk7yOk>, updated: 05.10.2024.

## SAKREBULO APPARATUS

The Sakrebulo apparatus plays a significant role in the process of oversight carried out by the Sakrebulo. The apparatus provides essential informational and documentary support, including informing Sakrebulo members about their rights, assisting in the exercise of these rights, and preparing minutes of the sessions that reflect the practices of oversight mechanisms applied during meetings. It serves as the primary source of institutional memory for the public institution. A crucial function of the apparatus is to collect information and documents pertaining to the implementation of oversight, resulting in the generation of statistics. These statistics assist interested parties, including the Sakrebulo itself, in assessing the current status of the Sakrebulo's oversight function, identifying challenges, and determining potential corrective measures. The effectiveness of the apparatus and the quality of its functions are closely linked to its organizational structure, functional distribution, and the number of personnel involved.

The table below provides information on the structural units and staffing data as of June 30, 2024:

| Municipality | Number of structural units | Number of civil servants | The number of persons employed under an employment contract | Vacancy |
|--------------|----------------------------|--------------------------|---|---------|
| Zugdidi      | 5                          | 29                       | 5   | 2       |
| Batumi       | 3                          | 24                       | 25  | 0       |
| Ozurgeti     | 3                          | 21                       | 6   | 4       |
| Chokhatauri  | 4                          | 19                       | 7   | 3       |
| Mestia       | 3                          | 9                        | 3   | 0       |
| Lentekhi     | 0                          | 9                        | 11  | 1       |

Structural units are mainly created to address issues such as case management, legal (legal provision), financial, material-technical, public relations and others.

It is important to note that the staff list does not include dedicated employees for the commissions or assistants for individual Sakrebulo members, except for the chairperson. Instead, organizational and other support activities are managed by the employees of the apparatus, including the head of the apparatus and their deputy.

## OVERSIGHT MECHANISMS OF MUNICIPAL SAKREBULOS AND THEIR APPLICATION PRACTICES

The Local Self-Government Code (hereinafter referred to as "the Code") outlines the primary oversight functions of the representative body, establishing a normative foundation for the control and accountability of the local executive body. These functions are applied to the Sakrebulo as a whole, as well as to its commissions or bureaus and individual members. The Code also grants Sakrebulos the authority to develop detailed regulations for certain oversight mechanisms and to introduce additional control measures as deemed necessary within their respective regulations.<sup>6</sup> Such additional tools are only valid for a specific Sakrebulo and may differ from one municipality to another.

The legal basis for exercising oversight is the provision of the Code, according to which the control of the activities of municipal executive bodies and their officials, as well as the hearing and evaluation of their reports, falls under the competence of the Sakrebulo.<sup>7</sup> Thus, the Sakrebulo exercises oversight not only over the mayor and their deputies but also over the City Hall, which serves as the executive body of the municipality and is subordinate to the mayor, including its various structural units. Furthermore, the Code permits each Sakrebulo's regulations to stipulate how the activity report should be presented by the individual authorized to manage the municipality's private law legal entities.<sup>8</sup> It is also important to note that certain oversight mechanisms do not apply to all of the accountable individuals mentioned above.

Thus, the recipients of the Sakrebulo's oversight activities, accountable to it, are the following individuals and bodies:

- 1) City Hall officials (mayor, their deputies, heads of structural units of the City Hall);
- 2) Legal entities of private (and public - if applicable) law in the municipality (the individuals authorized to represent them).

The Code acknowledges a total of 13 mechanisms for overseeing the executive body, applicable to all Sakrebulos. In addition to these, Sakrebulos have established several supplementary mechanisms aimed at enhancing their oversight functions. It is within the discretion of each Sakrebulo to incorporate these additional mechanisms into their regulations.

The following section outlines the oversight mechanisms established by the Code and the regulations of six Sakrebulos. It includes an analysis of their content and identification of shortcomings. Additionally, the practice of utilizing these mechanisms in the Sakrebulos during the period from June 1, 2023, to July 1, 2024 (a span of 13 months), is examined. Based on this analysis of both normative frameworks and practical applications, potential ways for improvement have been identified.

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<sup>6</sup> Local Self-Government Code, Article 24, Paragraph 1, Sub-paragraphs "b.a" and "g.a" and Paragraph 2 of the same Article.

<sup>7</sup> Ibid, Article 24, paragraph 1, sub-paragraph "g.a".

<sup>8</sup> Ibid, Paragraph 15 of Article 106<sup>1</sup>.



## Mechanisms stipulated by the Local Self-government Code

### 1. Approval of the Regulations and Staffing Lists of the City Hall and Its Structural Units

#### Normative regulation

According to the Local Self-Government Code, the approval of the regulations and staffing lists of the mayor's office and its structural units falls under the authority of the Sakrebulo in the field of regulating and controlling the activities of municipal executive bodies.<sup>9</sup> The projects of these legal acts are developed by the City Hall and only the mayor has the right to submit them to the Sakrebulo.<sup>10</sup> The same applies equally to any proposed amendments. The decision on their approval is made by a majority of the members present at the Sakrebulo meeting, but not less than one-third of the total membership of the Sakrebulo.<sup>11</sup> The aforementioned projects may be submitted to the Sakrebulo at any time throughout the year. In conjunction with the budget project, the review process for these acts is linked to a higher level of scrutiny compared to other legal documents. Consequently, this report dedicates a separate sub-chapter to examine the trends associated with their review.

The Sakrebulo's personnel authority over the mayor's office is exercised through the approval of three types of acts: a) the ranking of officials and other employees of the mayor's office, the number of official salaries, and the staffing list; b) the statutes of the mayor's office; and c) the statutes of the structural units of the mayor's office. Sakrebulo approve these acts either at the beginning of each new term or annually. A significant number of targets Sakrebulo had adopted them in the previous term and then made amendments as needed thereafter.

#### Practice

The Sakrebulo's oversight of the City Hall is evaluated through the process of reviewing these legal acts. Specifically, this assessment considers who presents the relevant legal act at Sakrebulo commission sessions and Sakrebulo itself, the nature of the questions and remarks raised by the Sakrebulo members, and how the representatives of the City Hall respond to these questions.

Observations of the relevant Sakrebulo meetings indicated that the discussion of similar types of acts often lacked substantive engagement. In many instances, the minutes from the sessions provided minimal or no details about the question-and-answer interactions. Except for Zugdidi and Ozurgeti, where these acts were presented by a member (or the chairperson) of the Sakrebulo, at the presentations in other Sakrebulo were typically by the head of the City Hall structural unit. This approach is viewed as a negative practice, as it diminishes the quality of accountability of the executive bodies.

### 2. A written question of a member of the Sakrebulo to the accountable body

#### Normative regulation

According to the Code, a member of the Sakrebulo has the right to pose questions to the accountable body, the mayor, or any other official and receive a response. The relevant body or official must respond the Sakrebulo member's question within one week. This timeframe may be

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<sup>9</sup> Ibid, Article 24, paragraph 1, sub-paragraph g.b.

<sup>10</sup> Ibid, Article 54, Paragraph 1, Sub-paragraph a.b.

<sup>11</sup> Ibid, Paragraph 4 of Article 61.

extended by an additional 10 days, provided there is mutual agreement with the question's author.<sup>12</sup> This authority of the Sakrebulo member is also provided for in the RoPs of the Sakrebulos.

Although the relevant provisions of both the Code and the RoPs of Sakrebulos under discussion (with the exception of Zugdidi and Lentekhi) do not explicitly specify the form of a question, a systematic analysis of various norms indicates that a written question is implied in this context. Specifically, the Code distinguishes between oral and written questions posed by Sakrebulo members. Article 45, Paragraph 1, Sub-Paragraph "A" defines a written question as one for which a written response is requested from the relevant accountable person within a specified timeframe. Through this mechanism, the Sakrebulo obtains a documented response and relevant materials regarding the activities undertaken by the City Hall. This allows members of the Sakrebulo to study and analyze the documents, thereby identifying any alleged violations and bringing them to the attention of the City Hall. Additionally, if deemed necessary, they can implement stricter oversight measures. The written question mechanism is different from the oral questions, which the Sakrebulo members ask directly at the sittings and receive the answers there, orally,<sup>13</sup> without the obligation to submit any documentation. Consequently, these two tools differ not only in the potential content of the question but also in the nature of the responses received and their format. The mentioned mechanism is similar to the so-called parliamentary question process existing at the level of the Parliament, where the deadlines are set in a similar way.<sup>14</sup>

In the RoPs of Sakrebulos of Batumi, Ozurgeti, Chokhatauri, and Mestia concerning written questions, several common shortcomings have been identified due to the significant similarities in their content. Specifically:

The regulations of Batumi, Ozurgeti and Chokhatauri Sakrebulos make a terminological distinction between written and oral questions.<sup>15</sup> However, the relevant norms contain ambiguities concerning the distinction between these two types of mechanisms and their application. Specifically, it remains unclear what is meant by the phrase "in the manner of questioning"—whether it pertains to both types of questions or exclusively to one of them.<sup>16</sup> With respect to oral questions, it is specified that they may be posed during the session of Sakrebulo. In the case of Batumi, it is additionally stipulated that if requested by a member of Sakrebulo, a written response must also be provided for any oral question posed.<sup>17</sup> The procedure for asking oral questions and receiving answers effectively contradicts the logic for which this instrument is provided by the code and the regulations, and it effectively blurs the line between oral and written questions. In practice, a Sakrebulo member should receive an oral answer to an oral question during the same session. Furthermore, it is also possible to ask such questions at a meeting of Sakrebulo's commission, which is not accounted for in the relevant articles.

Additionally, it is important to highlight that the regulations of Batumi<sup>18</sup> and Ozurgeti<sup>19</sup> Sakrebulos establish a deadline for responding to questions that differs from the timeframe specified in the Code for written questions. The Code mandates a one-week response period for written inquiries, with the possibility of an extension of up to ten days. In contrast, the regulations of these two

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<sup>12</sup> Local Self-Government Code, Article 45, Paragraph 1, Sub-Paragraph "A".

<sup>13</sup> Ibid, Article 46, paragraph 1, subparagraph "c".

<sup>14</sup> Constitution of Georgia, Article 43, Paragraph 1; Regulations of the Parliament of Georgia, Article 148.

<sup>15</sup> Article 95 of Batumi Sakrebulo Regulations, Ozurgeti Sakrebulo Regulations, Article 113, Chokhatauri Sakrebulo Regulations, Article 106.

<sup>16</sup> There is a similar problem in the regulations of Mestia Sakrebulo. in paragraph 1 of Article 62

<sup>17</sup> Regulations of the Batumi Sakrebulo, Article 95, Paragraph 6.

<sup>18</sup> Ibid, Paragraph 5.

<sup>19</sup> Regulations of the Ozurgeti Sakrebulo, Article 113, Paragraph 5.

Sakrebulo set a shorter response period of three days. This discrepancy needs to be addressed to ensure compliance with the Code.

In addition, a member of Batumi Sakrebulo has the right to evaluate the response provided during the session.<sup>20</sup> Members of Ozurgeti Sakrebulo have the additional right to propose that the given issue be included in the agenda of Sakrebulo session.<sup>21</sup> The discussion of received answers is a common practice during Sakrebulo sessions; however, it should not devolve into a debate procedure characteristic of interpellation, a mechanism that is not provided for in the regulations of Batumi Sakrebulo. Such confusion between the two mechanisms could lead to procedural complications. To prevent contradictions within the regulations, it is essential to interpret this norm alongside another provision in the relevant article, which states that written answers are provided without further consideration of the issue.<sup>22</sup>

In the regulations of Mestia Sakrebulo, a relatively different order is established regarding written questions. According to these regulations, one of the forms of oversight exercised by Sakrebulo includes Sakrebulo members' questions.<sup>23</sup> Answers to written questions in Mestia Sakrebulo may become the subject of discussion, and the relevant official may be invited to the meeting.<sup>24</sup> However, it is additionally required to submit a request to the chairperson of Sakrebulo for the invitation. Although this norm defines interpellation as a separate mechanism,<sup>25</sup> the procedure for discussing responses to written questions is essentially similar to that of interpellation and overlaps with it. Sending a written question should only involve a written response and should not overlap, on one hand, with interpellation and, on the other hand, with the mechanism for requesting information.

None of the regulations discussed for Sakrebulo explicitly include a provision for omitting data that contains personal information, commercial secrets, or professional confidentiality in written answers. The absence of a clear definition regarding this rule may result in inconsistent practices within the municipality. However, the Sakrebulo of Zugdidi and Lentekhi municipalities specified in the regulations that written questions and received answers are published on the website of Sakrebulo, except for answers that contain personal data, professional or commercial secrets.<sup>26</sup>

In October-November 2023, Sakrebulo of Zugdidi<sup>27</sup> and Lentekhi<sup>28</sup> municipalities clarified a number of issues with the amendments made to the regulations, the relevant deadlines were also specified and the deficiencies discussed above were corrected. It was further noted that when submitting a written question, a Sakrebulo member has the right to request specific information or documents within the same communication, thereby consolidating the right to obtain information into a single oversight tool. Additionally, these two Sakrebulo introduced a mechanism analogous to an oversight tool for written questions. Specifically, the designated (or thematically aligned) Sakrebulo commission is required to review the response to the member's written question within 15 days following the end of the first half of the calendar year. This commission is also responsible for publishing the related information on Sakrebulo's official website.<sup>29</sup> This amendment ensures,

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<sup>20</sup> Regulations of the Batumi Sakrebulo, Article 95, Paragraph 4.

<sup>21</sup> Regulations of Ozurgeti Sakrebulo, Article 113, Paragraph 4.

<sup>22</sup> Regulations of the Ozurgeti Sakrebulo, Article 113, Paragraph 5; Regulations of the Batumi Sakrebulo, Article 95, Paragraph 5.

<sup>23</sup> Regulation of Mestia Sakrebulo, Article 107, Paragraph 3.

<sup>24</sup> Ibid, Paragraphs 1 and 2.

<sup>25</sup> Ibid, Paragraph 3.

<sup>26</sup> Zugdidi Sakrebulo Regulations, Article 110, Paragraph 9, Lentekhi Sakrebulo Regulations, Article 113, Paragraph 9.

<sup>27</sup> Regulation of Zugdidi Sakrebulo, Article 110.

<sup>28</sup> Regulations of Lentekhi Sakrebulo, Article 113.

<sup>29</sup> Paragraph 11 of Article 110 of the Regulations of the Zugdidi Sakrebulo, Paragraph 11 of Article 113 of the Regulations of Lentekhi Sakrebulo.

on one hand, the transparency of Sakrebulo's oversight activities and, on the other, strengthens the written question mechanism. By making responses public, it creates a higher level of accountability, increasing the probability that responsible bodies will provide comprehensive and timely answers, as public scrutiny raises expectations of compliance.

## Practice

With this mechanism, the effectiveness of Sakrebulo's oversight is reflected in both the quantity and quality of the questions submitted, as well as the timeliness and adequacy of the responses provided by accountable individuals within the legally prescribed timeframe.

According to the information received from the target Sakrebulo, during the reporting period, no written questions were submitted to officials accountable to Sakrebulo by any of Sakrebulo. Batumi<sup>30</sup> and Ozurgeti<sup>31</sup> Sakrebulo indicated the minutes of the meetings as the source of the use of these mechanisms in their responses, which confirms the confusion between the written question and another type of mechanism. Instead of a written question, Zugdidi Sakrebulo used the right to request information (See Subchapter 4).

## 3. The opportunity to meet with officials accountable to the Sakrebulo

### Normative regulation

According to the Code, a member of the municipal Sakrebulo is authorized to meet with officials accountable to the municipal Sakrebulo without any hindrance.<sup>32</sup> The norms of almost similar content are provided by the regulations of Sakrebulo, according to which all officials of the local self-government are obliged to receive a member of Sakrebulo without interruption.<sup>33</sup> This mechanism incorporates a vital control component, allowing any member of Sakrebulo to highlight issues of concern and propose solutions during meetings with accountable individuals. Sakrebulo of Zugdidi and Lentekhi have implemented a commendable practice by stipulating in their regulations that Sakrebulo members must report on these meetings in their annual reports.<sup>34</sup> This not only enhances accountability but also fosters greater public transparency and awareness of the oversight activities conducted by Sakrebulo.

### Meeting Practice

It was found that the practice of personal meetings is prevalent within Chokhatauri Sakrebulo, while members of Mestia Sakrebulo have included information about such meetings in their annual reports. However, the personal meetings between Sakrebulo members and executive body officials in these Sakrebulo are less structured, and the apparatus does not maintain or document statistics on these meetings. In the case of Ozurgeti, this mechanism has been improperly equated with communication during Sakrebulo and Commission sessions, where City Hall officials are invited to provide information—an approach that deviates from best practices.

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<sup>30</sup> Letter N 15-15242048 of the Sakrebulo of Batumi dated July 22, 2024.

<sup>31</sup> Letter N37-37241977 of Ozurgeti Municipality Sakrebulo of July 15, 2024.

<sup>32</sup> Local Self-Government Code, Article 45, Paragraph 1, Sub-paragraph "b".

<sup>33</sup> Zugdidi Sakrebulo Regulations, Article 15, Paragraph 3, Lentekhi Sakrebulo Regulations, Article 15, Paragraph 3; Regulations of Mestia Sakrebulo, Article 9, Paragraph 4; Regulations of the Ozurgeti Sakrebulo, Article 15, Paragraph 3; Regulation of Chokhatauri Sakrebulo, Article 9, Paragraph 3; Regulations of the Batumi Sakrebulo, Article 14, Paragraph 11, Sub-paragraph "c".

<sup>34</sup> Zugdidi Sakrebulo Regulations, Article 15, Paragraph 3, Lentekhi Sakrebulo Regulations, Article 15, Paragraph 3.

## 4. Right to receive information

### Normative regulation

According to the Code, a member of the municipal Sakrebulo is authorized to access any information necessary for the exercise of their duties, in accordance with the procedures established by law.<sup>35</sup> Norms of similar content are provided by the regulations of Sakrebulo.<sup>36</sup> Additionally, some municipal Sakrebulo regulations consider the request for information as part of their oversight function.<sup>37</sup> Considering the identical nature of these two powers, they are discussed as a single oversight mechanism in this document.

It is important to note that this provision of the Code lacks clarity. Specifically, it is not evident how the right of a member of Sakrebulo to access necessary information differs from the right to submit a written question and receive a response, as outlined in the same article. This ambiguity may result in inconsistent practices among local self-government bodies. Additionally, when employing the mechanism of a written question, it is possible for the member to receive any relevant document as part of the response. According to international practice, the right to information for members of parliament is typically exercised through the instrument of written questions, which encompass both inquiries and requests for information or documentation. As noted in the previous sub-chapter, Sakrebulo of Zugdidi and Lentekhi have addressed the issue of distinguishing between these two mechanisms. They have clarified that the written question mechanism allows Sakrebulo members to both pose questions and request documentation.

### Practice

Sakrebulo of Lentekhi and Zugdidi have successfully integrated the mechanism for obtaining information with the process of submitting written questions through their regulations. Conversely, Lentekhi Sakrebulo has not yet implemented this practice. In Zugdidi, there is an established procedure for requesting information, along with a corresponding register. Notably, requests for information are primarily initiated by the chairperson of the municipality Sakrebulo. According to the data obtained, only four members of Sakrebulo submitted requests for approximately 30 different types of information during the reporting period.<sup>38</sup> In contrast, Batumi<sup>39</sup> and Ozurgeti<sup>40</sup> Sakrebulo referenced the minutes of Sakrebulo meetings concerning the use of this mechanism, highlighting a potential confusion with the process for oral questions. Meanwhile, in Chokhatauri, the commission chairpersons actively utilize the mechanism for receiving information, indicating a more systematic approach in that municipality. The list of information mentioned in the letter mainly referred to reports on the activities of municipal structural units and N(N)LEs, information about events to be held in the municipality, and information on the implementation of activities provided for by budget programs.<sup>41</sup> In addition to the information surrounding the specific topic, the received information also includes annual and quarterly budget reports, procurement reports,

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<sup>35</sup> Local Self-Government Code, Article 45, Paragraph 1, Sub-Paragraph "D".

<sup>36</sup> Regulations of the Zugdidi Sakrebulo, Article 15, Paragraph 1, Sub-Paragraph "K"; Regulations of Lentekhi Sakrebulo, Article 15, Paragraph 1, Sub-Paragraph "K"; Regulations of the Ozurgeti Sakrebulo, Article 15, Paragraph 1, Sub-Paragraph "K"; Regulations of Mestia Sakrebulo, Article 9, Sub-paragraph "a" of the first paragraph; Regulations of the Chokhatauri Sakrebulo, Article 9, Paragraph 1, Sub-Paragraph "k"; Regulations of the Batumi Sakrebulo, Article 14, Paragraph 12, Sub-Paragraph "a";

<sup>37</sup> Ozurgeti Sakrebulo Regulations, Article 112, Paragraph 2, Sub-Paragraph "B", Chokhatauri Sakrebulo Regulations, Article 105, Paragraph 2, Paragraph "B", Batumi Sakrebulo Regulations, Article 93, Paragraph 2, Paragraph "B".

<sup>38</sup> Letters of Zugdidi Municipality Sakrebulo N25-25240735 of March 13, 2024 and N25-25241993 of July 17, 2024.

<sup>39</sup> Letter N15-15242048 of Batumi Sakrebulo dated July 22, 2024.

<sup>40</sup> Letter N37-37241977 of Ozurgeti Municipality Sakrebulo of July 15, 2024.

<sup>41</sup> Letter N47-47242273 of Chokhatauri Municipality Sakrebulo dated August 14, 2024.

etc. which is part of another oversight mechanism. None of the members of Mestia Sakrebulo used the mentioned mechanism.<sup>42</sup>

## 5. Annual and ongoing control of budget performance

### Normative regulation

According to the Code, Sakrebulo reviews and approves the draft municipal budget (as well as any amendments).<sup>43</sup> It is within its competence to carry out both ongoing monitoring of budget execution and evaluation of budget performance (hearing reports).<sup>44</sup>

### *Annual budget report*

As for budget performance reports, according to the regulations, the mayor must submit the annual report no later than 2 months after the end of the budget year.<sup>45</sup> The regulations of Sakrebulo stipulate that Sakrebulo must make a decision to approve or disapprove the annual budget report by May 1 at the latest.<sup>46</sup> And the failure by Sakrebulo to make a decision on the approval of the budget execution report by May 1 signifies that the report has not been approved.<sup>47</sup> In such cases, response measures are not stipulated by legislation, resulting in a lack of accountability for improper budget implementation. However, it is noteworthy that Lentekhi Sakrebulo has included provisions in its regulations stating that, in the event of non-approval of the budget execution report, Sakrebulo is authorized to issue recommendations.<sup>48</sup> Similarly, Zugdidi Sakrebulo regulations allow for raising the issue of accountability for the relevant individual.<sup>49</sup>

In relation to this mechanism, there is another problem concerning the entity submitting the budget execution report. The regulations provide that the budget execution report will be presented at the meeting of Sakrebulo by the mayor or an authorized person appointed by them.<sup>50</sup> Based on this regulation, there is a possibility that the budget execution report may be presented by a public official—either a senior or junior member of the financial unit—at the mayor's direction. This practice diminishes the quality of accountability for high-ranking officials.

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<sup>42</sup> Letter N135-135241911 of Mestia Sakrebulo dated July 9, 2024.

<sup>43</sup> Local Self-Government Code, Article 16, Paragraph 2, Sub-Paragraph "A".

<sup>44</sup> Ibid, Also, Zugdidi Sakrebulo Regulation, Article 3, Paragraph 6, Sub-Paragraph "a"; Regulations of Lentekhi Sakrebulo, Article 3, Paragraph 6, Sub-Paragraph "a"; Regulations of Mestia Sakrebulo, Article 2, Paragraph 6, Sub-Paragraph "a"; Ozurgeti Sakrebulo Regulations, Article 3, Paragraph 6, Sub-Paragraph "a"; Regulations of the Chokhatauri Sakrebulo, Article 3, Paragraph 6, Sub-Paragraph "a"; Regulations of the Batumi Sakrebulo, Article 4, Paragraph 6, Sub-Paragraph "A".

<sup>45</sup> Regulation of Zugdidi Sakrebulo, Article 88, Paragraph 1; Regulations of Lentekhi Sakrebulo, Article 90, Paragraph 1; Regulation of Mestia Sakrebulo, Article 76, Paragraph 1; Regulations of Ozurgeti Sakrebulo, Article 90, Paragraph 1; Regulations of the Chokhatauri Sakrebulo, Article 83, Paragraph 1; Regulations of the Batumi Sakrebulo, Article 67, Paragraph 1.

<sup>46</sup> Regulations of the Batumi Sakrebulo, Article 67, Paragraph 4.

<sup>47</sup> Regulations of the Batumi Sakrebulo, Article 67, Paragraph 4; Regulation of Zugdidi Sakrebulo, Article 88, Paragraph 7; Regulations of Ozurgeti Sakrebulo, Article 90, Paragraph 8; Paragraph 8 of Article 83 of the Regulations of Chokhatauri Sakrebulo, Paragraph 8 of Article 76 of the Regulations of Mestia Sakrebulo; Paragraph 8 of Article 90 of Lentekhi Sakrebulo Regulations.

<sup>48</sup> Regulations of Lentekhi Sakrebulo, Article 90, Paragraph 9.

<sup>49</sup> Regulations of the Zugdidi Sakrebulo, Article 88, Paragraph 8.

<sup>50</sup> Paragraph 5 of Article 88 of the Regulations of the Zugdidi Sakrebulo; Regulations of the Batumi Sakrebulo, Article 67, Paragraph 6; Regulations of the Ozurgeti Sakrebulo, Article 90, Paragraph 6; Regulation of Chokhatauri Sakrebulo, Article 83, Paragraph 6; Regulation of Mestia Sakrebulo, Article 76, Paragraph 6; Regulations of Lentekhi Sakrebulo, Article 90, Paragraph 6.

### *Quarterly budget performance reports*

Another oversight mechanism for Sakrebulo in terms of finance is the monitoring of budget execution. In five Sakrebulo, quarterly reports<sup>51</sup> on the status of budget execution are also provided, while in Chokhatauri, monthly and quarterly reports are submitted by the municipality's financial body.<sup>52</sup>

According to the regulations of Zugdidi Sakrebulo, which were introduced in October 2022, the municipality's executive body is required to submit a quarterly review of budget performance to Sakrebulo within one month after the end of each quarter. This report must include cumulative totals encompassing income, expenditures (including allocations from the reserve fund), changes in balances, and a comparison of the actual total balance with the planned figures for the corresponding period.<sup>53</sup> The relevant commission of Sakrebulo reviews the progress of the quarterly budget execution and submits it to Sakrebulo's Bureau.<sup>54</sup> According to the decision of the Bureau, the report on the quarterly progress of the self-governing unit's budget implementation will be included in the agenda of the next Sakrebulo meeting. Sakrebulo will formally acknowledge the quarterly budget implementation progress, as recorded in the meeting minutes.<sup>55</sup>

The current norm in Zugdidi Sakrebulo regulations lacks clarity regarding whether the Bureau is obligated or merely authorized to include the quarterly budget implementation report in Sakrebulo's agenda. Furthermore, the submitting entity responsible for presenting the report is not explicitly identified. Additionally, the scope of the commission's role in evaluating the report is undefined—such as whether the commission is expected to draft a conclusion or provide recommendations. The norm also fails to clarify the commission's involvement in the presentation of the report at Sakrebulo meeting. Paragraph 4 mentions that Sakrebulo accepts the report for informational purposes but does not address the process if the report is not initially submitted to the Sakrebulo by the commission.

Until October 2023, the regulations of Lentekhi Sakrebulo mandated that the mayor or an authorized representative was required to submit a report on the budget implementation of the self-governing unit to the Sakrebulo Bureau on a quarterly basis. This report would then be submitted, based on the Bureau's decision, for discussion at Sakrebulo meeting.<sup>56</sup> Prior to October 2023, Lentekhi Sakrebulo's regulations did not specify any additional procedures for reviewing the budget implementation report, leaving the practical application of this oversight mechanism unclear. However, with the amendments introduced in October 2023, Lentekhi Sakrebulo adopted a process similar to that of Zugdidi Sakrebulo, clearly regulating the submission of quarterly reports on budget execution, specifying that Sakrebulo must review the progress of the municipality's budget implementation within one month of its submission and formally acknowledge the report as a reference. Additionally, the amendments also clarified that the report on the progress of the quarterly implementation of the budget of the self-governing unit will be included in the agenda of the next meeting of Sakrebulo.<sup>57</sup>

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<sup>51</sup> Regulation of Zugdidi Sakrebulo, Article 88<sup>1</sup>; Regulations of Lentekhi Sakrebulo, Article 116, Paragraph 3; Regulations of Mestia Sakrebulo, Article 106, Paragraph s 2 and 3; Paragraph 3 of Article 116 of Ozurgeti Sakrebulo Regulations; Regulations of the Batumi Sakrebulo, Article 67, Paragraph 1.

<sup>52</sup> Regulations of the Chokhatauri Sakrebulo, Article 14, Paragraph 2, Sub-Paragraph "g".

<sup>53</sup> Regulation of Zugdidi Sakrebulo, Article 88<sup>1</sup>, Paragraph 1.

<sup>54</sup> Ibid Paragraph 2.

<sup>55</sup> Ibid, Article 88<sup>1</sup>.

<sup>56</sup> Regulations of Lentekhi Sakrebulo, Article 116, Paragraph 3, version effective until October 2023.

<sup>57</sup> Regulations of Lentekhi Sakrebulo, Article 90<sup>1</sup>.



In the regulations of Batumi Sakrebulo, this mechanism is divided into two different articles. According to paragraph 2 of Article 97, the mayor or a person authorized by him is obliged to submit a report on the progress of the self-governing unit's budget implementation to the Sakrebulo bureau once a quarter, and upon the decision of the bureau to the Sakrebulo session.<sup>58</sup> According to Paragraphs 5 and 6 of Article 67 of Batumi Sakrebulo regulations, the executive body of the local self-government must submit a quarterly review of the budget execution to the relevant representative body within one month after the end of each quarter. This review provides a cumulative summary, including details on income, expenditures (such as reserve fund allocations), and comparisons between actual and planned financial outcomes for the respective period. Additionally, within one calendar month after the submission of the quarterly budget report, the Sakrebulo is required to hear the report, which is presented by the mayor of Batumi or a designated representative.<sup>59</sup> As can be seen from the regulation, the document of the review of the quarterly implementation of the budget is also considered by Sakrebulo (unlike the Sakrebulo of Zugdidi, where this competence is primarily vested in the commission, and with the decision of the bureau, it goes to the Sakrebulo session). In Batumi, however, the norms do not explicitly define the scope of Sakrebulo's evaluation, such as whether it can provide conclusions or recommendations, nor do they specify the consequences of a negative evaluation of the report. Additionally, the commission's role in presenting the report at Sakrebulo meeting is unclear. In contrast, the regulations outline a clearer role for the commission when reviewing a similar report, which is submitted by the financial body of the City Hall within 15 days after the end of each month.<sup>60</sup> However, this norm does not specify the term of consideration of the report by the commission.

The regulations of Ozurgeti Sakrebulo do not establish an additional procedure for the review of the budget execution progress report of the self-governing unit, leaving the practical component of using this mechanism left open.<sup>61</sup> This regulation, unlike others, does not determine the deadline for submitting the report. For example, according to the regulations of Zugdidi Sakrebulo, the deadline for submitting the report is 1 month after the end of the relevant quarter.<sup>62</sup> The designated review body is also problematic: the report should be reviewed by the relevant thematic commission, not by a bureau with an organizational function. For example, such an arrangement can be found in the regulations of Zugdidi Sakrebulo.<sup>63</sup>

It should be noted that, unlike the regulations of other municipalities, Chokhatauri Sakrebulo regulations do not provide for the submission of a quarterly review of budget execution. The "financial body" mentioned in the regulation likely refers to the structural unit of financial issues of the City Hall, though the monthly and quarterly reports prepared by this body are treated as the reports of the service itself, not as comprehensive reports on budget implementation. In this regard, it is unclear why the issue of reporting this structural unit was singled out. In addition, the regulations do not specify any additional procedures regarding the consideration of these reports (submission and hearing deadlines, results).

According to the regulations of Mestia Sakrebulo, within 1 month after the end of each quarter, the financial-budgetary structural unit of the municipality's City Hall submits to the relevant commission of Sakrebulo a quarterly review of the implementation of the local budget with the cumulative amount.<sup>64</sup> Throughout the budget year, the implementation of the municipality's budget is usually reviewed quarterly by the commissions of Sakrebulo. They are entitled to request

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<sup>58</sup> Regulations of the Batumi Sakrebulo, Article 97, Paragraph 2.

<sup>59</sup> Ibid, Paragraphs 5 and 6 of Article 67.

<sup>60</sup> Ibid, Paragraph 7.

<sup>61</sup> Regulations of the Ozurgeti Sakrebulo, Article 116, Paragraph 3.

<sup>62</sup> Regulation of Zugdidi Sakrebulo, Article 88<sup>1</sup>.

<sup>63</sup> Ibid.

<sup>64</sup> Regulation of Mestia Sakrebulo, Article 106, Paragraph 2.



and receive additional information regarding the implementation of the budget from the executive bodies of the respective municipality. The commission discussions are organized by the Finance and Budget Commission of Sakrebulo. If necessary, the results are reported to Sakrebulo and may be presented for further discussion.<sup>65</sup> This norm does not clarify the specific outcomes of the discussion of the report in Sakrebulo.

## Practice

### *Annual budget execution report*

The annual budget report was presented at the meetings of Sakrebulo mostly by the heads of the finance department of the City Hall. Information about the discussion conducted during the review was often not found in the minutes of the sessions; It should be noted that in the case of Lentekhi, the existing defect in this part was corrected.

### *Quarterly budget execution report*

The assessment of quarterly reports revealed a lack of sufficient information in the minutes. Specifically, in the case of Batumi Sakrebulo, there is no record in the minutes of Sakrebulo meeting regarding the utilization of this mechanism. In certain instances, there was no commentary provided on the quarterly report every month in Chokhatauri Sakrebulo, the Finance-Budget Commission reviewed information about the budget receipts, payments, changes in the balance and the total balance of the corresponding month of the current year. According to the minutes of the commission's meeting, the commission considers the information on budget implementation as a report and does not present it at the Sakrebulo meeting. In contrast, the quarterly, six-month, and nine-month reports are initially discussed by the commission before being presented at the Sakrebulo meeting.<sup>66</sup> Ultimately, in some instances, this document was accepted by the Sakrebulo, while in others, the outcome of its consideration was not clearly documented.

## 6. Independent audit

### Normative regulation

According to the Code, an independent audit of the activities of the municipality's bodies may be conducted at the initiative of at least one-third of Sakrebulo's members, but no more than once a year. Sakrebulo decides to conduct this independent audit based on requests from at least one-third of its members. The independent auditor's report and conclusions are then presented to Sakrebulo, forwarded to the State Audit Office, and made publicly available.<sup>67</sup> According to the regulation, the request to invite an independent auditor must specify the range of issues to be examined. This request for conducting an independent audit will be submitted to the chairperson of the Sakrebulo, who is required to include the matter for discussion at the next Sakrebulo session.<sup>68</sup>

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<sup>65</sup> Ibid, Paragraph 3.

<sup>66</sup> Minutes of the meetings of the Financial-Budgetary Commission of the Chokhatauri Municipal Sakrebulo #6 of June 27, 2023, #8 of July 27, #9 of August 24, #10 of September 26, #11 of October 26, #13 of November 28, #14 of December 12, #1 of January 23, 2024, #2 of February 26, #3 of March 26, #4 of April 16, #5 of May 27, and #6 of June 21.

<sup>67</sup> Local Self-Government Code, Article 140, Paragraph 2.

<sup>68</sup> Regulations of Zugdidi Sakrebulo, Article 109, Paragraphs 4 and 5.

## Practice

During the reporting period, no independent audits were conducted in the target Sakrebulo. However, in the Zugdidi Sakrebulo, the chairperson twice initiated market research related to conduct an audit, but no companies participated in the process.<sup>69</sup>

## 7. Hearing of the annual and extraordinary reports of the mayor

### Normative regulation

According to the Code, at least once a year, the mayor submits a report on the work done to Sakrebulo in accordance with the regulations, as well as an extraordinary report at the request of at least one quarter of the members of the Sakrebulo.<sup>70</sup> The mandatory nature of discussing the mayor's report at the Sakrebulo meeting is not explicitly established by legislation; however, both the Code<sup>71</sup> and the regulations stipulate that the Sakrebulo has the authority to oversight the activities of local self-government executive bodies and officials, as well as to hear and assess their reports.<sup>72</sup> Moreover, the 'hearing of the report' is referred to as a form of oversight by the Sakrebulo in the regulations of Chokhatauri, Ozurgeti, and Batumi Sakrebulo.<sup>73</sup> The regulations of these Sakrebulo include a provision that requires the mayor's report on performed activities to be published within 10 days of its submission.<sup>74</sup> In addition, according to Chokhatauri regulations, the Sakrebulo reviews and evaluates the published report no earlier than 10 days after its publication.<sup>75</sup> Therefore, it is unequivocal that the report should be heard by the Sakrebulo. The shortcoming of the regulations is that the deadline and results of the review of the report are not specified.

According to the regulations of the Zugdidi and Lentekhi Sakrebulo, the mechanism of hearing the mayor's reports was written in a separate norm and the procedures were specified. In particular: the mayor submits a report on the work done to the Sakrebulo at least once a year. The mayor submits the annual report to the Sakrebulo by March 31 of the following reporting year (April 1 in the case of Zugdidi), and in the year of the next Sakrebulo elections, the report is submitted in September of that year (October in the case of Zugdidi). The mayor's report is then sent to the factions and non-faction members of the Sakrebulo. Not earlier than 7 days after the mayor presents the report, the Bureau of Sakrebulo will include the report in the agenda for the next Sakrebulo session. Following the discussion, Sakrebulo adopts a decree indicating whether the report is evaluated as satisfactory, positive, or negative. The same procedures apply to the consideration of an extraordinary report, with the exception of the specified deadlines.<sup>76</sup>

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<sup>69</sup> Letter N 25-25240735 of Zugdidi Municipality Sakrebulo of March 13, 2024.

<sup>70</sup> Local Self-Government Code, Article 54, Paragraph 1, Sub-paragraph "BA".

<sup>71</sup> Ibid, Article 24, paragraph 1, sub-paragraph "C.A".

<sup>72</sup> Zugdidi Sakrebulo Regulations, Article 3, Paragraph 4, Sub-Paragraph "A", Lentekhi Sakrebulo Regulations, Article 3, Paragraph 4, Sub-Paragraph "A", Mestia Sakrebulo Regulations, Article 2, Paragraph 4, Sub-Paragraph "A", Ozurgeti Sakrebulo Regulations, Article 3, Paragraph 4, Sub-Paragraph "A", Chokhatauri Sakrebulo Regulations, Article 2, Paragraph 6, Sub-Paragraph "A", Batumi Sakrebulo Regulations, Article 4, Paragraph 4 "A" subsection.

<sup>73</sup> Chokhatauri Sakrebulo Regulations, Article 105, Paragraph 2, Sub-Paragraph "c", Batumi Sakrebulo Regulations, Article 93, Paragraph 2, "c", Ozurgeti Sakrebulo Regulations, Article 112, Paragraph 2, Paragraph "c".

<sup>74</sup> Regulations of the Batumi Sakrebulo, Article 1001, Paragraph 1, Sub-Paragraph "f"; Regulations of the Ozurgeti Sakrebulo, Article 135, Paragraph 1, Sub-Paragraph "M"; Regulations of the Chokhatauri Sakrebulo, Article 128, Paragraph 1, Sub-Paragraph "N".

<sup>75</sup> Regulation of Chokhatauri Sakrebulo, Article 126, Paragraph 2.

<sup>76</sup> Article 116 of Lentekhi Sakrebulo Regulation, Article 113 of Zugdidi Sakrebulo.

## Practice

The mayor of Mestia Municipality did not present a 2023 activity report to the Sakrebulo. In Zugdidi, the mayor submitted the report only in writing, but it was neither discussed at a meeting nor made available in open sources or on the municipality's website. In Batumi, the mayor presented the 2023 report at the Sakrebulo session without its inclusion in the original agenda. It was added to the agenda after the session began, leaving Sakrebulo members without prior information about the report's presentation.<sup>77</sup> The requirements of the code and regulations in this part were followed by the city Sakrebulo of Lentekhi<sup>78</sup> and Chokhatauri<sup>79</sup> where the mayor presented the previous year's activity report both in writing and orally.

There was no initiative to submit an extraordinary report in any Sakrebulo.

## 8. Hearing of reports of the officials by the Bureau of the Sakrebulo

### Normative regulation

According to the Code, Bureau hears the reports of municipal officials.<sup>80</sup> In line with the regulations of Chokhatauri, Ozurgeti and Batumi Sakrebulo, the Bureau periodically listens to the reports of self-government officials in accordance with the schedule approved by it, gives them assessments and, if necessary, raises the issue of their responsibility.<sup>81</sup> The regulations of Mestia Sakrebulo do not include such a function in the powers of the bureau.<sup>82</sup> Sakrebulo of Zugdidi and Lentekhi specified a similar norm in the regulations and indicated that Bureau, by its decision, hears reports from self-government officials, gives them assessments and, if necessary, raises the issue of their responsibility.<sup>83</sup>

It is important to note that the Bureau in Sakrebulo primarily serves an organizational role, with its functions limited to tasks such as developing meeting agendas, handling registrations, and providing confirmations. This makes the oversight mechanism outlined in the Code problematic. Additionally, the norm does not clearly specify which officials' reports are to be heard, though it implicitly includes officials from the executive body. As a result, assigning oversight functions, such as hearing reports, to the Bureau extends beyond its intended organizational purpose.

## Practice

Apart from Mestia, the bureaus of other Sakrebulo have not heard the reports of city hall officials.

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<sup>77</sup> Minutes of the N12 session of the Batumi Municipality Sakrebulo of December 19, 2023.

<sup>78</sup> Letters N97-97233343 of November 30, 2023 and N97-97241911 of July 9, 2024 of Lentekhi Municipality Sakrebulo.

<sup>79</sup> Letter N47-47242273 of Chokhatauri Municipality Sakrebulo dated August 14, 2024.

<sup>80</sup> Local Self-Government Code, Article 27, Paragraph 2, Sub-Paragraph "D".

<sup>81</sup> Regulation of Chokhatauri Sakrebulo, Article 109, Paragraph 2; Regulations of the Ozurgeti Sakrebulo, Article 116, Paragraph 2; Regulations of the Batumi Sakrebulo, Article 36, Paragraph 2, Sub-Paragraph "E".

<sup>82</sup> Regulations of Mestia Sakrebulo, Article 51, Paragraph 1.

<sup>83</sup> Regulations of the Zugdidi Sakrebulo, Article 113, Paragraph 2; Regulations of Lentekhi Sakrebulo, Article 116, Paragraph 2.

## 9. Addressing the issues presented by the City Hall with a question

### Normative regulation

Sakrebulo members have the right to address oral questions to the speaker when discussing issues.<sup>84</sup> The quality and number of questions raised by the Sakrebulo members largely depend on how well they are acquainted with the documents related to the issues under discussion. Sakrebulo of Zugdidi and Lentekhi have clarified deadlines for submitting initiatives and placing them on the agenda. If these deadlines are not met, the materials are deferred to the next meeting. Specifically, information on the date of the next Sakrebulo meeting, the schedule, the agenda, and the materials to be discussed are generally sent to the Sakrebulo members at least 3 days before the meeting (7 days in the case of Lentekhi). Any issue submitted beyond this deadline will be postponed to the following Sakrebulo session.<sup>85</sup> This term is not specified elsewhere.

### Practice

The minutes of the sessions serve as the only source of confirmation for oral questions. However, they often lacked sufficient detail about the discussions. This was primarily due to technical limitations: most Sakrebulo did not have the capability to video or audio record the sessions or produce transcripts (with the exception of Zugdidi). In cases where questions were documented, it was found that the authors were mostly members of the majority, while opposition members either did not attend the sessions or showed less interest in the issues being discussed.

Additionally, the absence or quality of questions is significantly influenced by the timing of when materials for consideration are sent to Sakrebulo members. In practice, these materials are often distributed very close to the session date (often the day before) which hampers the Sakrebulo members' ability to adequately prepare for the discussions.

## 10. Hearing the report on the procurements made in the previous year

### Normative regulation

According to the code, the mayor of the municipality sends the report on the procurements made in the previous year in accordance with the procurement plan to Sakrebulo no later than February.<sup>86</sup> Neither the code nor the regulations of Sakrebulo (except for Zugdidi and Lentekhi) specify clear procedure for reviewing the procurement report, including the review period, which contributes to the formation of a non-uniform practice.

In October and November 2023, Zugdidi and Lentekhi Sakrebulo added independent norms to their regulations regarding the procedure for reviewing procurement reports. According to the new regulation, the mayor must send the report on procurements made in the previous year, in accordance with the procurement plan, to the municipality Sakrebulo no later than February. This report will be reviewed by the relevant sectoral commission(s). Following the discussion, the commission will develop a conclusion to present to the Bureau. The procurement report will then be included in the agenda of the next Sakrebulo session for consideration by the Bureau. Sakrebulo is required to review the report by May 1 at the latest. After evaluating the report on the

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<sup>84</sup> Article 46, Paragraph 1, Sub-Paragraph of the Local Self-Government Code.

<sup>85</sup> Regulation of Zugdidi Sakrebulo, Article 28, Paragraph 10; Regulations of Lentekhi Sakrebulo, Article 28, Paragraph 10.

<sup>86</sup> Local Self-Government Code, Article 54, Paragraph 1, Sub-Paragraph "C. F".

previous year's procurements, Sakrebulo will classify it as positive, satisfactory, or negative and may make recommendations to the relevant bodies.<sup>87</sup>

## Practice

Except for Batumi,<sup>88</sup> other Sakrebulo reviewed the report on procurements made in the previous year. However, Mestia Sakrebulo did not discuss the report on procurements made in the previous year but rather the report from the structural unit of municipal procurement (structural unit of the City Hall) regarding activities conducted in 2023,<sup>89</sup> which is not in accordance with the Code. As for the trends in discussions, significant activity related to the review of this report has not been highlighted in the minutes of the sessions.

## 11. Creation of an interim working group

### Normative regulation

According to the Code, in the field of organizational activity, the authority of Sakrebulo includes the creation of an interim working group for the study of individual issues for a period not exceeding 6 months.<sup>90</sup> Detailed regulation is delegated to the regulations.

The Code does not explicitly define a quorum for establishing an interim working group. In this instance, the general quorum requirements for the adoption of a legal act will apply, which necessitates the presence of more than half of the members at a Sakrebulo session, but not less than one-third of the total composition of the Sakrebulo.<sup>91</sup> The interim working group serves as the equivalent of a temporary commission at the parliamentary level. It acts as a tool for the representative body to exercise oversight. The more challenging it is to establish such a group, the less effective the control measures will be. The quorum of one-third of the list is high enough to give the opposition in Sakrebulo certain leverage to establish it. For example, the quorum for establishing a temporary commission at the parliamentary level is the majority of the votes of those present, but not less than one-fourth of the full composition of the parliament.<sup>92</sup>

The Code<sup>93</sup> and regulations of Sakrebulo (except for Zugdidi and Lentekhi) assign the authority to elect the chairperson of the working group to Sakrebulo.<sup>94</sup> This approach is not appropriate because the chairperson of a commission, as an official of the Sakrebulo, is elected by the Sakrebulo itself. In contrast, the chairperson of the interim working group is not an official of the same rank and should be elected directly by the members of the group.

The regulations of Batumi Sakrebulo provide minimal information regarding the establishment of an interim working group. They only mention the minimum number of members required for the ad hoc working group, a general reference to its purpose, and the procedure for electing the chairperson and members.<sup>95</sup> These regulations do not specify which entity is responsible for initiating the creation of the working group. Additionally, it lacks definitions regarding the

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<sup>87</sup> Article 113<sup>2</sup> of the Regulations of the Zugdidi Sakrebulo Article 116<sup>1</sup> of Lentekhi Sakrebulo Regulations.

<sup>88</sup> Letter N15-15242048 of Batumi Sakrebulo dated July 22, 2024.

<sup>89</sup> Decree Ng-135. 135240604 of Mestia Municipality Sakrebulo of February 29, 2024.

<sup>90</sup> Local Self-Government Code, Article 24, Paragraph 1, Sub-paragraph "B. E", Article 29.

<sup>91</sup> Ibid Paragraph 2 of Article 62.

<sup>92</sup> Regulations of the Parliament of Georgia, Article 73, Paragraph 2.

<sup>93</sup> Local Self-Government Code, Article 29, Paragraph 2.

<sup>94</sup> Regulations of the Batumi Sakrebulo, Article 20, Paragraph 14; Regulation of Ozurgeti Sakrebulo, Article 34, Regulation of Chokhatauri Sakrebulo, Article 8.

<sup>95</sup> Ibid.

decision-making process and staffing of the working group, such as the principle of proportional representation of factions as stipulated by the Code.<sup>96</sup> Furthermore, there is no procedure outlined for extending the group's term or addressing accountability issues. It is also problematic that the authority of Sakrebulo regarding the establishment of the working group, along with the relevant regulations, is included in the article pertaining to Sakrebulo Commission.

A similar arrangement is found in the regulations of Ozurgeti and Chokhatauri Sakrebulo concerning the initiator of an interim working group. These norms do not specify how many members are required to initiate the creation of the group. However, it is clear that the interim working group itself cannot initiate the formation of another such body. Additionally, the mayor's initiation of the creation of an interim working group within Sakrebulo is deemed inappropriate.

Unlike the Code, the regulations of Mestia Sakrebulo for the purpose of creating interim working groups specify the investigation and appropriate response to violations of Georgian legislation by self-government bodies and officials or the study of particularly important public issues.<sup>97</sup> As indicated by the proposed regulations, the interim working group that can be established in the Mestia Sakrebulo effectively combines the functions of both a temporary commission and a temporary investigative commission at the parliamentary level. The Constitution of Georgia stipulates that non-executive structures with investigative functions can only be created within the Parliament and delegates the authority to determine the bases and rules of their operation to Parliament's regulations. The regulation of the Mestia Sakrebulo mirrors the provisions found in Parliament's regulations concerning the working group, which outlines the rules and grounds for establishing an investigative commission. Consequently, the creation of a body with investigative functions and powers at Sakrebulo level through by-law raises concerns about its compliance with the Constitution. The Sakrebulo has the authority to establish an interim working group for various purposes. If any signs of a criminal offense are identified, it may refer the matter to the appropriate investigative body. During discussions about the regulations of the Mestia Sakrebulo, the chairperson responsible for procedural issues acknowledged that this regulation is problematic and emphasized that the purpose of creating an interim working group should be clarified in accordance with existing legislation.

Sakrebulo of Zugdidi<sup>98</sup> and Lentekhi<sup>99</sup> specified a number of procedures regarding the creation of an interim working group, namely: initiators, rules for deciding on creation and presenting a conclusion.

## Practice

During the reporting period, no interim working groups were established in any of the Sakrebulo, nor were there any initiatives to create one.

## 12. Casting a vote of no confidence against the Mayor

### Normative regulation

Although the mayor is directly elected by the local population, the Code grants Sakrebulo the authority to cast a vote of no confidence against the mayor.<sup>100</sup> The basis for the initiating this

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<sup>96</sup> Local Self-Government Code, Article 29, Paragraph 3.

<sup>97</sup> Regulations of Mestia Sakrebulo, Article 29, Paragraph 1.

<sup>98</sup> Regulation of Zugdidi Sakrebulo, Article 34<sup>1</sup>.

<sup>99</sup> Regulation of Lentekhi Sakrebulo, Article 34<sup>1</sup>.

<sup>100</sup> Local Self-Government Code, Article 24, Paragraph 1, Sub-Paragraph "CC".



procedure is the written initiative of more than half of the list composition of the Sakrebulo.<sup>101</sup> Cast a vote of no confidence against the mayor will be considered valid if the initiative is supported by at least two-thirds of the total members of the Sakrebulo. If such a vote passes, it results in the termination of the mayor's authority.<sup>102</sup>

The quorum established by the Code for initiating a vote of no confidence makes it virtually inaccessible for the opposition. As a result, this has led to a lack of practice regarding the incitement of distrust in Sakrebulo. For comparison, the Parliament of Georgia establishes a quorum of one-third<sup>103</sup> for raising the issue of distrust in the government. This lower threshold allows the parliamentary opposition a genuine opportunity to initiate this procedure and address political issues during the plenary session. While declaring the distrust in the mayor should be more challenging than in the case of the prime minister, reducing the quorum for initiation would not contradict the concept of direct election of the mayor. Ultimately, the qualified majority of Sakrebulo remains the final decision-maker. Lowering the initiation quorum would enhance the quality of accountability. Additionally, it would align with the requirement for another initiator of distrust, which is set at 20% of the local population—significantly less than half of the legitimacy source.

### Practice

During the reporting period, no motions for a vote of no confidence against the mayor were filed in any of the Sakrebulo.

## 13. Appeal to the court of the administrative-legal act of the executive body and officials of the municipality by the Sakrebulo

### Normative regulation

According to the Code, if an administrative-legal act issued by the municipality's executive body, a City Hall official, or another employee contradicts a normative administrative-legal act of the municipal Sakrebulo and/or the legislation of Georgia, the Sakrebulo may decide to appeal the act to the court. This decision requires a majority of Sakrebulo members.<sup>104</sup>

The regulations of the Sakrebulo do not provide additional regulations regarding this oversight mechanism, except for Zugdidi.<sup>105</sup>

### Practice

According to the responses provided by the Sakrebulo, no administrative-legal act issued by the mayor or a City Hall official, or another official was appealed in court under Article 62, Paragraph 3 of the Code.

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<sup>101</sup> Ibid, Paragraph 1 of Article 51.

<sup>102</sup> Ibid, Paragraph 10.

<sup>103</sup> Constitution of Georgia, Article 57, Paragraph 2.

<sup>104</sup> Local Self-Government Code, Article 62, Paragraph 3.

<sup>105</sup> Regulations of Zugdidi Municipality Sakrebulo, Article 113<sup>5</sup>.

## Oversight mechanisms stipulated by the Rules of Procedures

### 14. Interpellation

#### Normative regulation

Apart from Batumi, the other Sakrebulo under consideration utilize the interpellation mechanism. Interpellation differs from a regular written question posed by a Sakrebulo member in several key ways. Notably, in the case of interpellation, it is mandatory for the relevant official to appear in person at the Sakrebulo session to provide their response. In addition, the answer will be followed by a debate at the session.<sup>106</sup> The procedures of the interpellation mechanism are described in the same way by the regulations of Chokhatauri, Ozurgeti and Mestia Sakrebulo, the gaps are also similar. In particular:

The current regulations on interpellation do not specify several important procedural details. For instance, they do not establish a clear timeframe within which the accountable person must submit a written response to the interpellation question, nor do they specify how much time the individual has to answer during the Sakrebulo session. Furthermore, while interpellation should be followed by a debate, this process should not depend on the preferences of the initiators, as stated in the norm.

As for the initiators, the Sakrebulo members who are not members of a faction do not have equal rights to initiate interpellation. At the parliamentary level, both factions and groups of seven members of parliament have the right to initiate an interpellation.<sup>107</sup> In addition, interpellation is an oversight mechanism for executive bodies. Therefore, addressing the chairperson of the Sakrebulo in writing as its addressee does not correspond to the real essence of this mechanism.

Granting the right of interpellation to commissions present significant challenges. Interpellation carries substantial political weight and should originate from entities with a unified political vision, representing the collective stance of their members. Allowing commissions—comprising representatives from diverse political groups—to initiate interpellation undermines the coherence and purpose of this mechanism. This mechanism is also seen in this form at the level of the parliament on the basis of the constitution. Therefore, the authority to initiate interpellation should not be vested in commissions.

It is also important to note that the regulations of some Sakrebulo limit the scope of interpellation to a very narrow group within the executive branch. Restricting interpellation solely to the mayor or officials of organizations established by the municipality is insufficient for ensuring comprehensive oversight of the executive body. Given that interpellation is a political tool, its scope should be broadened to include deputy mayors, allowing them to be held accountable for the services and activities within their respective areas of oversight. However, heads of City Hall services should be excluded from the list of interpellation addressees, as they are civil servants and not political appointees.

The deadline for an official to appear at the meeting of the Sakrebulo is too long (2 months). Due to the fact that the question of the interpellation may refer to a current issue, after 2 months, the answer to it will lose its relevance and make the procedure ineffective.

In addition, the norms according to which the session of the Sakrebulo takes the appropriate decision on the issue raised by the interpellation rule are also vague. The decision made by the Sakrebulo is not clearly stated.

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<sup>106</sup> The essence and characteristics of interpellation see V. Menabde and others., *Parliamentary Control after the Reform of the Constitution and Regulations*, Georgian Young Lawyers' Association, 2020.

<sup>107</sup> Constitution of Georgia, paragraph 2 of Article 43.



The regulations of Mestia Sakrebulo are slightly different.<sup>108</sup> The procedure for interpellation is as follows: a commission or faction may address a request to the municipality mayor or an official of the city hall, seeking clarification on the socio-economic policies implemented by the executive body or any other specific issue pertaining to an official of an organization established by the municipality.<sup>109</sup> The interpellation can become the basis for a vote of no confidence against the mayor, which is considered in a special procedural manner.<sup>110</sup>

An interpellation differs from a written question by requiring the relevant official to appear at Sakrebulo session and present their response in person, followed by a debate on the matter. However, as highlighted in the section regarding written questions, the procedure outlined in the regulations of Mestia Sakrebulo closely mirrors that of an interpellation, making the two mechanisms nearly indistinguishable.

Several issues require clarification in relation to interpellation in the regulations of this Sakrebulo. First, the debate procedure for interpellation should prioritize speeches by other members, rather than permitting questions to be asked one at a time, which could dilute the significance of the debate. Additionally, the regulations outline an extended timeline for interpellation. Initially, the Chairperson of Sakrebulo sets a preparation period of up to 1 month, followed by the actual hearing, which is scheduled to take place 2 months after the interpellation is initiated. Since interpellation is a political tool, it is not appropriate for the Chairperson of the Sakrebulo to set a deadline for its consideration. Instead, it would be more suitable for the initiator to send the interpellation question directly to the addressee, while the regulations should establish only one deadline for Sakrebulo to consider the response. This deadline should be shorter than the current 2-month period to ensure that the interpellation retains its relevance.

As for Zugdidi and Lentekhi, these Sakrebulo corrected the aforementioned deficiencies with the amendments made in the fall of 2023 and clarified a number of circumstances. Specifically, the subject and the addressee of interpellation were more clearly defined. Under the new regulations, a faction of the Sakrebulo or a group of at least three members of the Sakrebulo now has the right to direct a question to the mayor, the deputy mayor, or the head of a private legal entity established by the municipality. The subject of the interpellation has been further clarified. The question raised through interpellation must pertain to specific or general issues related to the policies implemented by the mayor, the deputy mayor, or a private legal entity established by the municipality. Additionally, the question must be formulated clearly and concisely. A justification may also accompany the question, providing further context or rationale for the inquiry. The deadlines for submitting and responding to interpellation questions have been clearly defined. The written question raised through interpellation must be submitted to the office of the Sakrebulo, which will register it and forward it to the appropriate addressee within two days. The recipient, whether the mayor, deputy mayor, or the head of a private legal entity established by the municipality, must then provide a written response to Sakrebulo within one week of receiving the question. The procedures for discussing interpellation questions at Sakrebulo sessions, along with the time allocated for debates, have been clarified. Once the addressee submits their response, the matter is included in the agenda of the upcoming regular or extraordinary session. The initiating faction is responsible for determining the number of speakers and the time allocation for each speaker. Following the debate, the addressee is given a set period to deliver a concluding speech. The results of the interpellation have been clarified - after the end of the interpellation, at the initiative of the author of the interpellation, Sakrebulo will vote on the issue of whether or not to issue recommendations to the relevant official. The deadline for submission of

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<sup>108</sup> Article 62 of the regulations of Mestia Sakrebulo.

<sup>109</sup> Ibid, Paragraph 3.

<sup>110</sup> Ibid, Paragraph 4.

recommendations is indicated in the same decision. In case of making this decision, the entities with the right to initiate the legal act defined by the regulation have the right to initiate the draft of the relevant decree. The draft of the decree is reviewed and adopted in the manner established by the regulations.<sup>111</sup>

## Practice

Interpellation was not used in any Sakrebulo.

## 15. Control over the enforcement of decisions

### Normative regulation

Part of the regulations envisages the mechanism of the commission - control over the execution of the decisions made.

Regulations of Ozurgeti, Chokhatauri and Batumi Sakrebulo also provide for the mechanism to control over the execution of the decisions made.<sup>112</sup> Specifically, the Bureau of Sakrebulo is authorized to include in the agenda of the Bureau or Sakrebulo session a list of legal acts adopted by Sakrebulo, for which the Bureau (or the Sakrebulo) must hear information about their implementation. This information should be presented by the relevant commission and the corresponding service of the mayor's Office (in Batumi, this also includes the head of a municipal entrepreneurial or non-entrepreneurial legal entity under the jurisdiction of the City of Batumi). The report from the Sakrebulo's commission and the relevant service of the mayor's Office should include information on the implementation status of the respective legal act, its effectiveness, any shortcomings identified during its period of application, and the necessary amendments to address those shortcomings. After hearing the information, the Sakrebulo Bureau (the Sakrebulo) makes the relevant assessment and is authorized to raise the issue of the accountability of the respective official (also in Batumi) - and/or to request the mayor to take measures of accountability.

In addition, the functions of a separate commission include control over the implementation of the decisions of Sakrebulo and, if necessary, submission of a relevant conclusion to Sakrebulo.<sup>113</sup> The control of the decisions made by the commission in the functions of the chairperson of the commission can be found in the regulations of Ozurgeti and Chokhatauri Sakrebulo.<sup>114</sup> The regulations of Batumi Sakrebulo consider the competence of a separate commission to control the implementation of resolutions and decrees of Sakrebulo and, if necessary, to submit the appropriate conclusion to Sakrebulo.<sup>115</sup>

The regulation for the control of the execution of the decisions provided by the regulations of the Sakrebulo is partially similar to the mechanism of "control of the enforcement of normative acts" provided by the regulations of the parliament.<sup>116</sup> In the case of the Sakrebulo, the essence of this mechanism is that the report on enforcement is presented orally before the Bureau or the Sakrebulo. At the same time, a list of legal acts is prepared, and under the existing regulation,

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<sup>111</sup> Regulation of Zugdidi Sakrebulo, Article 111, Regulation of Lentekhi Sakrebulo, Article 114.

<sup>112</sup> Regulation of Ozurgeti Sakrebulo, Article 115, Regulation of Chokhatauri Sakrebulo, Article 108; Article 96 of the regulations of the Batumi Sakrebulo.

<sup>113</sup> Regulations of the Chokhatauri Sakrebulo, Article 20, Paragraph 1, Sub-Paragraph "V"; Regulations of the Batumi Sakrebulo, Article 22, subsection "e"; Regulations of the Ozurgeti Sakrebulo, Article 25, Paragraph 1, Sub-Paragraph "F".

<sup>114</sup> Ozurgeti Sakrebulo Regulations, Article 26, Paragraph 2, Sub-Paragraph "T", Chokhatauri Sakrebulo Regulations, Article 21, Paragraph 2, Sub-Paragraph "T".

<sup>115</sup> Regulations of the Batumi Sakrebulo, Article 22, subparagraph "e".

<sup>116</sup> Regulations of the Parliament of Georgia, Article 38.

presenting a report on a single legal act is effectively excluded. In Parliament, this mechanism exists at the committee level, while the Bureau includes this information in the agenda of the plenary session based on the committee's request.<sup>117</sup> In contrast, the "control over the enforcement of decisions" stipulated by the regulations of the mentioned Sakrebulo only allows for the verification of the enforcement of legal acts adopted by the Sakrebulo in the format of oral hearings, and the entire procedure is not fully elaborated.

Furthermore, within the framework of this control mechanism, the circle of accountable individuals/entities required to provide information on the status of enforcement is limited. According to the regulations of Sakrebulo, this responsibility falls solely on the commission or the relevant service of the municipality. The relevant norms do not explicitly state that the corresponding information must also be submitted by private law entities established by the municipality (except for Batumi). In addition, according to the relevant norms, both the commission and the relevant service of the City Hall must submit relevant information directly to the Bureau, which gives these two entities the same authority in terms of accountability - an approach that is unjustified.

Another issue concerns the entity responsible for overseeing this control mechanism within the Sakrebulo. While the commission typically assumes this role, the regulations stipulate that the Bureau of the Sakrebulo evaluates the information and determines appropriate response measures. This allocation of responsibilities is problematic, as it exceeds the Bureau's competencies.

The regulations of Mestia Sakrebulo outline these procedures in relatively more detail. Furthermore, according to the regulations of this Sakrebulo, a member of Sakrebulo also has the right to raise the issue of monitoring the implementation of the laws of Georgia and the normative legal acts adopted by the Sakrebulo before the relevant authorities.<sup>118</sup> Thus, this right is vested in both the commission and the member of the Sakrebulo.

The regulation on the control of the execution of the decisions provided by the regulations of Mestia Sakrebulo is partially similar to the mechanism of "control of the enforcement of normative acts" provided by the regulations of the Parliament.<sup>119</sup> However, according to the regulations of the Sakrebulo, this mechanism is attributed to both the Sakrebulo and the commission. A flaw in the regulations is that there is no clear link between the decisions of the commission and the Sakrebulo in the process of using this mechanism; specifically, the commission conducts the monitoring, and then the issue is brought to the Sakrebulo meeting, or the Sakrebulo uses this mechanism independently. It is also necessary to clarify the procedure and results of exercising the authority provided for in the fourth paragraph of this article, specifically what results follow after the compilation of the list of normative acts and its presentation to the Bureau.

As for Zugdidi and Lentekhi, in 2023, the Sakrebulo clarified the relevant procedures and fully wrote the decision control tool. In particular: the commission controls both the state of implementation of normative and individual acts adopted by the Sakrebulo belonging to its field. In order to control the execution of the legal acts adopted by the Sakrebulo, the commission is authorized to request information and documents from relevant local self-government bodies, to invite officials to the commission's meeting in accordance with the established regulations. In its work plan, the commission specifies that it will oversee the implementation of normative acts adopted by the Sakrebulo only after a minimum of one year has elapsed since their adoption. The commission is responsible with monitoring both normative and individual acts from the date they

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<sup>117</sup> Ibid, Paragraph 2.

<sup>118</sup> Ibid, subparagraph "c" of paragraph 3 of Article 9.

<sup>119</sup> Regulations of the Parliament of Georgia, Article 38.

come into force. It is required to prepare a report detailing its findings on the execution of these legal acts, which will include the content of the relevant decision, the responsibilities assigned to the executive agency, actions taken during the oversight process, identified deficiencies, and the corresponding conclusions and recommendations. Upon submission by the Commission, the Bureau of the Sakrebulo is empowered to include in the agenda of Sakrebulo session the issue concerning the enforcement of legal act(s) adopted by the Sakrebulo. The Commission's report should provide detailed information on the status of enforcement of the relevant legal act, its effectiveness, deficiencies identified during its validity, and necessary amendments to address these shortcomings. Following the presentation of this information, the Sakrebulo evaluates the implementation status of the relevant legal act and issues any appropriate recommendations.<sup>120</sup>

## Practice

Sakrebulo have not used this mechanism during the reporting period.

## 16. Control over the activities of structural units of the City Hall

### Normative regulation

According to the regulations of Batumi,<sup>121</sup> Ozurgeti<sup>122</sup> and Chokhatauri<sup>123</sup> Sakrebulo, commissions monitor the activities of the relevant services according to the sectors, periodically hear their reports on the work done, develop appropriate recommendations and conclusions and submit them to the meeting of the Sakrebulo bureau for consideration. This mechanism of control is referred to by the regulations of these Sakrebulo as control over the activities of the City Hall. In Sakrebulo of Mestia, the commission also hears the reports of the accountable bodies and officials to the Sakrebulo.<sup>124</sup> However, regarding this control mechanism, the regulation no longer provides for additional procedures, including deadlines and review results.

The control mechanism established by the existing regulation is both broad and comprehensive. Its core function involves the review of reports submitted by the relevant services of the City Hall, organized according to a sectoral principle, as well as the development of recommendations and conclusions based on these evaluations. However, while the title of this article suggests a focus on control over the activities of the City Hall, the content reflects various norms outlined in the regulation. Consequently, there is a disconnect between the title and the article's actual content.

Lentekhi and Zugdidi Sakrebulo clarified several circumstances regarding this mechanism. In particular, according to the existing regulation, in these two Sakrebulo: Sakrebulo commissions monitor the activities of relevant structural units of the city hall according to the fields, once a year, they hear their reports on the work done, develop appropriate recommendations and conclusions and present them to the Sakrebulo session for consideration. As part of the control, the City Hall Office submits the previous year's activity report to the relevant commission of Sakrebulo before February 1 of each year. As a result of the review, the commission evaluates the activity of the service positively, satisfactorily or negatively, on which it makes a conclusion. If any, the report reflects the commission's recommendations to the relevant service. At the subsequent meeting following the presentation of the Sakrebulo Commission's conclusion, the report from the relevant service of the City Hall is discussed. After the hearing, Sakrebulo evaluates the service's

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<sup>120</sup> Regulation of Zugdidi Sakrebulo, Article 33<sup>1</sup>, Article 33<sup>1</sup> of Lentekhi Sakrebulo Regulations.

<sup>121</sup> Regulations of the Batumi Sakrebulo, Article 97, Paragraph 1.

<sup>122</sup> Regulations of Ozurgeti Sakrebulo, Article 116, Paragraph 1.

<sup>123</sup> Regulation of Chokhatauri Sakrebulo, Article 109, Paragraph 1.

<sup>124</sup> Regulations of Mestia Sakrebulo, Article 24, Paragraph 1, Sub-Paragraph "c".

performance as positive, satisfactory, or negative, leading to a formal conclusion. If applicable, this conclusion includes the Sakrebulo's recommendations concerning the relevant service's operations.<sup>125</sup>

## Practice

According to the answer received from Batumi Sakrebulo, the commissions did not review the previous year's reports of the relevant structural units of the City Hall.<sup>126</sup> In reviewing the practices of Chokhatauri Sakrebulo, it was observed that commissions regularly reviewed reports from various services during their meetings. In some instances, these reports were merely noted, while in others, they were forwarded to the Bureau for inclusion in the agenda of upcoming sessions. The commissions also conducted hearings on the activities of certain services over periods of 6 or 9 months. However, the lack of recorded opinions from commission members and the absence of detailed minutes documenting the discussions hinder the ability to ascertain the rationale behind the commission's decisions. Additionally, it has been noted that reports from the City Hall's structural units were rarely discussed during Sakrebulo meetings in practice.

Ozurgeti Sakrebulo heard the reports of the municipal City Hall structural unit during a regular Sakrebulo meeting on the same day.<sup>127</sup> Sakrebulo acknowledged the reports. The author of the questions was primarily the first deputy chairperson of Sakrebulo, and the minutes do not highlight questions from other Sakrebulo members or the issues emphasized by the representatives of the municipal structural units. In Lentekhi Sakrebulo, only the Spatial-Territorial Planning and Infrastructure Commission heard the 2023 report from the structural unit of municipal infrastructure issues.

In Zugdidi, the municipal structural units presented their reports on activities conducted in 2023 to Sakrebulo. According to the updated regulations, the commissions did not hear these reports from the structural units. However, the Health and Social Affairs commission listened to and positively evaluated the report from the municipal health and social unit.<sup>128</sup> Although the reports from the municipal units heard by Sakrebulo in 2023 do not fall within the reporting period, it is worth mentioning, from a good practice perspective, that the chairperson of Sakrebulo approved an order in September 2023 regarding the results, conclusions, and recommendations from the hearings of the structural units (departments) of Zugdidi Municipal City Hall.<sup>129</sup> The said order was sent to City Hall and instructed it to study the results, conclusions and recommendations of the hearings and to plan and implement the activities of structural units (departments) of the City Hall taking into account the aforementioned. It is clear from the minutes of the commission meeting available on the Mestia Municipality website that the Finance and Budget Commission reviewed the report of the Head of the Financial unit on May 31, 2023,<sup>130</sup> and the Social Affairs Commission - the 2023 report of Education, Culture, Sports, Monument Protection and Youth unit on March 26, 2024.<sup>131</sup>

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<sup>125</sup> Regulation of Zugdidi Sakrebulo, Article 33<sup>2</sup>, Regulation of Lentekhi Sakrebulo, Article 33<sup>2</sup>.

<sup>126</sup> Letter N15-15242048 of Batumi Sakrebulo dated July 22, 2024.

<sup>127</sup> Minutes of the N2 session of Ozurgeti Municipality Sakrebulo on February 28, 2024.

<sup>128</sup> Letter N25-25241993 of Zugdidi Municipality Sakrebulo of July 17, 2024.

<sup>129</sup> Order of the Chairman of the Zugdidi Municipality Sakrebulo dated September 26, 2023 Nb25.2523269001.

<sup>130</sup> Letter N135-135241911 of Mestia Sakrebulo dated July 9, 2024.

<sup>131</sup> Minutes of the N3 meeting of the Social Affairs Commission of Mestia Municipality Sakrebulo on March 26, 2024.

## 17. Presentation of the report of the activities performed by the legal entity of private law established by the municipality

### Normative regulation

In accordance with the Code, the regulations of all Sakrebulo provide for the oversight of a private law legal entity established by the municipality.

The regulations of Zugdidi Sakrebulo provide specific oversight mechanisms concerning private legal entities established by the municipality. In particular, Sakrebulo has the authority to hear the report on the activities of the head of a private legal entity of the municipality at least once a year, no later than February 1st.<sup>132</sup> In addition, with the changes made in the regulations in June 2022, the issue of their accountability to the commission was determined separately.<sup>133</sup> In particular, the person responsible for the management of this legal entity is obliged to submit a quarterly report of the activities performed (in writing/presentation) to the relevant commission of Zugdidi Sakrebulo.<sup>134</sup> The commission issues recommendations, conclusions, or proposals regarding the matter under consideration, which it presents to the Bureau.<sup>135</sup> A report from a private legal entity established by the municipality based on the decision of the Sakrebulo Commission or Bureau is considered at a Sakrebulo meeting; Sakrebulo evaluates (positively/negatively) their activities and, if necessary, issues a recommendation.<sup>136</sup> At the request of the Commission and/or the Bureau, the legal entity shall submit an extraordinary activity report.<sup>137</sup> The person authorized to lead this entity is obliged to additionally submit to the commission and the bureau any information related to the activity of the legal entity in compliance with the requirements established by the legislation.<sup>138</sup> The aforementioned article outlines a dual accountability framework for a private legal entity established by the municipality: it is required to submit an annual report to Sakrebulo, which must be heard no later than February 1, and a quarterly report to the relevant commission. However, a notable flaw in the regulation is the absence of a specific deadline for submitting these reports. Additionally, there is no established timeframe for the commission to review the quarterly report during its sessions. Furthermore, the regulations indicate that the quarterly report may also be presented to Sakrebulo for consideration.<sup>139</sup> In this regard, it should be noted that in case of a negative assessment, the regulation does not provide for an additional response mechanism.

The regulations of Batumi Sakrebulo provide oversight mechanisms specifically for private law entities established by the municipality. In particular, the head of an enterprise or non-enterprise legal entity under the jurisdiction of Batumi municipality is required to present a report on their activities to Sakrebulo within a reasonable timeframe upon request.<sup>140</sup> This content is contained in Article 23 of the Regulation, which provides for the obligation of accountable persons to submit reports and other documents to the Commission.<sup>141</sup> This mechanism of control over the activities of legal entities of private law entities is given in the article on control by commissions, although it provides for the obligation to submit a report to Sakrebulo, which is a flaw in this part. From the point of view of content, this right should be first of all for the commission.

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<sup>132</sup> Regulations of the Zugdidi Sakrebulo, Article 3, Paragraph 4, Paragraph "D".

<sup>133</sup> Ibid, Article 113<sup>1</sup>.

<sup>134</sup> Ibid, Paragraph 1.

<sup>135</sup> Ibid, Paragraph 2.

<sup>136</sup> Ibid, Paragraph 3.

<sup>137</sup> Ibid Paragraph 4.

<sup>138</sup> Ibid, Paragraph 5.

<sup>139</sup> Ibid, Paragraph 3.

<sup>140</sup> Regulations of the Batumi Sakrebulo, Article 97, Article 3.

<sup>141</sup> Ibid, Article 23.

According to the regulations of Ozurgeti Sakrebulo, Sakrebulo is authorized to request the hearing of the activity report of the individual authorized to manage the private legal entity of the municipality, upon the submission of a member of Sakrebulo, a commission of Sakrebulo, or a faction of Sakrebulo.<sup>142</sup> The current wording of the regulation does not provide for the obligation to submit a regular report on the activities performed by the person authorized to manage the legal entity of the private law of the municipality, but subjects it to the requirement of Sakrebulo. In the regulations of other Sakrebulo, there is a practice of obligation to submit regular quarterly reports.<sup>143</sup> This norm does not show the scope of competence of the thematic commission for hearing the report. Specific mechanisms for evaluating and responding to the report are also left open.

The regulations of Chokhatauri Sakrebulo outline the powers of the commission to oversee the activities of legal entities established by the municipality, including the hearing of their reports and providing relevant conclusions and assessments to Sakrebulo.<sup>144</sup> However, beyond this general norm, the regulation does not establish additional procedures regarding this control mechanism.

The regulations of Mestia Sakrebulo do not provide for the obligation to submit a regular report on the activities performed by the person authorized to lead the private law legal entity of the municipality. However, the authority of the commission includes monitoring the activities of legal entities established by the municipality, in particular, it listens to their reports and submits relevant conclusions and assessments to Sakrebulo.<sup>145</sup> The regulations do not specify additional procedures, such as the frequency of report submissions, the reviewing body, the timeline for discussions, and the outcomes. In this regard, it would be advisable for Sakrebulo to follow the regulations established by other Sakrebulos.

Lentekhi Sakrebulo's regulations did not provide precise guidelines for oversight the activities of private legal entities until October 2023. The amendments to the regulations were structured similarly to those of Zugdidi Sakrebulo.

## Practice

According to the information received from Batumi Sakrebulo, the commissions of Sakrebulo do not listen and evaluate the reports of municipal legal entities of private law.<sup>146</sup> The same in Lentekhi, although according to them, this control mechanism is planned to be implemented in the near future.<sup>147</sup> Good practice was identified in Ozurgeti,<sup>148</sup> Chokhatauri<sup>149</sup> and Zugdidi<sup>150</sup>, where various commissions of Sakrebulo systematically listened to reports from municipal legal entities and approved the results of these hearings, along with conclusions and recommendations (in most cases, they evaluated them positively).

As for Mestia, despite the fact that the regulations do not provide a specific norm for Sakrebulo or its commissions to hear reports on the activities of private legal entities established by the municipality for the purpose of exercising oversight, it was evident from the minutes posted on the Sakrebulo's website that during the reporting period, Sakrebulo heard reports from four private

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<sup>142</sup> Regulations of the Ozurgeti Sakrebulo, Article 112, Paragraph 10.

<sup>143</sup> Regulation of Zugdidi Sakrebulo, Article 113<sup>1</sup>.

<sup>144</sup> Regulation of Chokhatauri Sakrebulo, Article 18, Paragraph 1 and Article 20, Paragraph 1, Sub-Paragraph "g".

<sup>145</sup> Regulations of Mestia Sakrebulo, Article 24, Paragraph 1, Sub-Paragraph "g".

<sup>146</sup> Letter N15-15242048 of Batumi Sakrebulo dated July 22, 2024.

<sup>147</sup> Letter N97-97241911 of Lentekhi Sakrebulo of July 9, 2023.

<sup>148</sup> Letter N37-37241977 of Ozurgeti Sakrebulo of July 15, 2024.

<sup>149</sup> Letter N47-47242273 of Chokhatauri Sakrebulo dated August 14, 2024.

<sup>150</sup> Letters of Zugdidi Sakrebulo N25-25240735 of March 13, 2024 and N25-25241993 of July 17, 2024.



legal entities.<sup>151</sup>

## 18. Summoning of an accountable official to the commission session (mandatory attendance)

### Normative regulation

Until January 1, 2024, Zugdidi Sakrebulo's regulations stipulated that the officials accountable to the Sakrebulo were required, upon the commission's request, to submit the relevant documents, conclusions, and other materials within the timeframe set by the commission, attend commission meetings, respond to questions raised during the meetings, and present reports on their activities.<sup>152</sup> The mentioned norm ensured the implementation of a strong oversight mechanism such as the summoning an official to the commission session (for comparison, at the level of the parliament, the committees have the right to summon accountable officials (including the Prime Minister) to the committee session<sup>153</sup>). However, this norm was written only in the article of the commission's list of powers, and the additional procedure was not established by a separate norm. In addition, it did not contain a specific rule of summoning - how the decision on summoning to the commission session was made, in what time the official should appear at the session, how many times he could be summoned, as well as which officials could be summoned to the session. The amendment of the regulation, which entered into force on January 1, 2024, clarified the existing norm and prescribed the complete procedure. In particular:<sup>154</sup>

According to the regulations, officials accountable to Sakrebulo –including the mayor, first deputy mayor, deputy(s), head of a structural unit of the City Hall, and individuals authorized to lead a municipality-established private legal entity—are required to attend commission sessions when requested. They must answer questions posed during the session and present reports on their activities. Attendance is mandatory if requested by a majority of the commission members or by a faction that includes a member of the commission. The written request for attendance must provide detailed information regarding the issue(s) to be discussed with the invited official. Additionally, the regulations outline the terms for invitation and notification at the session, as well as the procedures for conducting debates.

In addition to this procedure, a reporting rule regarding the practice of inviting an accountable person to the commission session was added to the regulations of Zugdidi Sakrebulo. The Legal, Mandate and Human Rights Protection Commission of Sakrebulo will periodically study the issue of mandatory attendance of the official at the commission session and hearing of the official at the commission session. For this purpose, Sakrebulo commissions will send, no later than 5 days after the end of each 6-month period of the calendar year, a request regarding the hearing of an official to the Legal, Mandate, and Human Rights Protection Commission. This includes requests for the official's invitation to the commission meeting, as well as information regarding the official's attendance or the arrangement of the hearing at the commission meeting. The Legal, Mandate, and Human Rights Protection Commission of Sakrebulo will examine the received information within 15 days after the expiration of the deadlines set for the commissions and will take appropriate action if necessary, including developing recommendations. The results of the examination will be presented to Bureau, and the relevant information will be published on the Sakrebulo 's website. The official's request for a hearing at the commission meeting and the

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<sup>151</sup> Mestia Sakrebulo meeting minutes: N10 of October 31, 2024, N2 of February 29, 2024, N5 of May 31, 2024 and N6 of June 28, 2024.

<sup>152</sup> Regulations of the Zugdidi Sakrebulo, Article 25, Paragraph 2.

<sup>153</sup> Regulations of the Parliament of Georgia, Article 40.

<sup>154</sup> Regulation of Zugdidi Sakrebulo, Article 33<sup>5</sup>.



requests for the official's invitation to the commission meeting will also be published on the Sakrebulo's website.

The regulations of Lentekhi Sakrebulo provide for the same redaction, in which, like Zugdidi, the mentioned changes were made in October 2023.<sup>155</sup>

According to Paragraph 2 of Article 23 of the Regulations of Batumi Sakrebulo, an official of the City Hall, as well as the head of a business or non-business legal entity under the municipality, is authorized, and in case of request, is obliged to attend the commission's meetings, answer the questions asked at the meeting and submit a report on the activities performed. The content is the same in paragraph 3 of Article 97. According to the regulations of Ozurgeti Sakrebulo, the officials accountable to the Sakrebulo, at the request of the commission, are obliged to submit relevant documents, conclusions and other materials within the deadline set by the commission, to attend the commission's meetings, to answer the questions asked at the meeting and to submit a report on the activities performed.<sup>156</sup> However, this norm is written only in the article of the commission's list of powers, and the additional procedure is not established by a separate norm. In addition, it does not contain a specific rule of summoning - how the decision to summon to a commission meeting is made, in what time an official must appear at the meeting, how many times he can be summoned, as well as which officials can be summoned at the meeting. A similar regulation in the regulations of Chokhatauri Sakrebulo.<sup>157</sup>

The regulations of Mestia Sakrebulo do not provide for this mechanism.

## Practice

The commissions of Lentekhi, Zugdidi, Chokhatauri, and Sakrebulo failed to invite accountable persons as mandated. According to the response from Batumi Sakrebulo, there is no established practice of inviting accountable officials to commission meetings (mandatory attendance).<sup>158</sup> However, the minutes provided by Sakrebulo indicate that members raised the issue of inviting officials during the statements section. For example, both the chair of Sakrebulo and a representative from the opposition party brought up the matter of inviting an accountable official during the meeting. Nevertheless, there are no records of any developments regarding this issue in either the commission or Sakrebulo meeting minutes thereafter.<sup>159</sup> From the minutes of Ozurgeti meeting, it was not clear whether the officials submitted a planned report or were invited to the meeting in a mandatory manner. Therefore, it is difficult to assess how the process works in practice.

## 19. The faction's right to a written question

### Normative regulation

Similar to a written question from an individual member of Sakrebulo, the regulations of Sakrebulo other than Chokhatauri also provide for the right of a faction to submit written inquiries. Specifically: According to the regulations of Zugdidi Sakrebulo, the faction has the right to ask questions to the bodies created by Sakrebulo and to the officials accountable to Sakrebulo.<sup>160</sup> As

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<sup>155</sup> Regulation of Lentekhi Sakrebulo, Article 33<sup>5</sup>.

<sup>156</sup> Regulations of the Ozurgeti Sakrebulo, Article 25, Paragraph 2.

<sup>157</sup> Regulation of Chokhatauri Sakrebulo, Article 20, Paragraph 2.

<sup>158</sup> Letter N15-15242048 of Batumi Sakrebulo dated July 22, 2024.

<sup>159</sup> Minutes of the N1 meeting of the Batumi Municipality Sakrebulo on January 31, 2024.

<sup>160</sup> Regulations of the Zugdidi Sakrebulo, Article 37, Clause 1, Sub-Clause "L".

previously noted, the subject of a written inquiry is an individual member of Sakrebulo. However, this does not exclude the right of a faction, as a collective body, to send inquiries to accountable entities in its name. According to the regulations of Sakrebulo of Batumi, Ozurgeti, Mestia, and Lentekhi, a faction has the right to address questions to the bodies established by Sakrebulo and to officials accountable to Sakrebulo.<sup>161</sup> The aforementioned norms contain a flaw in that there is no established deadline for receiving answers, which is why this tool could render this tool ineffective in practice.

## Practice

The factions in Batumi,<sup>162</sup> Zugdidi,<sup>163</sup> Ozurgeti<sup>164</sup> and Mestia<sup>165</sup> Sakrebulo have not addressed written questions to the accountable persons. According to the response of Lentekhi Sakrebulo, the "Georgian Dream - Democratic Georgia" faction often writes letters to accountable persons on various issues (including infrastructure projects) and invites them to meetings.<sup>166</sup>

## 20. Summoning of an official to the session of the Sakrebulo

### Normative regulation

Like the commission, the regulations of two Sakrebulo—Zugdidi and Lentekhi—also provide for the procedure for summoning accountable officials to Sakrebulo meetings (mandatory attendance). These changes were made to their regulations in October 2023. Prior to this, the regulation of Zugdidi municipality considered the summoning of officials accountable to the Sakrebulo as a procedural right.<sup>167</sup> Decisions on procedural matters would be made by a majority of the attending members at the meeting or by the chairperson's proposal without a vote, provided that no attending Sakrebulo member expressed a dissenting opinion.<sup>168</sup> This norm did not specify who could be the initiator of the issue. There was also a problem with the quorum: the majority of those present could represent a very small number of Sakrebulo members, raising questions about the legitimacy of the decision. Additionally, the resolution of this issue by the chairperson of the Sakrebulo was not justified, as there was no clear decision-making subject in this regard. Similar provisions and, consequently, shortcomings still exist in the regulations of Chokhatauri and Ozurgeti Sakrebulo. Meanwhile, the regulations of Batumi and Mestia Sakrebulo do not recognize this mechanism at all.

With the new edition of the regulations of Zugdidi and Lentekhi Sakrebulo:<sup>169</sup>

Based on a request from the Sakrebulo commission or faction, an official accountable to the Sakrebulo may be invited to a Sakrebulo meeting by a decision of the majority of the votes from those present, provided that at least one-third of the full composition of the Sakrebulo is represented. Each invited official is required to attend the session of the Sakrebulo, respond to

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<sup>161</sup> Regulations of the Batumi Sakrebulo, Article 31, Clause 5, Sub-Clause "L", Article 33, Clause 2 provides for a similar right; Regulations of the Ozurgeti Sakrebulo, Article 36, Clause 1, Sub-Clause "I"; Regulations of Mestia Sakrebulo, Article 39, Paragraph 1; Regulations of Lentekhi Sakrebulo, Article 36, Clause 1, Sub-Clause "L".

<sup>162</sup> Letter N15-15242048 of Batumi Sakrebulo dated July 22, 2024.

<sup>163</sup> Letters of Zugdidi Municipality Sakrebulo N25-25240735 of March 13, 2024 and N25-25241993 of July 17, 2024

<sup>164</sup> Letter N37-37241977 of Ozurgeti Municipality Sakrebulo of July 15, 2024.

<sup>165</sup> Letter N135-135241911 of Mestia Sakrebulo dated July 9, 2024.

<sup>166</sup> Letters N97-97233343 of November 30, 2023 and N97-97241911 of July 9, 2024 of Lentekhi Municipality Sakrebulo.

<sup>167</sup> Regulations of the Zugdidi Sakrebulo, Article 60, Clause 1, Sub-Clause "I".

<sup>168</sup> Ibid, Paragraph 2.

<sup>169</sup> Regulations of the Zugdidi Sakrebulo, Article 113<sup>3</sup>, Lentekhi Zugdidi Sakrebulo, Article 116<sup>3</sup>.

questions posed during the meeting in accordance with the procedures established in this article, and present a report on their activities.

After hearing the official, the Sakrebulo will vote on whether to issue recommendations to the relevant official. The deadline for submitting recommendations is indicated in the same decision. In case of making this decision, the subjects with the right to initiate the legal act according to the regulation have the right to initiate the draft of the relevant decree. The draft of the decree is reviewed and adopted in the manner established by the regulations.

## Practice

According to the response from Ozurgeti Sakrebulo, the minutes of the sessions recorded instances where mandatory invitations were issued. However, it was not clear from these minutes whether the attendance of individuals was due to the submission of regular reports or because of an invitation to the Sakrebulo session. In the case of Zugdidi Sakrebulo, no accountable persons were invited in a mandatory manner, except for the scheduled hearing of other reports, which are predetermined and do not rely on the initiative of the Sakrebulo. Nevertheless, officials accountable to the Sakrebulo were present at both Sakrebulo and Commission meetings, where issues were discussed and relevant answers provided.<sup>170</sup>

According to the response of Lentekhi Sakrebulo, there was no invitation of the official on special issues at the initiative of the Sakrebulo. According to their information, these persons attended the sessions regarding the discussed issues.<sup>171</sup> However, based on the letters they provided, it was evident that in September 2023 (under the old version of the regulations), the municipality's mayor was invited to the Sakrebulo session at the decision of the faction to provide information on a specific issue.<sup>172</sup>

## 21. Summoning of the accountable official by the faction to the faction session

### Normative regulation

The regulations of the Sakrebulo of Batumi and Mestia provide for the summons of accountable officials to their respective faction meetings (mandatory attendance). For instance, according to Article 39, Paragraph 2 of Mestia Sakrebulo's regulations, officials from the municipal government are authorized and, upon request, required to attend faction meetings, respond to questions raised during the session, and present reports on their activities. This requirement is similarly outlined in Article 33, Paragraph 3 of Batumi Sakrebulo's regulations.

The mentioned provision allows factions to summon municipal officials to their meetings. Generally, inviting an individual to any collegial body's meeting and requesting answers to questions entails presenting arguments and engaging in debate from both sides. For this process to be meaningful, it is essential to have representation from two political perspectives, ensuring that the public is informed not only of one party's stance but also of the views of other political entities represented in the Sakrebulo. Summoning an official to a faction meeting risk presenting only the perspective of a single political party, thereby excluding alternative viewpoints on the matter at hand. Consequently, granting such authority to factions undermines this principle of balanced representation and discourse. Instead, the Sakrebulo's regulations could incorporate mechanisms similar to those in parliament, allowing factions to summon accountable individuals

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<sup>170</sup> Letter N25-25240735 of Zugdidi Municipality Sakrebulo dated March 13, 2024.

<sup>171</sup> Letter N97-97232302 of Lentekhi Sakrebulo dated August 18, 2023.

<sup>172</sup> Letter N97-97233343 of Lentekhi Municipality Sakrebulo of November 30, 2023.

to committee meetings. Specifically, a faction would have the right to invite an accountable individual to a commission meeting if they have a member on that commission. This approach would facilitate comprehensive debates around the relevant issues, ensuring that the public is informed not only through the ideological lens of a single political party but also by hearing the positions of all parties represented in the commission.

## Practice

Neither the Sakrebulo of Batumi<sup>173</sup> nor Mestia<sup>174</sup> have recorded any initiative by a faction to summon an accountable individual to their respective sessions.

## 22. Thematic speaker

### Normative regulation

According to Chokhatauri Sakrebulo's regulations, at the first organizational meeting of the commission, the functions are distributed among the commission members and, if necessary, commission working groups are created from the commission members according to the grouping of uniform functions assigned to the commission's authority.<sup>175</sup> This mechanism is similar to the thematic speaker of a committee at the parliamentary level. However, in Parliament, the thematic speaker is appointed on the topics (sphere/direction) provided for by the action plan of the committee, and can be an individual Sakrebulo member.<sup>176</sup> A thematic speaker is appointed in the parliamentary committee for the purpose of better management of law-making, oversight and other activities of the parliament, as well as ensuring the quality of activities and distribution of work among the members of the parliament.<sup>177</sup> The work field/fields or direction/directions of the thematic speaker in the Parliament are determined annually, in accordance with the action plan of the committee.<sup>178</sup> The regulations of Chokhatauri Sakrebulo do not contain such additional regulations. In addition, as can be seen from the norm, the distribution of topics among the members of the commission or the creation of relevant groups takes place at the first organizational session of the commission. However, the principle of redistribution of topics, the procedure, the possibility of changing them, issues of accountability of the relevant members are not clear from the norm. There is a similar arrangement in the regulations of Ozurgeti Sakrebulo,<sup>179</sup> Additionally, the regulations of Zugdidi and Lentekhi Sakrebulo contained similar provisions prior to the changes made in October 2023. Among them, the Zugdidi Sakrebulo replaced this institution with a structure similar to that of the Parliament of Georgia, while the Lentekhi Sakrebulo, in amendments made to the regulations in October, retained the thematic speaker as a form of control in name only, but removed the associated control procedures.

According to the new edition of the regulations of Zugdidi Sakrebulo, the institution of the thematic speaker is regulated as follows:<sup>180</sup> In order to better manage the legislative and oversight activities of the Sakrebulo, ensure the quality of work, and distribute labor among Sakrebulo members, a member of the commission may serve as a thematic speaker within the scope of the commission's competence. The areas or directions of the thematic speaker's work are determined according to the commission's work plan. The chairperson of the commission appoints thematic

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<sup>173</sup> Letter N15-15242048 of Batumi Sakrebulo dated July 22, 2024.

<sup>174</sup> Letter N135-135241911 of Mestia Sakrebulo dated July 9, 2024.

<sup>175</sup> Regulation of Chokhatauri Sakrebulo, Article 23, Paragraph 2.

<sup>176</sup> Regulations of the Parliament of Georgia, Article 45.

<sup>177</sup> Ibid, 1 Paragraph.

<sup>178</sup> Ibid, 2 Paragraph.

<sup>179</sup> Regulations of Ozurgeti Sakrebulo, Article 28, Paragraph 2.

<sup>180</sup> Regulation of Zugdidi Sakrebulo, Article 33<sup>3</sup>.

speakers for the duration of the commission's work plan, considering initiatives from commission members. For each area or direction outlined in the commission's work plan, there should be one thematic speaker responsible, selected from the members of the Sakrebulo who are part of the majority, and optionally, one thematic speaker from the members of the opposition factions and independent Sakrebulo members. If a majority is not established in the Sakrebulo, the rules set forth in this clause apply to the factions. The appointment of a third and any subsequent thematic speaker in the same area or direction is permitted at the discretion of the commission chairperson.

If no commission member volunteers to serve as a thematic speaker in the work area or direction outlined in the commission's work plan, the commission chairperson will determine the identities of the thematic speakers. A consolidated list of thematic speakers, specifying the corresponding work area or direction, will be published on the Sakrebulo's website by the commissions. The thematic speaker is obligated to analyze issues (including draft legal acts) within the scope of the commission's competence according to their assigned work area or direction and to prepare a report that they will present to the commission during discussions of the issue.

The regulations of Mestia Sakrebulo recognize such an institution as the thematic speaker, although with a different wording from the others. In particular, according to the regulations of Mestia Sakrebulo, the session of the Sakrebulo, the Bureau, the Commission is authorized to appoint a speaker or a group of speakers from among the members of the Sakrebulo, who chooses the main speaker from among their members, in order to study the current issue and prepare the draft of the relevant decision. The speaker is responsible for establishing the study plan and schedule for the issue, determining the specialists involved in the study, leading the examination of the issue, and is accountable for the development and preparation of the decision project. The speaker appointed by the Sakrebulo has the right to request and receive any information (including confidential information) and written explanations on any matter from the municipality and other state administrative bodies. The speaker will present the decision project for consideration to the Sakrebulo's bureau or the commission's session.<sup>181</sup>

## Practice

According to the information requested from Lentekhi Sakrebulo, under the conditions of the old edition, the mentioned mechanism was not used in the reporting period.<sup>182</sup> The same result was revealed from the answer of Zugdidi Sakrebulo, nor was there any information about the distribution of functions from the minutes of the first organizational sessions of the Sakrebulo Commissions. However, the work plan of the commission was prepared by the commissions, which was approved by the Bureau of the Sakrebulo (the person responsible for the activity planned by the commission was determined by the Commission on Legal, Mandate and Human Rights Protection Issues).<sup>183</sup> Although the regulation of Zugdidi Sakrebulo already regulates the institution of the thematic speaker, it has not yet been used in practice.<sup>184</sup>

According to the information requested from Chokhatauri Sakrebulo, no distribution of functions among commission members occurred, nor were any working groups formed within the commission.<sup>185</sup> However, as it is clear from the minutes of the commission meetings, the commissions do develop quarterly activity plans, outlining issues and designating responsible individuals in a tabular format. According to these minutes, the plans are submitted to the Mandate,

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<sup>181</sup> Regulations of Mestia Sakrebulo, Article 108.

<sup>182</sup> Letter N97-97232302 of Lentekhi Sakrebulo dated August 18, 2023.

<sup>183</sup> Letter N25-25232308 of Zugdidi Sakrebulo dated August 18, 2023.

<sup>184</sup> Letter N 25-25241993 of Zugdidi Sakrebulo dated July 17, 2024.

<sup>185</sup> Chokhatauri Sakrebulo letter N47-47232306 of August 18, 2023.

Procedural, and Ethics Commission for approval by the Bureau of the Sakrebulo when formulating the corresponding quarterly work plan. This practice resembles the role of thematic speakers at the parliamentary level, although the regulations of the Sakrebulo do not explicitly reference this mechanism by name. The plans indicate that, in most instances, the chairpersons of the commissions are designated as the responsible individuals, while representatives from the opposition are seldom included. This approach demonstrates that one of the primary objectives of this mechanism—the equitable distribution of tasks among commission members—is not being ensured.

The practice of using this mechanism was revealed from the minutes of the meetings of the commissions of Ozurgeti Sakrebulo: all the commissions created 2 or 3 working groups in the first organizational sessions regarding the thematic areas within their competence.<sup>186</sup> It should be noted that Ozurgeti Municipality Sakrebulo approved the strategy and action plan of 4 commissions in April 2024, where the thematic speaker is mentioned as responsible for the performance of activities.<sup>187</sup> Nevertheless, the Sakrebulo has not yet distributed the activities defined in the action plan among the members.

According to the response from Mestia Sakrebulo, a speaker or a group of speakers was not appointed in accordance with the regulations on any issue at the initiative of the Sakrebulo.<sup>188</sup> It is important to note that the commissions of Mestia Municipality Sakrebulo have developed strategies and action plans that outline specific goals, tasks, and activities. These plans also designate thematic speakers responsible for each area, which will facilitate evidence-based work and ensure the effective distribution of responsibilities among commission members.<sup>189</sup> Despite the fact that the commissions of the Sakrebulo did not approve the action plans during the reporting period, draft strategies and action plans are published on Mestia Municipality website.<sup>190</sup>

## 23. Thematic inquiry

### Normative regulation

As of today, only the regulations of Zugdidi Sakrebulo fully incorporate the Institute of thematic inquiry among the Sakrebulo examined in this report. This change was implemented in November 2023 in collaboration with GYLA and is set to take effect from January 2024. Lentekhi Sakrebulo, retained the thematic research institute solely in the list of control implementation forms (which was added to the regulations in October), but eliminated the procedures for implementing this tool in practice.

This institute exists at the level of the Parliament of Georgia, allowing for the examination of current issues and the preparation of draft decisions related to those matters.<sup>191</sup> In Parliament, this tool is actively used by commissions and permanent Sakrebulo,<sup>192</sup> indicating a positive practice in the direction of oversight activities.

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<sup>186</sup> This information was also given by the office of the Sakrebulo: Ozurgeti Sakrebulo letter N37-37232301 of August 18, 2023.

<sup>187</sup> Orders of the Chairman of the Ozurgeti Municipality Sakrebulo of April 23, 2024: #b37.37241142, #b37.37241143, #b37.37241144, #b37.37241145.

<sup>188</sup> Letter N135-135232272 of Mestia Sakrebulo dated August 15, 2023.

<sup>189</sup> See the official social network of Mestia Municipality Sakrebulo, available at:

<https://www.facebook.com/mestiismunicipalitetis.sakrebulo/videos/1152155462887765>, updated: 17.09.2024.

<sup>190</sup> See Mestia Municipality website, available at: <https://mestia.gov.ge/ge/node/1492/>, updated: 17.09.2024.

<sup>191</sup> Regulations of the Parliament of Georgia, Article 155.

<sup>192</sup> see Thematic inquiry reports on the website of the Parliament, <https://parliament.ge/supervision/thematic-inquiry>, updated:



Taking into account that more than 30 issues or areas belong to the competence of local self-government bodies,<sup>193</sup> while the power of their normative regulation is in the hands of the Sakrebulo, essential importance is attached to the expert study of these directions, to outline challenges and to offer recommendations to the executive bodies. By implementing the mechanism of thematic inquiry, the Sakrebulo will have the opportunity to establish thematic inquiry groups within its commissions. This will allow them to invite experts and specialists to identify and highlight challenges in specific fields based on evidence-based research. The Sakrebulo can then propose corrective measures to the executive body. Consequently, the Sakrebulo will be able to monitor the implementation of these recommendations, enhancing the effectiveness of the executive branch's activities in the municipality through improved oversight.

The regulation of Zugdidi Sakrebulo regulated the issue of thematic inquiry in the same way as the Parliament.<sup>194</sup>

## Practice

Zugdidi Sakrebulo's meeting agendas, accessible on the official social media page, indicate that the Sakrebulo commissions did not undertake any thematic inquiry during the reporting period. This is concerning, especially given the significant challenges facing the municipality of Zugdidi. The disruption of the Sakrebulo's operations during this period has adversely impacted the utilization of several mechanisms, including thematic inquiry.

## 24. Response measures for the breach of RoP

### Normative regulation

Except for Mestia and Batumi, the regulations of other Sakrebulo stipulate that the chairperson of the Sakrebulo is responsible for overseeing the adherence to the Sakrebulo's regulations, while the chairperson of the meeting is tasked with ensuring compliance with these requirements during Sakrebulo sessions.<sup>195</sup> Although the title of the relevant chapter is the observance of the regulations of the Sakrebulo and responsibility for its breach, it does not provide for any measure of responsibility. In October and November 2023, Zugdidi and Lentekhi Sakrebulo amended their regulations to clarify the breaches and corresponding response measures. However, they subsequently removed these provisions and reverted to the previous arrangement. The regulations of Batumi Sakrebulo do not provide for any measures of accountability or response at all.

In contrast, the regulations of Mestia Sakrebulo specify the grounds for accountability and the measures to address breaches. These provisions are essentially similar to those outlined in the Parliament's regulations. Specifically, responsibility for breaches of the Sakrebulo's regulations falls on the officials of the municipality's City Hall, as well as other officials required to participate in the activities of the Sakrebulo, in accordance with the law and the rules established by these regulations.<sup>196</sup>

The question of an official's responsibility arises in relation to the following breaches:

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<sup>193</sup> Exclusive and Voluntary Powers of Local Self-Government, Local Self-Government Code, Article 16.

<sup>194</sup> Regulation of Zugdidi Sakrebulo, Article 33<sup>4</sup>.

<sup>195</sup> Lentekhi Sakrebulo Regulation, Article 137, Zugdidi Sakrebulo Regulation, Article 138, Ozurgeti Sakrebulo Regulation, Article 137, Chokhatauri Sakrebulo Regulation, Article 130.

<sup>196</sup> Regulation of Mestia Sakrebulo, Article 140, Paragraph 1.

- a) Invited to discuss the issue but is not attending;
- b) Violates the procedure established for answering the question of a member of the Sakrebulo;
- c) Does not attend to the hearing appointed by the Sakrebulo meeting;
- d) Provides distorted or incorrect information to the Sakrebulo;
- e) Does not comply with resolutions and recommendations of the Sakrebulo;
- f) It creates obstacles for the member of the Sakrebulo in exercising the rights granted by the Regulations of the Sakrebulo of Mestia and other legislative and subordinate normative acts of Georgia.<sup>197</sup>

In each of these cases, the Commission of Procedural Issues will consider the fact of violation of the regulation and will transfer the matter to the Bureau of the Sakrebulo for appropriate response.<sup>198</sup>

As for response measures, the Sakrebulo applies the following forms of response to violations of the regulations:

- a) Adopts a resolution or decision regarding the specific official in order to implement the appropriate measures for response as provided by Georgian legislation and regulations;
- b) Addresses the head of the municipal executive body or state agency with a proposal regarding the accountability of the official under their control.<sup>199</sup>

In addition to these measures, the regulations of Mestia Sakrebulo lack explicit provisions for direct accountability; however, they do suggest possible additional mechanisms for implementing the controlling function. In particular, the implementation of the controlling function by the Sakrebulo may result in the creation of an interim working group or the discussion of the issue at a Sakrebulo meeting and making a political decision.<sup>200</sup>

This rule of responsibility provided by the regulations of Mestia Sakrebulo is one of the good regulations at the level of the municipality Sakrebulo and is recommended for adoption by other Sakrebulos.

## Practice

The accountable bodies and individuals in the Sakrebulos have not taken any measures to respond to breaches of the regulations.

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<sup>197</sup> Ibid, Paragraph 2.

<sup>198</sup> Ibid, Paragraph 3.

<sup>199</sup> Ibid, Article 141.

<sup>200</sup> Ibid, Paragraph 4 of Article 107.



## SUMMARY

The monitoring of the municipality Sakrebulo's oversight activities revealed essential gaps in both the legal framework and the practical implementation of oversight mechanisms. In many cases, oversight instruments are either incomplete, inconsistent, or not regulated at all within the normative framework. For example, tools such as hearing reports, written questions, control of decision execution, mandatory attendance, and others contribute to the weakness of the oversight process, resulting in inefficiency and a lack of accountability from the executive branch. Additionally, during the reporting period, the Sakrebulo, the Commission, and its members did not utilize mechanisms such as mandatory invitations for accountable officials to attend commission sessions, interpellation, the formation of interim working groups, or oversight of decision execution. In many instances they also did not invite an independent audit and did not send written questions to accountable individuals.

To address these issues, the Georgian Young Lawyers' Association presented a draft amendment to the regulations to the Sakrebulo last year; however, apart from the Sakrebulo of Zugdidi and Lentekhi, other Sakrebulos have not yet introduced changes to the normative framework. As a result, several problematic issues and their improvement strategies related to each oversight mechanism remain on the agenda.

In order to prevent the fragmentation of oversight data, the Sakrebulo of Zugdidi and Lentekhi have strengthened the role of the commissions and their staff in the collection and processing of information at the normative level. They established a new section on their websites dedicated to publishing information on the use of oversight mechanisms. If implemented correctly, this initiative will promote accountability and transparency. However, in both cases, the effective practical use of these mechanisms remains an ongoing issue.

Establishing proper procedures in the Sakrebulo regulations will enhance the effectiveness of existing mechanisms. Furthermore, adding an oversight section to the Sakrebulo's website will improve transparency by allowing for the upload of information and documents related to the use of these mechanisms. And, in order to increase the accountability, it is important to put more emphasis on strengthening control from the side of the Sakrebulo commission, which will be possible by accepting the proposed changes, having political will and introducing new mechanisms, such as thematic inquiry.

Taking into account the measures to be implemented in the report, it will be possible to strengthen democratic institutions in municipalities and respond to the needs of citizens.

## WAYS TO IMPROVE

After identifying gaps through monitoring, GYLA has formulated strategies to enhance each oversight mechanism for the target municipalities. The proposals outlined below pertain to specific mechanisms, with indications of the municipalities to which they apply to; in some instances, the improvements are relevant to all municipalities involved.

### **Approval of regulations and staff lists of the City Hall and its structural units**

- The proposed amendments to the regulations of the City Hall, its structural units, and their staffing lists must be presented at the Sakrebulo session by the mayor, deputy mayor, or a representative from one of the mayor's structural units. Additionally, a representative from the relevant Sakrebulo commission may act as a co-rapporteur for these amendments.

### **Written questions**

- Regarding the normative base (except for Lentekhi and Zugdidi):

- In the regulations of the Sakrebulo, the rules and deadlines for both submitting and answering written questions should be written in more detail;
- The written question mechanism should not cover the interpellation procedure in both content and procedure;
- The regulations should include a clear obligation to address the handling of personal information, commercial data, or professional secrets in written responses. However, it should also be explicitly stated that such information or documents must not be made public;

- For practice:

- It is important that the Sakrebulo, in practice, distinguishes this mechanism of oversight over the City Hall from other instruments (for example, oral questions);
- It is important that there is a practice of recording written questions in the office of the Sakrebulo, in particular, documenting the questions submitted by indicating the date of submission and the addressee;
- It is important that the Sakrebulo's apparatus receives at least statistical information on questions submitted via e-mail;
- Answers to written questions, indicating the dates, as well as relevant documents should be published on the website of the Sakrebulo, in a special tab created for oversight;
- It is important that the municipality Sakrebulo frequently uses this oversight mechanism in practice regarding the mayor's office. This will support the Sakrebulo in carrying out evidence-based oversight activities, ensuring more effective monitoring and control over executive actions.

### **Personal meetings with the accountable persons**

- Given the significance of the objectives and topics discussed during meetings with accountable persons, it is important for Sakrebulo members to include not only the details

of these meetings in their annual reports but also the outcomes achieved as a result of these meetings;

- The Sakrebulo should compile and issue general statistical information about such meetings, which would indicate the effectiveness of the use of this oversight mechanism.

### **Right to receive information**

- It is advisable to integrate this mechanism with the written question procedure or clearly define the deadlines for submitting the letter and receiving the response.

### **Budget performance reports**

- The regulations should specify the exact procedure for reviewing the quarterly report on the progress of budget implementation (submission and review deadlines, reviewing entity, response measures);
- In addition, the grounds for negative assessment and the process for issuing recommendations should be established;
- For issues initiated by the mayor, the primary speaker must be a representative of the same agency (such as the mayor in the case of the budget), while the entity of the Sakrebulo may serve only as a co-speaker.
- Given the significance of the budget execution report, it is imperative that the mayor or their deputy presents these documents at the Sakrebulo meeting. This practice will uphold the standard of democratic accountability and ensure that the responsibility for implementing the municipality's primary financial document does not fall solely on civil servants.

### **Annual and extraordinary reports of the mayor**

- It is important that the regulations of the municipality Sakrebulo (except for Zugdidi and Lentekhi) provide for a separate procedure for reviewing the mayor's annual report (including the estimated dates of submission and review);
- Similar to the budget implementation report, the Sakrebulo should have the authority to evaluate the mayor's annual report as either satisfactory or unsatisfactory;
- The mayor's activity report must be presented annually, after the end of the reporting year.
- To enable members of the municipality Sakrebulo to effectively process the report and prepare relevant questions for the corresponding session, the report should not be added to the agenda during the same session in which it is discussed.

### **Hearing reports by the Bureau**

- **(To the Parliament of Georgia):** It is essential to amend the Local Self-Government Code to transfer the authority to hear reports from municipal officials to the commissions of the municipality Sakrebulo, rather than the bureau.
- **(To the Municipal Sakrebulo):** Prior to the amendment of the code, the procedure for hearing reports should be determined by the regulation, and the Bureau of the Sakrebulo should continue hearing reports in accordance with the schedule developed by it.

## **Oral questions**

- The administration of the Sakrebulo should produce more comprehensive minutes/protocols that capture the discussions surrounding the issues being addressed;
- Distribute the materials to be discussed at the meetings to the members of the municipality Sakrebulo a reasonable time in advance, (e.g., 5 to 7 days prior to the meeting), to ensure they have adequate time to prepare effectively.

## **Hearing the procurement report**

- It is important to write down the procurement report review procedure, including the review period (except for Lentekhi and Zugdidi);
- It is important to establish the possibility of categorizing the report as satisfactory or unsatisfactory. In the case of an unsatisfactory assessment, this should trigger the implementation of a stricter oversight mechanism;
- The mayor is required to adhere to legislative mandates by submitting an annual procurement report to the Sakrebulo. This report should be reviewed by both the relevant commissions and the Sakrebulo as a whole;
- The procurement report should be kept separate from the activity report of the procurement department.

## **Creation of an interim working group**

- (To Mestia Sakrebulo) Provisions that serve as the basis for creating a temporary investigative commission at the level of the Parliament of Georgia should be removed from the criteria for establishing a temporary working group;
- (To the Parliament of Georgia) To enhance the role of the opposition, it would be beneficial to lower the quorum for establishing an interim working group to require a majority of those present, but not less than one-quarter of the total membership;
- It is essential to independently establish the procedure for electing the chairperson of the interim working group, specifying who can nominate candidates, who is responsible for the election, and the required quorum. The chairperson should be elected by the members of the interim working group rather than by the Sakrebulo, as is the case with the election of commission chairpersons. To implement this, an amendment to the Code should be prioritized;
- It is essential to establish a provision in the regulations that outlines the subjects entitled to initiate the creation of a working group. Specifically, it would be more effective to allow a clearly defined number of members of the Municipality Sakrebulo to have the right to propose the formation of a working group, rather than permitting this action by an individual member;
- It is essential to clarify the general rule regarding the composition of the commission. For instance, the commission could be formed based on the principle of proportional representation, reflecting both factional and non-factional members, as stipulated by the Code;
- It is important to specify that the powers of the working groups should be suspended for a

designated period (for example, one month) before the expiration of the Sakrebulo's term. Additionally, there should be a written requirement for these groups to submit a report on their activities during this time.

### **Declaration of no confidence**

- **(To the Parliament of Georgia):** It is important to amend the Local Self-Government Code to reduce the quorum for initiating the procedure of no confidence against the mayor to one-third of the Sakrebulo members.

### **Appeal to the court of the administrative-legal act of the executive body and officials of the municipality by the Sakrebulo**

- To prevent practical challenges, it would be beneficial for the regulations to incorporate additional procedures for appealing the administrative-legal acts of the mayor, City Hall officials, or other officials to the court (excluding Zugdidi).

### **Interpellation**

- The commission should be excluded from the subjects of interpellation, and the minimum number of Sakrebulo members required to form a faction from among non-factional members should be set at three Sakrebulo members to exercise this right;
- The chairperson of the Sakrebulo should not be the addressee of the interpellation, and deputy mayors should be added to the list of addressees;
- The regulations should address interpellation by clearly defining several key aspects: the deadline for accountable officials to submit written answers, the duration of time allotted for presenting answers during Sakrebulo sessions, and a specific maximum time limit for speeches (rather than a minimum of 15 minutes). Additionally, the regulations should outline the rules for debates, including the order of speakers, time limits for each speaker, and provisions for closing remarks. If the general debate procedures outlined in the regulations apply to these discussions, this should also be explicitly stated in the article;
- It is essential that the norm of limited debates does not apply to interpellation debates;
- A part of the interpellation procedure should become a debate procedure and it should not depend only on the initiator's preference;
- It is essential to shorten the timeframe for a public official's appearance before the Sakrebulo for interpellation to one month;
- Following the interpellation, the Sakrebulo's decision should be clarified, and it is important to link it to a stricter oversight mechanism, such as a vote of no confidence in the case of the mayor;
- Periodic utilization of this mechanism by relevant members of the Sakrebulo is encouraged, as it will enhance oversight practices within the municipality.

## **Control over the execution of decisions**

- The regulations (excluding Zugdidi and Lentekhi) should clearly articulate the bases, goals, and deadlines associated with control procedures for executing decisions. This control should encompass not only oral formats but also mandate the preparation of written reports. Additionally, the regulations should allow for oversight not only through a comprehensive list of normative acts but also concerning individual normative acts. It is advisable for the Sakrebulo to draw upon the experience of the Parliament in this regard;
- It is important to modify the mechanism of "control over the execution of decisions," as outlined in the regulations of the Sakrebulo, to establish it as an authority of the Sakrebulo Commission;
- To enhance the effectiveness of this mechanism in practice, it is advisable to designate a legal entity of private law, established by the municipality, to present the information. Alternatively, the regulations could specify that the relevant commission is responsible for this presentation. Additionally, the pertinent service of the City Hall should provide information to the commission, which, as the entity holding this oversight tool, will then compile and submit a unified report to the bureau;
- It is essential that the responsibility for preparing assessments and determining response measures related to this control mechanism be assigned to the commission rather than the bureau. Furthermore, if the commission initiates an issue, it should be discussed at the session of the Sakrebulo;
- It is necessary to clearly define the competence of the chairperson of the commission concerning the oversight of the implementation of decisions made by the commission;
- The specific response measures that may be used should be specified;
- It is appropriate for this provision to include the obligation of relevant officials to clearly document the activities undertaken in connection with the implementation of received decisions in their reports;
- It is desirable to develop a practical guide in terms of controlling the decisions made, which will make it easier for the commissions to use this mechanism in a methodological and systematic manner;
- In practice, the Sakrebulo should periodically utilize this tool, as it facilitates the verification of the implementation of Sakrebulo activities, allowing for the identification and modification of deficiencies.

## **Control over the activities of structural units of the City Hall**

- The mechanism for hearing officials at the meetings of the commissions should be fully written in the regulations of the Sakrebulo.

## **Presentation of the report of the activities performed by the legal entity of private law established by the municipality**

- The regulation should incorporate the requirement for a private legal entity established by the municipality to submit an activity report as an independent oversight mechanism. This provision should be explicitly detailed as a separate norm, specifying the following

elements: the initiator of the report submission, the timeframe for review, the designated addressee of the report, and the corresponding response measures to be taken based on the findings presented;

- Every year, the Bureau of the Sakrebulo shall develop a schedule specifying the dates for hearing the reports of each private legal entity;
- Both the commissions and the Sakrebulo, after reviewing this type of report, instead of accepting it as a report, should make a decision that reflects the evaluation of the commission/Sakrebulo and includes recommendations.

### **Summoning of an official to the commission session (mandatory attendance)**

- From the point of view of the systematic content of the regulation, it is appropriate to group the oversight mechanisms of the Commission into one chapter;
- Additionally, the regulations should clearly outline the rule of mandatory attendance, specifying the process for inviting officials to commission sessions. This includes detailing how the decision to invite an official is made, who is responsible for sending the invitation, the time frame within which the official must appear at the session, and the maximum number of times an official can be invited;
- Factions should be able to invite an accountable official to the commission session, provided that the faction has a member in the relevant commission (in this case, a regulation change is required).

### **The faction's right to a written question**

- It is important that the mechanism for submitting written question by a faction stipulates a deadline for receiving a response from the accountable body. This deadline can be defined independently or reference the timeframe established for responses to written questions submitted by individual members;
- It is important that factions, in practice, give a more formalized look to the use of this tool, reflect it in the minutes of the faction meetings, or communicate with the accountable bodies through the apparatus (it is also possible for the faction to inform the apparatus of general statistics, how many times the faction used the query mechanism).

### **Summoning an accountable person to the session of the Sakrebulo**

- It is important to introduce a mechanism for inviting an accountable person to the Sakrebulo session within the regulations of the Sakrebulo (excluding Lentekhi and Zugdidi). This mechanism should specify that either a fraction or a commission can serve as the initiating entity for such invitations;
- Establish a minimum quorum, for example, 1/3 of the members, with the majority of attendees as the decision-making entity;
- It is advisable that the chairperson does not have unilateral authority to resolve this issue; the decision to invite an official should be determined solely through a voting process among the members.

### **Invitation of an official to the session of the faction**

- It is preferable to replace the mechanism of summoning an official to the session of the faction in Mestia and Batumi Sakrebulo with a procedure that allows the faction to invite the official to the session of the commission, ensuring mandatory attendance.

### **Thematic speaker**

- It is advisable to enhance the role of the thematic speaker within the Sakrebulo by establishing a comprehensive procedure. Specifically, the appointment of thematic speakers should be aligned with the commission's action plan and the specified fields or directions outlined therein. These appointments should be reviewed and updated annually, coinciding with the work plan updates. Additionally, the procedure for appointing thematic speakers should be clearly defined, including the initiative and decision-making processes. It is also important to incorporate accountability measures for these individuals; for instance, they should be required to present a report related to their assigned field of work or direction at the end of each year during a commission session;
- The institution of the thematic speaker with the same name should be established as a separate norm in the regulations; It should also be possible to appoint both a group and an individual Sakrebulo member as a thematic speaker;
- In practice, the topics outlined in the work plan should not be assigned only to the chairperson of the commission, but should also be distributed to other members of the commission (including representatives of the opposition).

### **Thematic inquiry**

- To add a provision on thematic inquiry to the regulations of the Sakrebulo as an oversight mechanism of the Sakrebulo Commission;
- Specify the authorized entities for creation, the composition procedure, the decision-making process, issues of transparency and proactive publication of information, accountability, and other relevant matters;
- A comprehensive manual should be developed to facilitate the operations of the Sakrebulo. It is advisable for the Sakrebulo to draw upon the experiences and best practices of the Parliament of Georgia in this endeavor.

### **Response measures for violation of the regulation**

- It is important to include a provision in the final chapter of the regulations outlining specific response measures that the Sakrebulo may take in the event of a violation of the regulations by individuals accountable to the Sakrebulo (except Mestia).