

Comune di Bovisio Masciago

Provincia di Monza e Brianza



STATUTE OF BOVISIO MASCIAGO (MB)

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Preamble

The Town Council of Bovisio Masciago establishes this statute as the fundamental rule for its organisation and as guarantee of freedom in the community of Bovisio Masciago in obedience to the Constitution of the Italian Republic.

The Municipality of Bovisio Masciago recognizes in its constitutive values the contents of the Constitution of the Italian Republic and of the international regulations acknowledged by the Italian ordinance especially in reference to the Charter of the United Nations.

It considers, indeed, as inalienable values:

- Freedom and auto-determination of peoples, the preservation of inviolable rights of man and peoples.
- Autonomy and the decentralization of powers in order to confirm the principle of subsidiarity and provide the citizen with a profitable participation in the administrative activity;
- The equality among men without any distinction of race, gender, language, religion, political opinion or social and personal condition in respect to the differences and to the cultures;
- Culture, personal and community values as means of spiritual elevation of the individual and as elements able to promote knowledge and brotherhood between peoples.

Chapter I

STRUCTURE AND AIM OF THE LOCAL GOVERNMENT

Art. 1 – Fundamental principles

1. The municipality of Bovisio Masciago is an autonomous local institution, provided with legal personality of public right, it represents its own community, takes care of its interests, promotes it and coordinates its development.
2. The Township of Bovisio Masciago has a statute, legal, organizational, administrative, impositive and financial autonomy that it exerts within the limits of this charter, of the law and in obedience to the Constitution of the Italian republic.

Art. 2 – Aim

1. The township promotes development and civil, social, cultural and economical progress of its own community according to the values and objectives of the Constitution.
2. The Township aims at the collaboration and cooperation with public and private subjects e and promotes the participation in the administration of citizens and of social, cultural, economical and trade union institutions.
3. The township bases its action on this principles and criteria:
 - a) Sustain in the realization of a global and integrated system of social security and active protection of the person, with particular attention to those weaker subjects, involving in some cases the help of voluntary associations;
 - b) Protection and development of natural, environmental, historical and cultural resources, present in the area, in order to guarantee a better life quality of its citizens;
 - c) Overcoming of economical, social, cultural, and territorial unbalances related to its own area and to the national community;
 - d) Promotion of the social function of the economical initiative, both public and private, even thanks to the development of economical associationism and cooperation.

Art. 3 – Scheduling and forms of cooperation

1. The Township reaches its aims with the method of its scheduling.
2. The township participates to the determination of the objectives contained within the programs of the State and of the Region Lombardy availing itself of the contribution of social, economical, cultural and trade-union institutions operating in its area.

Art. 4 – Territory and Municipal Building

1. The area of the municipality is of 4,9 Km² and borders on the municipalities of Ceriano Laghetto , Cesano Maderno, Desio, Varedo, Limbiate and Solaro.
2. The municipal building is located in Piazza Biraghi 3 and can be modified only with an act of the Municipal Council.
3. The meetings of the elective collegial organs generally take place in the municipal building. For particular requirements the Municipal Council and the other municipal collegial organs can meet in places different from their own site, but within the municipal area.

Art. 5 – “Albo Pretorio”

1. The Municipal Council assigns a proper area within the municipal building for the so-called “Albo Pretorio” for the publication of acts and notices provided for by the law, for the statute and for the regulations.
2. Act and notices should be accessible, full-length and easy to read.
3. The Secretary General deals with the affixing of acts, quoted in the first paragraph, availing himself of a municipal messenger, and after his/her certification, confirm the successful publication.

Art. 6 – Official Coat of Arms and Banner

1. The township in its documents and in its seal identifies itself with the name of Bovisio Masciago (with the official coat of arms granted by the decree of the prime minister dated 10.08.1906).
2. During ceremonies and public recurrences, accompanied by the Mayor or his/her representative, the municipal banner can be displayed in the consented shape (decree of the president of the republic: Reg. n. 8 Presidenza Fog. n. 163 30.06.1958).
3. The use and the reproduction of those symbols for non-institutional aim are forbidden.

Chapter II ELECTIVE BODIES

Art. 7 – Bodies

1. The bodies of the township are the Municipal Council, the Mayor, and the District Council.
2. The Municipal Council is an organ with a political and administrative direction and control.
3. The Mayor is responsible for the administration and is the official representative of the township; exert additionally, the function of Official of Government according to the regulations of the Italian republic.
4. The District Council cooperates with the Mayor in the administration of the municipality and carries out propositive actions for the Municipal Council.

Art. 8 – decisions of Collegial Organs

... Repealed article.

Section I Municipal Council

Art. 9 – Constitutive Principles

1. The Municipal Council, representing the entire community, determines the political direction and exerts a political and administrative control.
2. The Municipal Council, constituted in conformity with the law, has functional and organisational autonomy.

Art. 10 – Competences and Attributions

1. The Municipal Council exert powers and competences established by the statute and by the law, carries out its attributions in line with principles and modalities, procedures established in the Statute and by the law.
2. The Council organises the activity of the municipality through the adoption of fundamental normative, programming, organisational and negotiation acts, which should not have executive nature or great detail and should not fall within the common administration of functions and services.
3. The fundamental acts of the Council should contain the aims, the modality of finding and destination of resources and of the necessary tools.
4. Within 120 days from the date of its proclamation, the Mayor in accordance with the District Council puts forward to the Municipal Council the schedule related to the actions and projects that has the intention to realise during his/her political-administrative mandate. Each city councilman has the faculty of suggesting integrations, modification or adaptation, with the presentation of proper amendments, according to the modality and terms indicated in the Municipal Council regulation. Within the 30th of September of every year the Mayor and Town Councillors, set the state of accomplishment of annual programmes before the Council for its check. At the end of the political-administrative mandate, the Mayor presents to the Council the annual balance-sheet of programmes and projects accomplishment in order to receive its approval. During the mandate, the Council can integrate or modify its schedule, in order to adapt them to the needs, necessities and eventual problems of Bovisio Masciago.

Art. 11 – Convocation

1. The first and the second convocations of the Council are realized by the Head Councillor who establishes the agenda and presides over it according to the regulation.
2. Only after a proper demand, signed by at least one fifth of the councillors, and which contains the arguments for the discussion, the President gather the Council within 20 days, adding to the agenda all the suggested matters, as long as they fall within the Council competence.
3. The President should, according to the criteria established by the regulation of the Municipal Council, guarantee all the information needed by the Councillors on the arguments submitted to the Council.

Art. 12 – Works Development

1. The Municipal Council deliberates with the involvement of, at least, half plus one of the assigned councillors, in first summoning and with the involvement of one third of the Municipal Councillors, in the second summoning and with the majority of the presents, except those cases that require a different majority.

2. Blank ballot papers, not clear or invalid ones are taken into account in order to determine the majority of the voters.
3. The second ballot can take place only in those cases provided for by the law.
4. Councillors who abstain from voting are counted to reach the proper number needed to legitimate the meeting. Their real number is not taken into account.

Art. 13 – Reporting

1. The municipal Secretary-general, with the help of the offices and of the township's staff, reports all the Council deliberations, which have to contain the results, the names of the abstainers, of the favourable, of the "black-balls" and the contents of the declaration of vote.
2. In case s/he is not able to participate, the Secretary-General is replaced by his/her Deputy-Secretary, and whether not present, is replaced by a Councillor appointed by the president.
3. The reports are signed by the president and by the Secretary, only then can be approved by the Municipal Council.

Art. 14 –Council commissions

1. The Municipal Council, with the absolute majority of its members and within its own organization, creates permanent temporary or special commissions. The regulation establishes their number, their competence areas, their functioning and their composition, ensuring that all council groups have the possibility to participate. Commissions can require the involvement of individuals or representatives of organisms whose help is supposed to be necessary and useful for the solution of specific problems.
2. Whether present, the presidency of the commissions with function of control and guarantee, for example those that survey on specific acts of the Municipal Administration, is attributed to a Councillor who belongs to the opposition groups.
3. These commissions are formed only by City Councilmen chosen with a proportional criteria. Both the Mayor and the town councillors competent in the matter take part to the meetings. The Functioning, the composition, the power, the object and the life of these commissions are determined by the regulation of the Municipal Council.

Art. 15 – Commission's Duties

1. The principal duty of permanent commissions is the preparatory examination of the deliberative acts of the Municipal Council in order to promote the best performance possible.
2. Duty of the temporary and special commissions is the examination of general or particular matters identified by the Municipal Council.
3. The regulation should discipline the performance of the following duties:
 - Appointment of the president of the commission;
 - Procedures for the examination and the elaboration of suggestion of possible deliberations.
 - Forms for the extension of the opinions, in case of initiatives for which the competent body and the regulation establish the necessity of a prior consultation;
 - Methods, procedures and conditions for the development of studies, surveys, researches and the elaboration of suggestions.

Art. 16 – The president

1. The Municipal Council can appoint, among its components, a president, elected in the first session of the Council with the agreement of 4/5 (four fifths) of the assigned Councillors; in case this qualified majority is not reached in two subsequent voting in the same session, the voting should be repeated a third time and in this case the president of the Municipal Council must be elected with the absolute majority of the councillors. The first president should be elected within 365 days from the coming into force of this chart.
2. The president convenes and leads the works of the Council, in obedience to the norms contained in the regulation and in this chart.
3. Whether elected but not present, the function of vice-president is up to the senior Councillor.

Art. 17 – Rights and Duties of the Councillors

1. The legal state, the resignation and the substitution of the Councillors are regulated by law, they represent the entire community
2. City Councilmen have the right of initiative of any question submitted to the deliberation of the Council; moreover they have the right of presenting interrogations, motions and suggestions of deliberation according to the modalities and the conditions indicated in the regulation of the Municipal Council.
3. City Councilmen have the right, within the limits and the forms established in the regulation of the Municipal Council and by the law, of obtaining from the municipal offices, as well as companies, institutions or dependent bodies all the information useful for the carrying out of their mandates well as copy of acts and documents in exemption of expense. The councillor is bound to the professional secret in those cases provided for by the law.
4. Are exempt of any responsibility Councillors who had not taken part in the voting or who expressed their negative vote to a proposal.
5. Each Councillor has to establish his/her house domicile within the municipality, to which all the notices of convocation of the Council or any other official communication will be delivered.

Art. 17 bis – Removal of the City Councilman

1. The City Councilman that does not take part in three consecutive meetings of the Municipal Council, without any justifiable reason, is declared removed from his/her office with the deliberation of the Council.
2. In addition, the President of the Council, after checking the absence of the Councillor, sends him/her a written notice for the communication of the starting procedure of removal. The Councillor has the faculty of assert his/her own reasons of absence, giving the president any probationary document, within no more than 15 days from the notice receipt. After this deadline the Council deliberates on the removal, taking into account the justification given by the Councilman and provides for a possible replacement.

Art. 18 – Council groups and group leaders conference

1. Councillors appointed in the same list form the council group. In case they want to belong to a different group, they have to communicate in writing their intention to the Chairman of the Municipal Council.
2. For the creation of a council group are required at least three Councillors.
3. As exception to what has been established in the second paragraph of this article, the councillor or councillors (whether they are two) appointed in a list of candidates, have the rights that generally appertain to a Council Group.

4. Each Group has to communicate the name of the appointed leader to the Chairman of the Municipal Council by the day before the first meeting of the Municipal Council.
5. The group leaders' conference is the advisory body of the Chairman of the Municipal Council and contributes to the scheduling of the Council sittings. It has, moreover, the role of council commission for the draft and the updating of the statute and of the Municipal Council's regulation.

Section II

District Council

Art. 19 - general principles

1. The District Council is the organ of government of the municipality.
2. It bases its activity on the principles of collegiality, transparency and efficiency
3. Takes all the useful and concrete measures for the achievement of the aims and objectives of the institution in obedience to the general policies and as enforcement of the fundamental documents approved by the Municipal Council.
4. It collectively examines the arguments that are then submitted to the Municipal Council.

Art. 20 – Elections and prerogatives

1. The District Council is appointed by the Mayor within the terms and conditions established by the law. During the first sitting of the Municipal Council after the elections, the Mayor communicates the names of the members of the District Council and their respective competences.
2. The causes of incompatibility position, and the judicial status of Town Councillors, as well as the institutions of decay or revocation are disciplined by the law; however can not be members of the District Council those that have between them or with the Mayor family relationships within the third degree, affinity of first degree, or father-son and husband-wife relationships.
3. Members of the District Council responsible for the area of urban planning, of constructions and of public works have to abstain from practicing in those areas related to private and public constructions within the territory they administer.
4. Except cases of retraction or removal by the Mayor, the District Council remains in charge till the proclamation of the Appointed Councillors.

Art. 21 - Composition

1. The council is composed by the Mayor and by six town Councillors among which a deputy-Mayor
2. The Town Councillors can be chosen among Italian citizens even not members of the Municipal Council, as long as they demonstrates to possess the prerequisites of eligibility and compatibility with the office of town councillors. External councillors can attend the sittings of the Council and take part in the discussion, but they haven't got the right to vote.
3. The Mayor can remove one or more Town councillors giving communication to the Municipal Council.

Art. 22 – Development of works

1. The meeting of the District Council is called and presided over by the Mayor, who coordinates and control the activity of the Town councillors and establishes the agenda of the meeting taking into account all the proposals of the town councillors
2. The modalities of summoning and the functioning of the District Council are established by it with an informal agreement.

3. The council's sittings are valid only if at least four of the members of the council are present and the decisions are made with the majority of the presents.
4. The Mayor can ask executives and municipal staff or even external people to take part in the meeting of the District Council, for clarifications or communications related to specific arguments.

Art. 23 - Attributions

The District Council cooperates with the Mayor for the municipal administration and operates through collegial deliberations; moreover collaborates with the Mayor for the accomplishment of the general policies of the council.

1. The District Council is responsible for the adoption of all the administrative documents with general content or with high discretion, as well as all the documents that for their nature have to be adopted by a corporate body and don't fall within the exclusive competence of the Municipal Council.
2. The District Council carries out its functions through general deliberative measures by which it establishes the pursued aims and objectives and the proper means and criteria the municipal offices should adopt for the development of their own managerial and executive competences assigned by the law and by the statute.
3. The District Council, in particular, within the development of its functions:
 - a) Can suggest to the Municipal Council the regulations;
 - b) Approves executive programmes, plans for projects' development and all the measures that imply expenses and municipal appropriations and that are not imputed to the Mayor or to the Secretary General.
 - c) It works out policies and establishes plans and suggest measures that have to be submitted to the decision of the Municipal Council;
 - d) Maintains initiative and impulse and manages the connection with the participatory organs;
 - e) Manages the employment and discharge of the municipal staff and according to the decision of the proper commission, can take disciplinary measures and measures of suspension that are not assigned to other organs;
 - f) Elaborates and submits to the Municipal Council the criteria for the determination of tariffs;
 - g) Can suggest to the Municipal Council general criteria for the concession of funding, subsidies and aids for any kind of institution or person;
 - h) Through the determination of costs and the specification of means exert the functions devolved by the Province, Region or State when not expressly assigned by the law or by the statute to another organ.
4. The District Council in addition to this within the development of its organizational functions:
 - a) Establishes, in obedience to the regulations and the agreements, the parameters, the standards and the functional charges in order to measure the productivity of the system, always with the authorization of the Secretary General;
 - b) Determines the criteria and models for the internal auditing if deliberated by the Municipal Council, in accordance with the board of auditors.

Section III The Mayor

Art. 24 – General Principles

1. The Mayor is the chief of the local government and as such exerts the functions of representation, chairmanship, superintendence and administration.

2. He/She is responsible for the direction, vigilance and control on the activity of the Town Councillors and on the organizational structure.
3. The law disciplines the conditions for the election, the cases of incompatibility and ineligibility to run for the office of Mayor. Determines his/her status and the causes of removal from office.
4. This statute and the municipal regulations attribute to the Mayor, besides the competences established by the law, the role of municipal administrator, overseer and organiser of the competences connected with his/her office.

Art. 25 - Attributions of administration

1. The Mayor is the general representative of the institution, can devolve his/her powers or part of them to the single Town Councillors and is responsible for the municipal administration.
2. In particular the Mayor:
 - a) Directs and coordinates the political and administrative activity of the municipality;
 - b) Coordinates and orientates the activity of the District Council and of the Town Councillors;
 - c) Establishes the guidelines for the Chief Executive and/or for the Secretary General with reference to the activities of functional direction and vigilance on the administrative management of offices and services;
 - d) With the consent of the Municipal Council, promotes and takes initiatives for the achievement of agreements with all the public subjects established by the law.
 - e) Calls the meeting for referendum clarified in the article 61 of this statute;
 - f) Adopts the ordinary, necessary and urgent bylaws provided for by the law;
 - g) Appoints the town clerk choosing his/her from the professional register;
 - h) If he considers it appropriate and only with the agreement and deliberation of the District Council, the Mayor can assign to the Secretary General the office of Chief executive;
 - i) Appoints and removes office and service managers, assigns the managerial charges and establishes the assignments for the external collaborations, with motivated acts;
 - j) After consulting with the involved Service Manager, with the Secretary General and, whether appointed, with the chief executive, the Mayor appoints the members of the commissions for open competitions;
 - k) Coordinates and reorganizes, on the basis of the policies traced by the Municipal Council, the working hours of shops and businesses, of public offices and services;
 - l) Coordinates and reorganizes, in collusion with the territorially competent managers of the involved administrations, the opening hours of the public offices located in the territory;
 - m) On the basis of the policies traced by the Municipal Council appoints and removes the municipal representatives from their offices in organizations, firms, consortia, companies, institutions, foundations, etc.

Art. 26 – Attributions of vigilance

1. The Mayor:
 - a) Obtains information and even classified documents directly from all the offices and services;
 - b) Promotes directly or through the Secretary General, surveys and administrative inspections on the municipal activity;
 - c) Carries out operations able to preserve the rights of the municipality;
 - d) Can order the acquisition of documents and information from companies and institutions and from the other organizations subordinated to the municipality, through their legal representatives. After this operation informs the Municipal Council;

- e) Promotes and takes initiatives with the aim of assuring the development of the activities of offices, services, companies, institutions and other subordinated organizations according to the objectives indicated by the Municipal Council and to the policies traced by the District Council.

Art. 27 – Attributions of organization

1. The Mayor:
 - a) Establishes the arguments of the meetings' agenda, establishes the summoning of the Municipal Council and presides over it, in obedience to the regulation, whether the president of the Municipal Council is not appointed according to art 16;
 - b) Calls and presides over the meeting of the council leaders according to the regulation;
 - c) Exerts the function of policing the meeting he/she presides, within the limits of laws;
 - c) Suggests topics to take in consideration, fixes the summoning of the District Council and presides it.
2. The Mayor has the faculty, with a provision, to assign to each Town Councillor some organically sorted functions and, devolving to them the responsibility for the signature of the connected documents.
3. In case of power devolvement the Mayor has to grant to the Town Councillors the functions of control and direction.
4. The Mayor can modify the attributions of duties and functions of each Town Councillor whenever he considers it appropriate for reasons of coordination and functionality.
5. Proxies and all possible modifications referred to the previous paragraphs should be in written and transmitted to the Municipal Council.
6. The Town Councillors, while developing their duties and proxies, are responsible in front of the Mayor.
7. Town Councillors, after receiving a proxy, should register their signature at the prefecture for any possible legalization.

Art. 28 – Deputy-Mayor

1. The Deputy-Mayor is appointed by the Mayor together with the District Council and exerts all his functions in case of absence or impediment of the Mayor. In case of resignation of the Mayor the Deputy-Mayor takes his/her place until a new Mayor is elected.
2. In case of absence or impediment of the Mayor and of the Deputy-Mayor, the town Councillors exert the equivalent functions following an order of seniority determined by their age.

Chapter III BUREAUCRATIC ORGANS AND OFFICES

Section I Secretary General and Chief Executive

Art. 29 -The Secretary General and the Deputy-Secretary

1. The Secretary General, chosen from the Professional Register, is appointed by the Mayor, to which he/she directly reports.
2. The Municipal Council can approve the creation of conventions with other Municipalities for the cooperative management of the Secretary General office.
3. The legal status and the economic treatment of the secretary General are established by the law and the collective bargaining.

4. The Secretary General, in obedience to the guidelines set by the Mayor, exerts the function of legal consultant for the Municipality, for the Town Councillors and for the offices. The Secretary General takes part in the summoning of the District Council and of the Municipal Council and draws up the respective minutes that he signs together with the Mayor. The secretary can participate to internal study and work commissions and, with the authorization of the Mayor, even to external ones. He /she presides the municipal office for the elections in occasions of the popular consultations and of referendum and receives the resignations of the Mayor, of the Aldermen or of the Councillors as well as the proposals for repeal and the possible motions of no confidence. The Municipal Secretary General issues the contracts of the Municipality when is not necessary the assistance of a notary. He/She can be removed from his office by the Mayor in obedience to the related norms in force.
5. His/Her Staff can include a Deputy Secretary. The appointment of the Deputy Secretary follows what established by the laws in force. He/She assists the Secretary General and, in case of absence or impediment, takes his/her place.

Art. 30 - Chief Executive

1. The Mayor, with the deliberation of the District Council, can appoint a Chief Executive in addition to the general staff and with a fixed term contract according to the criteria established by the regulations and by the laws in force.
2. The Chief Executive's main objective is to realize the polices and objectives established by the local government according to the Mayor's guidelines. In particular the Chief Executive exerts the following functions:
 - a) Sets the executive management plan, according to the polices and guidelines established by the Municipal Council and by the Mayor;
 - b) Carries out, on the basis of the guidelines set by the Mayor and by the District Council, the programmes of organization and accomplishment, as well as special surveys and studies;
 - c) Organizes and manages the municipal staff, following the functional guidelines set by the Mayor and by the District Council;
 - d) Checks the offices' and their related staff's efficacy and efficiency;
 - e) Promotes the disciplinary actions toward offices and services managers, adopting the relative sanctions provided for by the collective labour agreement;
 - f) Issues proceedings for deliberations' execution not entrusted to the Mayor or the service managers;
 - g) Organizes the processes of staff's intersectorial mobility;
 - h) Checks annually the organizational structure of the Municipality and the distribution of the effective staff, suggesting to the District Council any possible measure with the aim of adequating the structure to the pursued objectives;
 - i) Promotes proceedings and exerts functions of substitute to the sector and services managers in case of absence, impediment or inactivity;
 - j) Litigates and on the other hand avoids discussions. With the agreement of the District Council, he or she mediates and reaches compromises among the parties.
3. The Mayor, with the agreement of the District Council, can assign to the Secretary General the role of Chief executive and all the associated functions.

Section II The Offices

Art. 31- Organizational principles

1. The municipal offices and services are organized to guarantee efficiency, efficacy, economy, impartiality and transparency of the administrative actions and proceedings.

2. The Staff Management conforms to the criteria of professionalism, flexibility, and responsibility.
3. In the regulation, adopted by the District Council, are established the general norms for the offices' organization and functioning, as well as the municipal staff assigned to them.
4. The regulation should comply with the general guidelines established by this Statute and by the Municipal Council. According to the principle of competences separation, the elective bodies have to determine the guidelines and polices for the accomplishment of objectives, while, according to the principle of unitary management, the bureaucratic apparatus deals with the managerial aspects, establishing a connection between the managerial activity and the organizational structure that are both aimed at the accomplishment of the objectives set by elective bodies.
5. The regulation may establish the possibility for the Mayor to assign, with the approval of the District Council, the management of functional areas or highly specialized duties, appointing service and office managers with a fixed term contract and according to the modalities and terms established by the related laws in force.

Art. 32 - Staff's rights and duties

1. Municipal staff well organized and divided according to the functional qualifications and in conformity with its legal status and economical treatment established by the law and by national collective agreements carries out its activity offering citizens their services.
2. Each Municipal employee has to carry out accurately and promptly their duties and aim at the established objectives. He or She is directly responsible for his/her actions and of the results obtained in the line of duty.
3. The regulation of organization sets the forms and modalities for the municipal management, outlining, in obedience to the principles expressed in the previous article, the powers of sector coordinators and of service and office managers.

Art. 33 – Managers

... Repealed article

Art. 34 – Sector Coordination

... Repealed article

Art. 35 – Service or Office Managers

... Repealed article

Art. 36 –Fixed term offices

... Repealed article

Art. 37 – Functional Areas Management

... Repealed article

Chapter IV PUBLIC SERVICES

Section I Management

Art. 38 - General Principles

1. The Municipality of Bovisio Masciago can develop and manage public services related to the production of goods and/or services and/or activities for the accomplishment of social objectives and for the economical and civil development of the local community.
2. The services exclusively managed by the Municipality are established by the law.
3. The Municipal Council can decided to develop public services with different modalities:
 - a) In-house development, when for the reduced dimensions and for the characteristics of the service is considered inconvenient to crate an institution or even a firm;
 - b) Outsourcing, when there are technical, economical and social reasons;
 - c) Special companies, even for the management of services with an economical and entrepreneurial relevance;
 - d) Institutions, for social services without entrepreneurial relevance;
 - e) With Corporations and Ltd with prevalence of local public capital, created or related to the Municipality of Bovisio Masciago, when, in relation to the nature and to the territorial area of the service, it is considered appropriate the involvement of public or private subjects;
 - f) Conventions, Consortia, Agreements and unions of Municipalities and any other form provided for by the law.
4. The elements that are involved in the selection of the form of Management are related to the economy, the exploitation of the available resources, the quality and the functionality of the service and citizens' needs.

Art. 39 - In-house Management

1. The organization and development of in-house services are disciplined by specific regulations and related deliberations of the Municipal Council.

Art. 40 - Special Company

1. The Municipal Council can opt for the institution of special companies, with legal status and managerial and entrepreneurial autonomy. The Municipality approves their statute. The statute of this kind of companies determines their structure, functioning, activities and controls.
2. The Board of Directors, the President and the CEO are the three fundamental bodies of a special company. The President and the Directors are appointed and can be removed by the Mayor, according to the general guidelines established by the Municipal Council. The CEO is appointed with the modalities provided for by the corporate statute. He/She is the legal representative of the company and is responsible for the corporate management.
3. The Municipal Council appoints the auditors, supplies the capital, and approves the budget plan, the final balance sheet, as well as all the fundamental documents indicated in the corporate statute.
4. The companies base their activity on the criteria of efficacy, efficiency and economy and are supposed to reach a final break and balanced costs and revenues. The municipality must cover any possible social cost.
5. Special companies' services can be developed even outside the municipal area in order to ensure their economy and functionality.

Art. 41 - Institutions

1. For the development of social, educational, cultural, sports and recreational services that need a particular managerial autonomy, the Municipal Council can create institutions and produce the relative the regulation for the organization and activity of the institution. The municipality has to draw up the technical-financial plan that outlines: costs of services, funding forms, personal and real property included all the available funds.
2. The regulation, in relation to the previous paragraph of this article, determines the institution's staff, organization, managerial autonomy, financial and account system and establishes forms of vigilance and control on management results.
3. The administrative bodies are regulated by the previous article.

Art. 42 - Corporations and Ltd

1. For the development of services with economical and entrepreneurial relevance the Municipality can promote the creation of Corporations or Ltd with prevalence of local public capital and can also develop a shareholding in corporations that, according to their statute objectives, can supply public services of local interest.
2. The Municipal Council can create or develop a shareholding in Corporations with prevalent, total or partial local public capital, within the limits established by the law in force related to the public services management.
3. The deliberation of the Municipal Council establishes the forms of representation, connection and control between the Municipal Administration and the Company.

Section II

Administrative Bodies of Companies and Institutions

Art. 43 – Board of Directors

... Repealed article

Art. 44 – President

... Repealed article

Art. 45 – CEO

... Repealed article

Art. 46 – Directors appointment and dismissal

... Repealed article

Chapter V

COOPERATION WITH OTHER ORGANIZATIONS

Art. 47 - Principles of cooperation

1. The Municipality, in order to achieve one or more objectives shared with other local organizations, bases its activity on the structures and the institutes provided for by the law, availing itself of agreements of cooperation with such organizations.

Art. 48 - Conventions

1. The municipality promotes the collaboration, the coordination, and the development of associated functions, even by identifying new activities of common interest, i.e. the realization and the management of public works as well as the development of initiatives, special programmes and other services, favouring the creation of specific conventions with other local organizations.
2. The conventions, which contain the elements and the obligations provided for by the law, are approved by the Municipal Council with the absolute majority of the assigned Councillors.
3. For the management of particular services the municipality of Bovisio Masciago can promote specific conventions with other territorial organizations, in which it specifies the devolution of these services to firms and companies (with, predominantly, public capital) created ad hoc by one or more organizations.

Art. 49 - Consortia

1. The Municipal Council, coherently with the statute's principles, promotes the realization of consortia among organizations, in order to develop services of economical and entrepreneurial relevance that is in the economy of scale whether it is considered unprofitable the creation of a special company or of the forms of organization mentioned in the previous articles.
2. The accession to the consortium, which should comply with the obligations provided for by the law, is approved by the Municipal Council with the absolute majority of its members.

Art. 50 - Agreements

1. The Municipality promotes and carries out agreements for the realization of works, interventions or programmes (provided for by special or sectorial laws) which imply the development of complex coordination procedures and the joint effort of the several subjects involved.
2. The agreement, besides its objectives, should contain the terms for the activation of the possible arbitration and in particular it should:
 - a) Determine the scheduling of the preordained activities needed for the realization of the agreement;
 - b) Identify through the appropriate instruments (financial plan) costs and sources of funding and the relative regulations of the relationship between the organizations involved in the agreement;
 - c) Coordinate the fulfilment of any other connected duty.
3. The Mayor defines and signs the agreement in conformity with other formalities provided for by the law and with the functions assigned by this Statute.

Chapter VI

BALANCE AND MANAGEMENT CONTROL

Art. 51 - Principles and criteria

1. The budget plan, the final balance and the other accounting documents should control programmes and objectives in order to allow not only a financial but also a management audit as well as a control on the municipality's actions efficacy.
2. ... Paragraph repealed by the "Organo Regionale di Controllo" (28/06/2000 – doc n. 184.)

Art. 52 - Board of Auditors

1. The board of auditors is composed by three members, one chosen among the registered Official Auditors, who presides the board, one chosen from the professional register of the Chartered Accountants and one chosen from the Certified Public Accountants register
2. The members of the board of auditors are appointed by the Municipal Council with a vote limited to two names. Those (appertaining to the three categories listed in the previous paragraph) who obtain the largest number of votes are appointed.
3. The election takes place 30 days before the end of the mandate of the board in charge. For the election the professional orders are invited to provide a list of candidates. The Municipal Council can, however, elect candidates who are not in the list.
4. The regulation disciplines the organizational and functional aspects of the Board of Auditors and specifies the attributions of control, suggestion, and guaranty, according to the laws, to the principles related to the control of corporations and in obedience to this statute. The regulation will identify forms and procedures for a correct and balanced operative connection between the Board and the other municipal organs and.
5. The Board has the faculty to put forward suggestions about the economic-financial management of the municipality. The Municipal Council can ask organs and competent offices to give their opinion or suggest proposals in relation to the economic-financial management or to single activities of the municipality, especially in relation to the service organization and management.

Art. 53 - Management Control

1. In order to define the complex system of the internal controls of the Municipality, the regulation defines methods and parameters for the evaluations of efficacy, efficiency and economy of the results achieved compared to the programmes and to the incurred costs.
2. The management control should create appropriate control meters and periodically check:
 - a) The equality between expectations and results;
 - b) The economic quantification of the costs incurred for checking the coherence with the approved programmes;
 - c) The efficacy and efficiency of the administration;
 - d) The possible gaps between what projected and what realized establishing responsibilities and causes
3. The results of the management control will be all included in a report attached to the final balance sheet.

Chapter VII

PARTICIPATION AND DEMOCRATIC CONTROL

Art. 54 - General Principles

1. The Municipality guarantees and promotes the involvement of the citizens in its activity, in order to assure a positive performance, impartiality and transparency.
2. For the same reasons, the Municipality privileges forms of free association and voluntary associations, promoting their access in the structures and services of the organization.
3. The Municipality supplies direct and simplified forms of preservation of citizens' interests, favouring their involvement in the organization of the municipality.
4. The Municipal Administration activates forms of consultation, in order to collect the opinion of individual subjects or groups on particular topics and problems.

Art. 54 bis - Ombudsman

1. In the Municipality, as established in the art. 8 of the law n. 142 of 1990 and with its further modifications, is located the Ombudsman Office, which defends the citizens in case of abuse or inefficiency of the public administration; it guarantees the impartiality and the correct functioning of the Municipal Administration throughout the protection of the citizen against acts, facts, omissions, delays, errors, mistakes, and irregularities caused by offices, bodies, municipal organizations and related ones; it intervenes directly or after request (even verbal) and is duty-bound to observe discretion, privacy and confidentiality (in those cases established by the law) and exerts the functions assigned by laws and regulations.
2. He/She is appointed by the Municipal Council through secret ballot within and not later than 180 days after the proposal of the District Council or a similar proposal of at least 1/3 of the Town Councillors. For the election to be valid the candidate should obtain the majority of 2/3 of the assigned Councillors; in the fourth poll is requested only an absolute majority of the Councillors, in case a qualified majority is not reached during the first three ones. The Ombudsman remains in charge for the entire duration of the mandate of the Council that appointed him/her and till the new Ombudsman elected by the Council isn't operative. He/she can be re-elected only once.
3. The Ombudsman has at his/her disposal the necessary resources, staff and offices; all the office's expenses, if well documented, are charged to the Municipality. The Ombudsman has the same allowance as an Alderman
4. For more information (on what not disciplined here), consult the specific municipal regulation.

Section I

Administrative and political initiative

Art. 55 - Interventions in the administrative procedure

1. Citizens and subjects, interested or involved in an administrative procedure, can intervene except in those cases established by the law.
2. The representation of the interests can be individual or collective (in case of super individual interests).
3. When starting the procedure, the involved subjects should be informed through a personal notice containing all the indications established by the law.
4. The addressees of the different categories of documents as well as the responsible staff for each particular procedure are established in the regulation.
5. In case of particular necessity for promptness or when the number or the undefined nature of the addressees makes it necessary, is possible to disregard the personal notice, assuring, anyhow, other forms of publication and information (for example publication on the Municipal Notice Board).

6. Right holders, within 30 days from the personal communication or from the publication of the administrative measure, can sue, and present written notes, proposals and documents concerning the measure.
7. Within 20 days from the receipt of any claim or document above mentioned, the competent organs have to express in a document its possible acceptance or rejection.
8. Any partial acceptance or complete rejection of the received requests should be justified in the introduction of the document and can be preceded by an oral cross-examination.
9. In case the participatory intervention does not concern any possible measures, the administration, anyway, has to write down, within 30 days, its own evaluations and opinions on the petition or proposal.
10. Subjects mentioned in the first paragraph of this article have the right of looking over all the documents concerning the procedure except those that the regulation considers inaccessible.
11. The municipal Administration can call for a popular consultation in order to collect opinions and suggestions regarding the administrative activity. The forms of such consultation are established in the deliberations of the body that promotes the consultation.

Art. 56 - Requests

1. Citizens, associations, committees and collective subjects in general can address their requests to the Mayor in which they ask for clarifications on specific aspects of the administrative activity.
2. Within 30 days either the Mayor, the competent Alderman, the Secretary General or a competent office manager (depending on the political or managerial nature of the petition) responds to the citizen.

Art. 57 - Petitions

1. All citizens can turn, collectively, to the Municipal Administration in order to solicit its intervention on matters of general interest or to state collective necessities.
2. The petition is then passed on to the Mayor that assigns it to the competent municipal body, which, examines the petition and has 30 days to reply. The procedure ends, in any case, with an expressed measure that is notified to the proposer.
3. In case the petition is signed by at least 250 residents, registered in the electoral roll, the Mayor has to get it across to the Council Leaders. Afterward, each Municipal Councillor can ask (by written request) to add the petition to the Council's agenda.

Art. 58 -Proposals

1. In case of very detailed proposals concerning the Municipal Administration and signed by at least 250 constituents, the Mayor after consulting (within 20 days) the technical office, the municipal accountants and the Secretary General, transmits the proposal to the competent body that has 30 days to decide the measure to take.
2. This process can be interrupted in case the Municipal Administration expresses the necessity to discuss directly with the proposers. The Municipal Administration can even opt for agreements in order to respect the public and collective interests and determine the contents of the final decision.
3. The decisions of the municipality are then published and communicated to the first subscriber of the proposal.

Section II

Associations and participation

Art. 59 - General Principles

1. Any associative and cooperational form created by citizens or bodies even representing restricted interests is highly respected and promoted by the municipality:
 - Outlining their contribute to all the activities of the administration;
 - Admitting their access to the administrative data;
 - Motivating their activity even with financial, technical, professional and organizational incentives;
 - Adopting forms of consultation for the production of the fundamental documents.
2. Administrative decisions, that have a direct effect on the organizations mentioned in the first paragraph, have to be preceded by consultations with the collegial bodies of these associations, which have to express their opinion within 30 days from the request. The final decision has to indicate the consultation and the opinion expressed.
3. By proposal of citizens and in relation to the aims established in this article, the District Council registers, all the associations that operate in the area.
4. The Municipal Council establishes all the related disciplinary norms.

Art. 60 - Consultations

1. The associations can create municipal consultations that the administration considers as instrument of participation.
2. The regulation disciplines the relationship between the consultations and the administrative bodies.

Section III

Referendum

Art. 61 - Fundamental principles

1. Referendums related to matters of exclusive municipal competence aims to connect the orientations that develop in our community and the municipal activity.
2. The Municipality promotes referendums within the limits related to the functional requirement of the municipal organization.
3. Referendums are admitted. For a referendum are necessary at least 500 signatures of residents registered in the electoral roll. The Municipal Council can call for a referendum with a deliberation adopted by the absolute majority of the assigned Councillors.
4. Initiatives for referendum listed in the previous articles can be related to any argument for which the Municipal Council has a decisional competence, except to these:
 - a) Elections, appointments, designations, removals, declaration of decay and in general decisions related to people;
 - b) Municipal staff;
 - c) Internal regulation of the Municipal Council;
 - d) Balance sheets, finance, taxes and accounting;

- e) Arguments the Municipal Council has to discuss on within the limits established by the law;
 - f) Subject matters for which the Municipal Council has already taken the necessary deliberative measures that generated financial commitment with a third party;
 - g) Territorial plans and regulations for the building trade;
 - h) Revisions of the statute and of the respective regulations.
5. The request should contain the referendum's text that will be read by the electorate. It is then handed over to the Mayor who, after the approval of the Secretary General that checks the acceptability of the request (within the limits provided for by the regulation), submits to the council the text of his/her bylaw that establish the referendum.
 6. The Municipal Council can vote, with the majority of 2/3 of the assigned councillors, for the inadmissibility of the referendum, which was proposed for reasons of illegitimacy.
 7. Referendums are called by the Mayor, and take place on the first Sunday after the period of 60 days since the date of entry into force of the council's deliberation and are carried out in obedience to the municipal regulation.
 8. The referendum should not coincide and overlap with other ballots.

Art. 62 - Effects

1. The proposal contained in the referendum is approved if more than 40% of the constituents vote and if is reached the majority of favourable votes validly expressed.
2. The results are then proclaimed by the Mayor through appropriate means of communication in order to inform the whole community. The Mayor within 60 days from the proclamation of the results should put on the Council's agenda the related debate.
3. The Municipal Council decides the guidelines for putting into effect the results of the consultation.
4. The Municipal Council can rule on the subject of the referendum with an adequate justification and with the majority of the two thirds of the assigned councillors.

Art. 63 – Implementation

1. Norms related to the modalities of referendum's implementations are established by the related regulation.

Chapter VIII

TRANSITIONAL AND FINAL NORMS

Art. 64 - Statute revision

1. The statute contains the fundamental norms for the municipal organization. All the acts of the municipality should comply with it.
2. The statute and its modifications, within 15 days after its effectiveness, are subjected to forms of publication and promotion in order to favour their circulation among citizens.
3. The proposals for a revision of the statute are generally examined in the first summoning of each solar year with the modalities established by the regulation of the Municipal Council.
4. Exceeding the limits imposed by the previous paragraph, the Municipal Council can examine any revision of the statute whenever this is considered necessary as a consequence of normative modifications at a superior level.

5. Are admitted petitions for statute revisions signed by at least 250 citizens. In that case is applied the norms related to the admittance of proposals generated by citizens' initiative.

Art. 65 - Regulations

1. The Municipality issues regulations:
 - a) For those areas of competence assigned and devolved by the law and by this statute;
 - b) For all the other areas of municipal competence.
2. The legislative power, in relation to the competences exclusively reserved and devolved to the local institutions, is retained by the Municipality in obedience to the general norms provided for by the statute.
3. With regard to the remaining matters, the municipal regulations are adopted in respect of those principles set by the law as well as the other norms issued by competent subjects.
4. The District Council, individual Town councillors and citizens, according to what established by this statute have the faculty of promoting and taking regulation initiatives
5. During the drawing up of the regulation are consulted the subjects involved.
6. ...Repealed paragraph.
7. Regulations are subjected to forms of publication and "advertisement" to allow their circulation and acquisition. These documents should be publicly accessible.
8. The norms adopted by the Municipal Council should regulate: requests, petitions, proposals, referendum, consultations and special commissions that allow citizens' involvement.

Art. 66 - By-laws

1. The Mayor issues ordinary by-laws, in enforcement of norms and regulations
2. By-laws above mentioned should be exhibited for 15 consecutive days on the official notice board (Albo Pretorio). During that period of time they are subjected to forms of "advertisement" that allow their circulation and public accessibility.
3. In addition, the Mayor, in respect of constitutional norms and general and legal principles, issues necessary and urgent bylaws (related to the matters and objectives contained in the law 142/1990 article 38 section 2). Such bylaws should be adequately justified. Their effectiveness, limited in time, cannot exceed the duration of the necessity.
4. In case of absence or impediment o the Mayor bylaws are issued by his/her deputy.
5. When the addressee of that measure is a single person he or she should be notified of the bylaw. In all the other cases the bylaw is published according to those forms established in paragraph 2

Art. 67 - Transitional dispositions

... Repealed article.