Peculiarities of the Legal Status of the Mayors of Lithuanian Municipalities and the Competencies (Abilities) Necessary for them in the Context of the Change of the Municipal Governance Model in 2023

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Abstract: The purpose of the article is to present some of the results of a research using a questionnaire survey method conducted in February 2023, which aimed to reveal the peculiarities of the legal status and roles (dominant and others) of mayors of Lithuanian municipalities and find out what necessary competences (abilities) municipal mayors must have and in what forms they must be developed, in the presence of two different municipal governance models (the model that was applied until April 2023 and the model that is applied from April 2023). The idea to conduct such research arose just a few months before the new Local Government Law (in its revised version) entered into force in June 2022, which introduced a new municipal governance model and changed the dominant role of the mayor in the municipality. This research also took place a few weeks before the regular municipal council and mayor elections (which took place on March 5, 2023). The particular target group was chosen for this research - the mayors of Lithuanian municipalities who had served in these positions for four or more terms (referred to as "experienced" mayors during the research). No similar research (in terms of purpose and respondents) has been conducted in Lithuania. The results of the research showed that "experienced" mayors have a good understanding of the specifics of the new municipal governance model to be applied from April 2023. They are essentially prepared to take on a new dominant role (the role of municipal executive institution), replacing the previous dominant role (the role of chairman of the municipal council). The results of the research also showed that "experienced" mayors understand well what necessary competences (abilities) municipal mayors must have, as municipal governance model and the dominant role of the municipal mayor change in it. The results of the research can be useful for improving the legal regulation of the powers of municipal institutions (municipal council and municipal mayor) and the legal framework for their relationships as well as for organizing the improvement of the competencies of municipal mayors.

Keywords: Municipality, municipal governance model, mayor, the legal status of mayor, improvement of the competencies of municipal mayors.

INTRODUCTION

In the run-up to the upcoming regular municipal council and mayoral elections scheduled for March 5, 2023, and in the context of discussions about the "new" powers of municipal mayors (a new dominant role of municipal mayors as municipal executive institutions) and challenges in implementing them, ongoing throughout 2022 in mass media outlets, research (using a questionnaire survey method) was conducted in February 2023. The purpose of the research was to reveal the peculiarities of the legal status of Lithuanian municipal mayors and to find out what necessary competences (abilities) municipal mayors must have and in what forms they must be developed, in the presence of different municipal governance models. During the research, the focus was on the particular target group – the mayors of Lithuanian municipalities who had served in these positions for at least four terms, which is equivalent to 20 or more years (note: they were referred to as "experienced" mayors during the research and will be referred to as such in this article). This group of respondents consisted of 10 mayors from Lithuanian municipalities, out of which 8 agreed to respond to the 20 questionnaire questions. No similar research (in terms of purpose and respondents) has been conducted in Lithuania.

As mentioned earlier, Lithuania's society and local municipalities faced significant changes and challenges starting from April 2023. These changes and challenges were prompted by a decision of the Constitutional Court of the Republic of Lithuania in April 2021, following the examination of a constitutional case. In its decision, the Constitutional Court declared certain provisions of the 2014 Laws on Municipal Council Elections and Local Self-Government unconstitutional. These provisions were related to the direct election of the mayor in municipalities and the additional powers granted to the mayor. The Constitutional Court found that these provisions were in contradiction to Article 119 of the Constitution, which
establishes constitutional principles of local self-government.

In order to address the situation that had arisen before the regular municipal council and mayoral elections of 2023 (otherwise, there would have been a need to revert to the municipal governance model implemented in 2003, in place until April 2015), a bill to amend six articles of the country’s Constitution was registered in the Seimas (Lithuania’s parliament) in June 2021. The procedure for considering this bill in Seimas committees was initiated. Alongside efforts to amend the country’s Constitution, projects to amend the Law on Local Self-Government and other related laws were also prepared. This entire process culminated in three significant events:

1. In April 2022, the second vote took place regarding the amendment of six articles of the country’s Constitution (3) related to the status and powers of the municipal mayor (the law came into force in May 2022).

2. In June 2022, the Election Code (4) was adopted (it came into force in early September 2022).

3. On June 30, 2022, the Law on the Amendment of the Law on Local Self-Government (5) was adopted (specifically, the new version), which came into force in April 2023.

In this way, Lithuania achieved a result that had been deliberately pursued since 1998 - a municipal governance model with directly elected municipal mayors as single-person executive institutions, which was legalized through the Law on Local Self-Government, and the latter complies with the country’s Constitution.

The search for a municipal governance model with a directly elected municipal mayor was not an easy task. The option that was ultimately chosen and enshrined in the Law on Local Self-Government (in its revised version) passed by the Seimas in June 2022 emerged as one of the possible (but not the only) compromise solutions. It implements the provision of Article 119, Part 1 of the Constitution of the Republic of Lithuania, which declares that the right to self-government, granted by law to state territory administrative units, is exercised (note: starting from May 2022) by not one, but two municipal institutions - the municipal council and the municipal mayor. Both of these municipal institutions have been directly elected since April 2023 and have the powers of municipal government (local authority) and public administration. Being a compromise and developed hastily (quickly but not necessarily poorly), this municipal governance model, as a whole and its individual elements (including the legal status of the municipal mayor, the scope and composition of his powers, the transfer or delegation of certain powers of the mayor to a deputy mayor or a director of the municipal administration as well as the list of the competences (abilities) necessary for the municipal mayor, adequate for the dominant role he plays in the municipal governance model, etc.), could not and cannot fully satisfy the diverse perspectives, experiences, interests, and goals of different individuals and groups. Therefore, the municipal governance model (and its elements) has received and continues to receive a fair amount of criticism and scrutiny. There are concerns about its sustainability. In order to respond to all of these issues and help find rational solutions to address real-life problems, it was decided to conduct research (surveying “experienced” municipal mayors with substantial knowledge). This article presents some of the more interesting results of this research.

METHODOLOGY
Research Purpose, Methods, Theoretical Approach

Purpose

The purpose of the research was to reveal the peculiarities of the legal status and roles (dominant and others) of Lithuanian municipal mayors and to find out what necessary competencies (abilities) municipal mayors must have and in what forms they must be developed, in the presence of different municipal governance models (the model that was applied until April 2023 and the model that is applied from April 2023).

Methods

A structured questionnaire survey using information technology was chosen for this research. The questionnaire consisted of 20 questions. One part of the questions were designed to ascertain the respondents’ opinions on the mayor's status and roles (dominant and others) in the presence of two different municipal governance models (i.e., the model that was applied until April 2023 and the model that is applied from April 2023). The other part of the questions was about the necessary competencies (abilities) for municipal mayors and the forms of their development (continuous development of competencies and introductory training) in the presence of the different
municipal governance models. As mentioned earlier, when conducting the research, the focus was on the specific target group – "experienced" mayors of Lithuanian municipalities, who had held these positions for no less than four terms (four times), i.e., 20 or more years (hereinafter referred to as experienced mayors of Lithuanian municipalities). This group of respondents consisted of 10 experienced mayors of Lithuanian municipalities, of which 8 agreed to answer the 20 questionnaire questions. Although at first glance the selected group of respondents may seem relatively small (10 mayors made up only one-sixth of all mayors of Lithuanian municipalities), according to the researchers, it is unique. A mayor who served 4 terms is comparable to 4 mayors who were elected for one or two terms. The time of the research was February 2023, and the results were summarized in March 2023. The researchers were the authors of this article. No similar research (in terms of purpose and respondents) has been conducted in Lithuania.

**Theoretical Approach**

In order to better understand a) the legal status and roles (dominant and others) of the municipal mayor in the presence of different municipal governance models, b) the municipal governance model that is applied in Lithuanian municipalities from April 1, 2023, as well as c) what competencies (abilities) are necessary for the municipal mayors so that they can properly perform their roles in this new municipal governance model, it is appropriate to:

1) refer to the scientific statements about functional levels, functional links, and functional places (locations), as well as about the types of municipal structure models, presented in Prof. A. Astrauskas’ educational book "Local Self-governance and Municipality: theoretical, historical and practical aspects" (Astrauskas, 2022);

2) describe principles and most important elements of the municipal governance model that is applied in Lithuanian municipalities from April 1, 2023;

3) provide a list of competencies (abilities) that are required for the head of a state or municipal institution/organization (including the municipal mayor) so that he is able to successfully perform the functions of the head of a institution/organization.

1. In determining the role of the mayor in the structure of a municipality, the researchers were guided by the scientific statements about functional levels, functional links, and functional places (locations), as well as about the types of municipal structure models, presented in Prof. A. Astrauskas’ educational book "Local Self-governance and Municipality: theoretical, historical and Practical Aspects" (Astrauskas, 2022) takes into account the functional positions exercised by the head (chairman) of the municipal council and the single-person executive, respectively:

   "1) the "basis" of all traditional models of the structure of the territorial (local) authority (municipality) is four functional places (locations), three functional links, and two functional levels (see Figure 1);

   2) functional places (locations) are/can be "institutionalized" (when a specific position is legally established with the responsibilities (rights and duties) established by them) and "non-institutionalized" (when the responsibilities (rights and duties) of such a functional place (location) are assigned to another institutionalized functional place (location) (legally established for a specific position) for example, when a head (chairman) of the municipal council, who is elected to this position, is entrusted with the responsibilities (rights and duties) of the head of the municipality, or a single-person executive (elected or appointed) is entrusted with the responsibilities (rights and duties) of the head of the municipal administration (and the position of the head of the municipal administration is not established in this case);

   3) depending on the responsibilities (rights and duties) of the functional places (locations) exercised by the head of the municipal council (chairman) or the directly elected single-person executive (mayor), models can be dual or monist or models can be "with two centres of power" or "with one centre of power":

   a) dual model - when a head (chairman) of the municipal council exercises only the responsibilities (rights and duties) of this institutionalized functional place (location)
and the responsibilities (rights and duties) of the institutionalized functional place (location) of a single-person executive are performed by a person appointed/elected by the council, who cannot also be a member of the council;

b) monistic model - when a head (chairman) of the municipal council performs both the responsibilities (rights and duties) of this institutionalized functional place (location) and the responsibilities (rights and duties) of the functional place (location) of a single-person executive, which is not institutionalized;

c) model "with two centres of power" - when the functional places (locations) of both the head of the municipal council (chairman) and the directly elected single-person executive (mayor) are institutionalized and occupied by different natural persons;

d) model "with one centre of power" - when the functional place (location) of the head (chairman) of the municipal council is not institutionalized, but the directly elected single-person executive (mayor), whose functional place (location) is institutionalized, is assigned to exercise the responsibilities (rights and duties) of the head (chairman) of the municipal council as well."

2. Starting from April 2023, such a municipal governance model is applied in Lithuania (see Figure 2):

1) Municipal governance model – Presidential republic type with „one power center“ municipal governance model, also known as the „Municipal Council - directly elected mayor“ model.

2) Municipal Council: An elected, representative, and decision-making municipal institution; one of the two municipal institutions through which the right of self-government is implemented; it possesses and exercises the powers of municipal government (local authority) and public administration; the municipal council does not have its own leader (specifically the chairman of the municipal council).

3) Mayor of the municipality: A state politician, the executive institution of the municipality (the dominant role of the mayor), and the head of the entire municipality; the mayor is also responsible for organizing municipal council meetings, presiding over them, signing, announcing, and potentially vetoing adopted decisions; the mayor does not have a voting right during municipal council meetings; one of the two municipal institutions through which the right of self-government is implemented; the mayor

Figure 1: The elements of the organizational structure are the basis of all the principle models of the structure of the territorial (local) authorities (municipalities) (source: Astrauskas, Algirdas. 2022. Local self-government and municipality: theoretical, historical and legal aspects. Vilnius: Mykolas Romeris University. Pp 185-186).
possesses and exercises the powers of municipal government (local authority) and public administration; in cases where a motion of no confidence is expressed by the council or in other situations specified by law, the mayor can be dismissed from office before the term ends.

4) **Deputy mayor or Deputy mayors** are the civil servants of political (personal) trust; the mayor appoints the deputy mayor (deputy mayors) to the position, with the approval of the municipal council (and in cases specified by law, even without the approval of the municipal council); depending on the size of the municipality (more precisely, based on the number of municipal council members), there can be from 2 to 4 deputy mayors; the deputy mayor carries out functions and tasks determined by the mayor; when appointed by the mayor, the deputy mayor can substitute for the mayor when the latter is temporarily unable to perform their duties due to vacation, temporary incapacity, or other justifiable reasons, or when the mayor's authority is suspended by a court decision (the deputy mayor may perform not all, but only some of the mayor's powers prescribed by law).

5) **The director of the municipal administration** is appointed unilaterally by the mayor (no approval from the municipal council is required) and is a civil servant of political (personal) trust for the term of office of the mayor; the purpose of the director is to serve as the head of the municipal administration (the municipal budget institution), but by law, the director is also granted some other power of public administration.

3. According to the state competence model of the Republic of Lithuania and its application methodology the competencies (abilities) of a state and municipal institution's leader may include:

- **Strategic approach**: aligning goals with state priorities, the ability to assess the broader context, anticipate future opportunities and capitalize on them.

- **Operational management**: setting appropriate operational priorities, organizing and coordinating activities to ensure the achievement of set goals.

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**Figure 2:** Municipal Governance Model Applied in Lithuanian Municipalities from April 2023 (source: Astrauskas, Algirdas. 2022. Local self-government and municipality: theoretical, historical and legal aspects. Vilnius: Mykolas Romeris University. P 87).
- **Leadership**: the ability to lead by example, communicate a vision, mission, and goals, and inspire others to pursue them. It involves providing necessary emotional support, involving others in decision-making, fostering their growth, and creating a positive work environment.

- **Organizational skills**: planning the execution of current tasks, delegating, prioritizing, making decisions, and acting promptly.

- **Analysis and reasoning**: the ability to perform situational analysis, break it down into parts, identify interrelationships between the parts, extract essential information, and make informed decisions.

- **Accountability and responsibility**: assessing personal capabilities and setting realistic commitment deadlines, evaluating the impact of one’s actions and decisions on the environment, taking personal responsibility for mistakes and failures and learning from them, helping others fulfill their obligations when necessary, seeking opportunities for improvement to enhance effectiveness and results.

- **Communication**: the ability to communicate with individuals and groups, choosing various communication tools to ensure the transmission and understanding of information.

- **Conflict management**: maintaining emotional balance in a conflict situation, calming the emotions of other participants, identifying the causes of the conflict, finding a resolution, applying various conflict resolution styles, and practicing conflict prevention to avoid recurrence.

- **Flexibility in goal changes**: The ability to collaboratively formulate clear new objectives with the team, set for the short term, with all team members aware of the new goals and the tasks they need to perform on a new workday, as well as individual goals they set for themselves.

**RESULTS**

We present only a part of the research results, which we think are the most interesting:

First of all, we wanted to know the opinion of “experienced” mayors of Lithuanian municipalities on the roles (dominant and others) that should be performed by the mayor in a general theoretical sense (without specifically linking to a particular municipal governance model).

According to the respondents’ opinion (see Figure 3), the mayor in the municipal structure (model), in a general theoretical sense, should perform three roles: to be the head (leader) of the entire municipality, representing the municipality 'beyond the municipality’s borders' and at the same time performing functions typical of the municipal executive institution, while...
equally attentively carrying out the functions of the chairman of municipal council (meeting/work organizer) (i.e., such a municipal governance model that assigns the mayor's responsibilities to three functional places is considered acceptable and rational).

Next, it was aimed to find out the opinion of “experienced” mayors on the order of priority for performing roles in the years 2023-2027, with the change in the mayor's dominant role from April 1, 2023, in the applied municipal governance model. The respondents’ opinion is represented in Figure 4.

According to the respondents’ opinion, as stipulated in the Local Self-Government Law, which entered into force on April 1, 2023, the municipal mayor should focus on implementing the functions (first role) of the executive institution. It is equally important for the municipal mayor to properly perform the functions (second role) of the municipality's head (duties related to representing the municipality beyond its borders) and the functions of the organizer of the municipal council's work (third role). The newly assigned function related to the oversight and veto of decisions made by the municipal council is considered to be of the lowest priority. This allows us to state that experienced mayors understand well what dominant role must be played in the presence of a new municipal governance model.

The next question followed, which we sought to find out what requirements should be met by a person applying to become mayor. According to respondents' opinion, there should be 6 out of 8 possible selected requirements imposed on the directly elected mayor of the municipality, of which the most important are the residency requirement (supported by 100% of the respondents) and the citizenship requirement, a requirement for an impeccable reputation, and an oath of office (supported by 7 out of 8 respondents). 4 out of 8 (or 50%) of the respondents would agree that there should also be an education requirement for persons applying to become mayor. None of the respondents propose applying an age requirement.

During the preparation of the draft of the new version of the Law on Local Self-Government, its drafters and mayors of municipalities had a lot of discussions about who would be able (will have) the right to temporarily deputize the mayor (when he is sick or away on a business trip) or will hold his position until a new mayor is elected. We also asked experienced mayors about it. The answer to this question partly depended on what status the vice mayor could be given.

In the respondents’ opinion, the option with the highest approval is that the mayor should be replaced or temporarily have their duties performed by the deputy mayor appointed by the mayor with the approval of the municipal council - a municipal council member (4 out of 8 or 50% of the respondents). Another possible option, which could also be a civil servant of political (personal) trust, is not far behind (3 out of 8 respondents or 37.5%).

Everyone understands that the mayor’s activities require a lot of energy and effort in order to perform

![Figure 4: Responses to the question about the order of priority for performing functions in the years 2023-2027, with the change in the mayor’s dominant role in the municipal structure model (source: research, conducted in February 2023 by Astrauskas A. and Čelkė K.).](image-url)
these duties well. Therefore, the question naturally arises as to what kind of guarantees motivate individuals to apply to become mayor and hold this position for the entire 4 years.

According to the respondents (see Figure 5), the best way to protect the municipal mayor and motivate individuals to assume the duties of the mayor would be an official salary (with bonuses and allowances) that is commensurate with the responsibilities, and the right to return to former or choose positions at the same or lower level in the public sector.

As researchers, we were interested in finding out the views of experienced mayors about what challenges municipal mayors elected in 2023 will face after the change in the dominant role of the mayor (their dominant role is to be an executive institution) and to what extent those challenges differ from the challenges faced by the mayors elected in 2019 (during their dominance, the role was the functions of the chairman of the municipal council).

According to the respondents' opinion, from 2023 to 2027, mayors are likely to face the same challenges as in the period from 2019 to 2023: a) the imperfections in the legal environment (all 8 or 100% of the respondents believe this) and b) the lack of financial resources (7 out of 8 respondents). 3 out of 8 respondents do not rule out the possibility of conflicts between the municipal council (its majority) and the mayor in local affairs. This concern was already confirmed in practice in the example of Anykščiai District Municipality in 2023.

In response to a question about the three most important tasks (see Figure 6) that municipal mayors elected in 2023 should start their activities by a) forming their (mayor's) team (all 8 or 100% of the respondents believe this), b) seeking help and engaging in constructive communication with the municipal council members to form a stable working relationship with the council majority and reach an agreement on mutual communication/collaboration (5 out of 8 respondents), as well as c) getting acquainted with the economic-financial situation and identifying and anticipating the most important issues and how to address them (4 out of 8 or 50% of the respondents).

As it was mentioned, part of the survey questions was formulated about the necessary competencies (abilities) for mayors and the forms of their improvement.

According to “experienced” municipal mayors’ opinions (see Figure 7), for the 2023-2027 term, the elected mayor should possess strong organizational skills (organization), meaning they should be capable of planning current tasks, delegating, setting priorities, making decisions, and acting promptly (87% of respondents fully agreed with this statement). Additionally, a significant portion of respondents (75%) fully agreed that the future municipal leader should have competencies such as operations management,
leadership, and conflict management, as well as communication skills, analysis, and reasoning (62%). In third place in terms of importance - strategic thinking skills, flexibility in goal changes, accountability, and responsibility (50%). The ability to assess operations and results (37%) received lower evaluations.

The respondents who participated in the survey (see Figure 8) indicated that for newly elected municipal mayors, the most appropriate forms for improving their competencies (abilities) would be special courses, self-study (self-education), and introductory training sessions.

Based on the results of the research, all 8 respondents, or 100% of them, agreed that introductory training is essential for newly elected mayors. More than half of the respondents believe that introductory training for mayors should be organized in a training center or regional centers (for mayors from one or several counties). On the other hand, the respondents rated the usefulness of organizing introductory training sessions for mayors.
through remote or self-education methods significantly lower.

CONCLUSIONS

1. In the opinion of the mayors of Lithuanian municipalities who have held these positions for four terms, a municipal governance model in which the functions (authorities) of three functional places are assigned to the mayor's responsibilities is considered acceptable and rational: the functions of the head (leader) of the entire municipality, who represents the municipality 'beyond the municipality's borders' and at the same time performs the functions typical of the municipal executive institution, while equally attending to the functions of the municipal council's leader (meeting/work organizer). It can be concluded that the mayors of Lithuanian municipalities were essentially satisfied with both the municipal governance model applied until April 1, 2023, and the municipal governance model applied from April 1, 2023, although the actual municipal models and the dominant role of the mayor in those models differ significantly. This means that, despite criticism, the municipal governance model implemented from April 1, 2023, will not undergo significant changes (i.e., the model itself will not change, but only specific elements of that model will be adjusted when necessary and based on practical needs).

2. For the mayors of Lithuanian municipalities who have held these positions for four terms, the most significant source of stress is the fact that, with the change in the municipal governance model and the role of organizing council meetings/work, they will no longer have voting rights when the municipal council makes decisions. Although the mayors lost the right to vote, they were given the right to veto or the right to return the decisions made by the municipal council for reconsideration. After experiencing and mastering these new types of power, it is expected that municipal mayors will psychologically come to terms with the loss of voting rights, and the stress they experience will decrease. There will be less interest in initiating changes to the Local Self-Government Law related to the "regaining" of voting rights.

3. It is likely that there will be a more intense search for a more acceptable legal regulation for municipal mayors, creating opportunities for them to delegate (transfer) some of their power to vice mayors and/or municipal administration directors. This search could potentially lead to amendments to the Public Administration (General Law) and the Local Self-Government Law (a special law) provisions that regulate the procedure and cases for delegating (transferring) public administration power. In the opinion of mayors of Lithuanian municipalities who have held these positions for four terms, delegating (transferring) some of the mayor's power to vice mayors would meet with less resistance if vice mayors were not political (personal) trust civil servants but, like municipal mayors, members of municipal councils (elected local politicians). On the other hand, municipal mayors, who understand the possibilities of signing administrative decisions remotely, can
significantly mitigate their willingness to share authorities with other subordinate entities by using a modern document management system based on information technology.

4. For 50 percent of mayors of Lithuanian municipalities who have held these positions for four terms and expressed the opinion that it is advisable to raise an educational requirement for candidates for municipal mayors, it is likely that this topic will become relevant before other municipal council and mayoral elections, leading to discussions and political debates. The scope of power granted to municipal mayors elected in 2023 and the difficulties encountered in their activities will clearly show that individuals with higher education and a certain work experience are more successful in handling these responsible positions. However, to establish this requirement, lawyers may require an amendment to the country's Constitution. Knowing how much effort is needed to change the provisions of the Constitution of the Republic of Lithuania when the Seimas adopt the law, this idea can probably be abandoned.

5. For the mayors elected for the 2023-2027 term, the majority of respondents (87%) agreed that having good organizational skills, such as planning tasks, delegation, setting priorities, making decisions, and acting promptly, is crucial. Furthermore, most respondents (75%) fully agreed that future municipal leaders need competencies in operational management, leadership, and conflict management, while 62% emphasized the importance of communication and analytical skills. It is appropriate to raise the competence of the municipal mayors in the form of special courses, introductory training, and self-education.

6. The survey results indicate that introductory training is considered necessary for newly elected municipal mayors. In the opinion of more than half of the respondents, introductory training for municipal mayors is best organized in a training center or by region (for mayors of one or more counties). Respondents rated the usefulness of organizing introductory training remotely or by self-education much worse.

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