

**GUIDEBOOK  
ON THE OVERSIGHT OF LOCAL  
EXECUTIVE BODIES BY LOCAL COUNCILS  
(SAKREBULO)**



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# Introduction

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Democratic states rely on the principle of subsidiarity in the governance processes. This principle emphasizes the delegation of public authority to the government bodies closest to citizens, addressing their primary needs and interests. This principle finds institutional embodiment within local self-government and its corresponding municipal bodies.

The principle of subsidiarity is enshrined in the Constitution of Georgia, which states that „*citizens of Georgia shall regulate affairs of local importance through local self-government in accordance with the legislation of Georgia. The separation of powers of state authority and self-governing bodies is based on the principle of subsidiarity.*”<sup>1</sup> According to the same act, the executive bodies of local-self-governance execute decisions made by the representative bodies and are accountable to them.<sup>2</sup> Consequently, the Constitution establishes the principle and the framework of accountability of executive bodies to representative bodies, for the implementation of which relevant practical guarantees are provided in subordinate legislation.

The mayor, directly elected by the population just like the Local Council, bears dual accountability to the population and to the Council (hereinafter referred to as Sakrebulo). The members of Sakrebulo, on the other hand, who are also accountable to the population, fulfill this obligation by exercising both – law-making and oversight function. The availability of oversight mechanisms in the hands of the municipal councils is a practical manifestation of the principle of accountability of the local executive body (municipality mayor). In Georgia, some of these oversight mechanisms stem from the Organic Law "Local Self-Government Code" (hereinafter "the Code"), while others are considered within the Sakrebulo Rules of Procedures. As a rule, they are not confined to a specific list of tools, but are instead derived from the powers vested in the local representative body - the Sakrebulo and its constituent entities, encompassing various components of control.

According to the Organization for Economic Co-operation and Development (OECD), external scrutiny and oversight are essential parts of an integrity system. Public organisations and officials are accountable for their decisions, actions and expenditures. Oversight contributes to the public integrity system's effectiveness, notably by means of adequate responses of public organisations to oversight bodies' recommendations; effective handling of complaints and allegations, through both oversight bodies' own procedures and those of public organisations; and the impartial enforcement of laws and regulations throughout the public sector. Beyond creating specific mechanisms to establish and strengthen public accountability, oversight can foster learning through evaluation and highlighting bad and good practices.<sup>3</sup>

Finally, with the introduction and development of effective oversight mechanisms over the executive power by the representative body, following important **GOALS** might be attainable in Georgia:

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<sup>1</sup> Constitution of Georgia, Article 7.4

<sup>2</sup> Constitution of Georgia, Article 74.1

<sup>3</sup> OECD Public Integrity Handbook, 2020, <https://www.oecd-ilibrary.org/sites/7715f0e0-en/index.html?itemId=/content/component/7715f0e0-en>.

- ✓ Strengthening the accountability of the executive body and its officials;
- ✓ Conducting the activities of the executive body and officials in accordance with the legislation (including normative acts approved by the representative body);
- ✓ Proper spending of the local budget;
- ✓ Informing citizens about the activities of the executive body;
- ✓ Monitoring identification and evaluation of governance results;
- ✓ Application of appropriate response measures in case of violations or irregularities on the part of the executive body and officials.

**Effective oversight by the Local Council has the following **ADVANTAGES**:**

- ✓ Evidence-based control;
- ✓ Overcoming nihilism towards activities and increasing competition between parties;
- ✓ Substantive discussions at the Sakrebulo sessions and Commissions' hearings;
- ✓ Improving the effectiveness and efficiency of activities of accountable bodies and officials;
- ✓ Increasing the quality of accountability of the accountable body;
- ✓ Effectiveness of Sakrebulo;
- ✓ Implementation of the mandate of Sakrebulo in accordance with the interests of the citizens.

*NOTE:*

*In this document, the terms "oversight" and "control" will be used interchangeably and, for the purposes of this guidebook, the refer to the use of oversight mechanisms by Sakrebulo over the mayor and local executive bodies.*

# 1. Legal Basis of Oversight

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Accountability of executive bodies to the representative body is referred to in normative acts of all levels:

- ✓ European Charter of Local Self-Government;
- ✓ Constitution of Georgia;
- ✓ Organic Law of Georgia "Local Self-Government Code";
- ✓ Other legislative and sub-legal normative acts.

*The European Charter of Local Self-Government* defines the concept of self-governance as the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.<sup>4</sup> According to the Charter, these rights shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them.<sup>5</sup>

According to the *Constitution of Georgia*, citizens of Georgia shall regulate issues of local importance through representative and executive bodies of local self-government. Representative bodies shall be elected on the basis of universal, equal and direct suffrage by secret ballot. Executive bodies shall execute the decisions of the representative bodies and shall be accountable to them.<sup>6</sup>

*The Local Self-Governance Code* identifies the Mayor as the executive body and the highest official of a municipality and states that the Mayor is accountable to the representative body – the municipality Sakrebulo.<sup>7</sup> According to the same Code, the powers of Sakrebulo include control of the activities of a municipality's executive bodies and of their officials. The powers of a municipality Sakrebulo include other powers as provided for by the Rules of Procedure of the municipality Sakrebulo.<sup>8</sup> According to this provision, the legal basis for oversight mandate of Sakrebulo is established by the normative act regulating the work of each Sakrebulo – its Rules of Procedure. Accordingly, the instruments for realizing the principle of accountability of the local executive body – the oversight mechanisms – are established by the Local Self-Government Code and the Rules of Procedure of each Sakrebulo.

Thus, the oversight powers of Sakrebulo over the local executive body is just as organic to it as the law-making within the competences assigned to the local authorities by the Code. By exercising its oversight mandate, Sakrebulo enforces the principle of accountability of local executive bodies as guaranteed by the Constitution.

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<sup>4</sup> The European Charter of Local Self-Government, Article 3.1

<sup>5</sup> Ibid. Article 3.2

<sup>6</sup> Constitution of Georgia, Article 74.1

<sup>7</sup> Local self-Governance Code, Article 48

<sup>8</sup> Ibid. Article 24 1.c.a and 2

## 2. Oversight by Sakrebulo on the Activities of the Officials Accountable to it – Authorized Entities and Mechanisms

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### 2.1. Officials accountable to Sakrebulo and entities of Sakrebulo with oversight mandate

According to the legislation, the following entities and officials are considered accountable to the representative body of the municipality - Sakrebulo:

- ✓ Mayor;
- ✓ Deputy mayors;
- ✓ Head of the primary structural unit – Head of Service;
- ✓ Head of the private legal entity established by the municipality.

The oversight mechanisms of the Sakrebulo over accountable bodies and officials can be categorized based on the entities within the Sakrebulo that carry out the oversight:

Member of the Sakrebulo<sup>9</sup>

Sakrebulo Faction

Sakrebulo Commission

Sakrebulo as a whole

Gender Equality Council of the municipality

The oversight mechanisms of the Sakrebulo are classified according to the entities/subjects implementing them. Some of these mechanisms are provided for by the Local Self-Government Code, while others may be defined by the Rules of Procedure of a specific Sakrebulo. In the latter case, it is at the discretion of the relevant Sakrebulo to consider incorporating new oversight mechanisms into its Rules of Procedure. Their descriptions in this guidebook aim to suggest and promote good practices.

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<sup>9</sup> In this guidebook, a Member of Sakrebulo may also be referred to as a deputy

Additionally, the guidebook provides users with templates for various documents (letters, decisions) required in the application of specific oversight mechanisms.

### **Please Note:**

This guide outlines all oversight mechanisms available to Sakrebulo for overseeing the activities of accountable executive bodies. Some mechanisms may not be explicitly covered by the Rules of Procedure of the relevant Sakrebulo, while others although listed in the Rules of Procedure, lack detailed implementation procedures. Among other issues, this guidebook enables municipal councils to enhance the application procedures for each mechanism. It is the right of the Sakrebulo to expand oversight mechanisms beyond those outlined in the code, but corresponding to their mandate.

Furthermore, specific timelines suggested for issue consideration or document submission, as well as quorum requirements (other than those provided by the Code) are presented as provisional only. It shall be the discretion of each Sakrebulo to determine them. Such provisional formulations will be denoted in italic font within this guidebook.

## 2.2. Oversight mechanisms available to the members of Sakrebulo

### 2.2.1. Posing a question (oral question) during discussions of issues presented by the Mayor

An oral question entails a Sakrebulo member posing a question to an accountable official regarding issues discussed at the meetings of Sakrebulo, its commissions, and/or other collective bodies.

For the oral question to yield effectiveness and quality, it is crucial for Sakrebulo members to acquaint themselves with and analyze the agenda and accompanying materials beforehand. Therefore, the timeframe for Sakrebulo members to receive both the agenda and projects (materials) prior to a meeting is paramount. *It is desirable that the Rules of Procedure require a 5-7 day advance provision for this purpose.*

No specialized procedures govern the asking of oral questions. Deputies must adhere to session rules and pose questions on the topics under discussion when the session chairman announces the procedure.

Oral questions and their corresponding answers are documented in the minutes of the relevant session, constituting the sole record thereof. Hence, Sakrebulo staff should meticulously capture them in the protocol. Additionally, the Sakrebulo Rules of Procedure may outline provisions for the possibility and deadlines of written responses to oral questions.

Authorized person/entity	<ul style="list-style-type: none"><li>•Member of Sakrebulo</li></ul>
Report Submission Period	<ul style="list-style-type: none"><li>•During the sessions of Sakrebulo, faction, commission, temporary working group, Gender Equality Council</li></ul>
Form of a question	<ul style="list-style-type: none"><li>•Oral</li><li>•<i>the author of the question may request also a written response within 3 days</i></li></ul>
<i>Preparation of a question</i>	<ul style="list-style-type: none"><li>•Precondition for the quality of a question: obtaining materials to be discussed <i>5-7 days prior to the session</i></li></ul>
Documenting oral questions and answers	<ul style="list-style-type: none"><li>•Minutes of the session</li></ul>

## 2.2.2. Written question directed to entities/bodies accountable to Sakrebulo

A written question refers to a formal letter sent by a Sakrebulo member to an accountable official aimed at scrutinizing their activities. Such queries typically contain both a specific question and a request for the submission of documents or materials (for a template of a question from a Sakrebulo member, refer to Appendix 1).

The Code provides for this oversight mechanism, including corresponding timelines for responses. The primary objective of a written question is for the Sakrebulo member to obtain documentary evidence from the executive body, elucidating various aspects such as the progress of specific projects, expenditure details, employment statistics, among others.

In exercising this right, Sakrebulo members may request information containing personal data, professional, or commercial secrets. However, this right is coupled with responsibilities, requiring deputies to seek information solely for oversight purposes, refraining from public disclosure or personal use<sup>10</sup>. Similarly, Sakrebulo staff must handle such sensitive information discreetly, either by abstaining from publication or by redacting relevant data.<sup>11</sup>

Through the instrument of a written question, Sakrebulo members can delve into the intricacies of executive body operations, identify shortcomings, and bring them to light either publicly or within closed sessions. Additionally, they may opt to escalate oversight measures by applying interpellation, or use the information for political purposes.

Regarding procedures, deputies can dispatch the letter through various channels: electronically via the Sakrebulo's case-management program or email, or by submitting a printed copy to the Sakrebulo's office for registration. Regardless of the mode of delivery, it is imperative that the letter be officially registered within the Sakrebulo's office, facilitating tracking and ensuring compliance with deadlines. This registration process also aids in monitoring the executive body's responsiveness and contributes to the generation of accurate statistics regarding the Sakrebulo's oversight activities.

It is advisable for Sakrebulo members to adopt the practice of publishing both written questions and the corresponding answers on their official websites. Such transparency measures would enhance public awareness regarding the utilization of oversight mechanisms by the Sakrebulo, fostering greater transparency in local governance. This practice gains added significance given that Sakrebulo members' inquiries frequently mirror the concerns and interests of citizens. Providing responses to these queries underscores the level of accountability of local bodies.

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<sup>10</sup> Local self-Governance Code, Article 45.4.d

<sup>11</sup> Law of Georgia on Personal Data protection, Article 27

#### Authorized person/entity

- Member of Sakrebulo

#### Period

- Any time

#### Content of a letter

- Question; request of submission of a document

#### Mandatory requisits of a letter

- Reference to Article 45.1.a of the Local Self-Governance Code

#### Scope of question

- May request even personal data, or information containing professional and commercial secrets

#### Dispatching of a letter

- Electronic case management system
- Printed (signed) copy registered within the Sakrebulo's Office
- Registering signed letter with the addressee (informing the office of Sakrebulo)
- Sending a letter from a personal email (informing the staff/office)

#### Response time

- 1 week; + 10 days (in agreement with the author of a question)

#### Nature of accountability

- Obligation to respond

#### Obligation of a member of Sakrebulo

- Non-disclosure of information containing personal data, professional and/or commercial secret
- Not to use information obtained for personal reasons

#### Publication of a response

- Responses, except those containing protected data, are published on the Sakrebulo's webpage.

### 2.2.3. Engagement with officials accountable to Sakrebulo

The Sakrebulo member holds the right to freely engage/meet with officials accountable to the municipality's Sakrebulo, who, in turn, are obligated to welcome the Sakrebulo member without impediment. Considering the necessity for flexibility and prompt decision-making at the local level, this mechanism stands as one of the most effective in practice. Through it, deputies can swiftly engage with executive bodies and promptly address relevant problems. These meetings occur outside of formal sessions and they may be required at any time. It is preferable for such a practice (use of this mechanism) to be recorded, at the very least in a generalized form, in the annual report of the member of Sakrebulo.

#### Authorized person/entity

- Sakrebulo member

#### Period

- Any time

#### Venue

- Anywhere outside formal sessions - at the premises of Sakrebulo or the City Hall, offices of accountable officials, elsewhere

#### Form of a meeting

- In person or online

#### Format of a meeting

- Unofficial (there may be no public record of a meeting, can be closed)

#### Accountability

- *Shall be reflected in the annual report of the Sakrebulo member*

#### Tentative content of a relevant segment of the annual report

- *Generalized information concerning the meeting (number of meetings, topics, results achieved)*

#### Aims of Accountability

- Informing the public
- Verifying the work carried out by Sakrebulo members

## 2.3. Oversight mechanisms of Sakrebulo Factions

A Sakrebulo faction represents a voluntary political alliance among its members, established to coordinate their activities effectively. Membership in a faction is typically determined by political affiliation, with members aligning themselves accordingly. It is important to note that members elected under the nomination of a single political party are restricted from forming more than one faction. A faction of Sakrebulo can be constituted by a minimum of three members.<sup>12</sup>

Sakrebulo factions wield several oversight measures, including: submitting written inquiries to accountable officials or bodies; extending invitations to accountable officials to attend Sakrebulo commission sessions; requesting the presence of officials at Sakrebulo sessions; and employing interpellation. While these mechanisms are not explicitly outlined in the Code, it grants provisions for their incorporation into Sakrebulo's Rules of Procedure, which may include detailed specifications regarding subjects, deadlines, and procedures.<sup>13</sup>

### 2.3.1. Interpellation

Interpellation affords a group of three Sakrebulo members or a faction the platform to directly and publicly seek answers from an accountable official during a Sakrebulo session, focusing on matters of public relevance. The essence of interpellation lies in providing the interested public with the opportunity to hear responses from a senior official, delivered from a public platform, concerning significant issues. At the same time, interpellation serves as a political instrument enabling political groups to convey their stance on pertinent matters to the public.<sup>14</sup> This tool has been incorporated into the Rules of Procedure of a number of Sakrebulo.

**Content and Scope of Interpellation:** Interpellation procedures can be applied to the highest-ranking officials of the municipal executive body, notably the mayor and their first deputy. Any topic relevant to the public interest, pertaining to specific or general aspects of the policies implemented by the mayor or their first deputy in their respective fields, is eligible for interpellation. The subject matter should be specific, presented in the form of a question, and articulated concisely. Furthermore, it may be supported by a brief justification (refer to Appendix 2 for an example).<sup>15</sup>

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<sup>12</sup> Local self-Governance Code, Article 30

<sup>13</sup> Ibid, Article 24.2

<sup>14</sup> It shall be noted that in the Rules of Procedure of certain Sakrebulo, commissions also hold the authority to initiate interpellations. However, this practice runs counter to the intended purpose of interpellation as a political rather than a thematic oversight tool. The suggested inclusion of a group of a minimum of three Sakrebulo members among the potential initiators of the interpellation, is in line with the available best practices.

<sup>15</sup> According to the Rules of Procedure of some Sakrebulo, a faction or commission are empowered to initiate the interpellation of a Sakrebulo chairman, the mayor, or an official of an organization established by the municipality. However, it's crucial to note that interpellation, by its nature, is intended for use exclusively for the highest officials of the executive bodies and not against civil servants.

**Procedure of Interpellation:**



### 2.3.2. Written questions

Similar to individual members of the Sakrebulo, a Sakrebulo faction possesses the right to pose a written question and receive a written response from the accountable official. The written question stands out as one of the most commonly employed and efficacious oversight mechanisms.

**Scope of the Question and Addressee:** The recipient of a faction's written question may be any individual accountable to the Sakrebulo, and it can pertain to any matter falling within the competences of the relevant official. The faction retains the prerogative to pose inquiries in the letter and to request accompanying documents. This oversight mechanism is available to the Sakrebulo faction at any given time. The procedures for submitting a faction's written question and receiving a response mirror those for individual Sakrebulo members exercising the same right.<sup>16</sup>

### 2.3.3. Summoning of an accountable person to a Sakrebulo commission session (mandatory attendance)

Factions serve as the primary political entities within the Sakrebulo and possess the authority to request the appearance of an accountable individual at a Sakrebulo Commission session regarding a specific issue. The hearing is not conducted in the format of a faction, as it is imperative for oversight to incorporate diverse political perspectives in the debates conducted within the representative body. This mechanism may also be governed by the Sakrebulo's Rules of Procedure.

**Purpose and Subject of the Summoning:** Factions hold the authority to invite any accountable individual to a commission session, including the mayor, deputy mayor, head of the mayor's office, or head of a private legal entity established by the municipality, for the purpose of directly addressing questions of interest. The accountable official is mandated, upon the faction's request, to attend the commission session, respond to questions posed during the session, and provide a report on their activities.

**Form and Period of Invitation:** A Sakrebulo faction retains the privilege to summon an accountable individual if it has at least one member represented in the relevant commission. This right can be exercised by the faction at any given time.

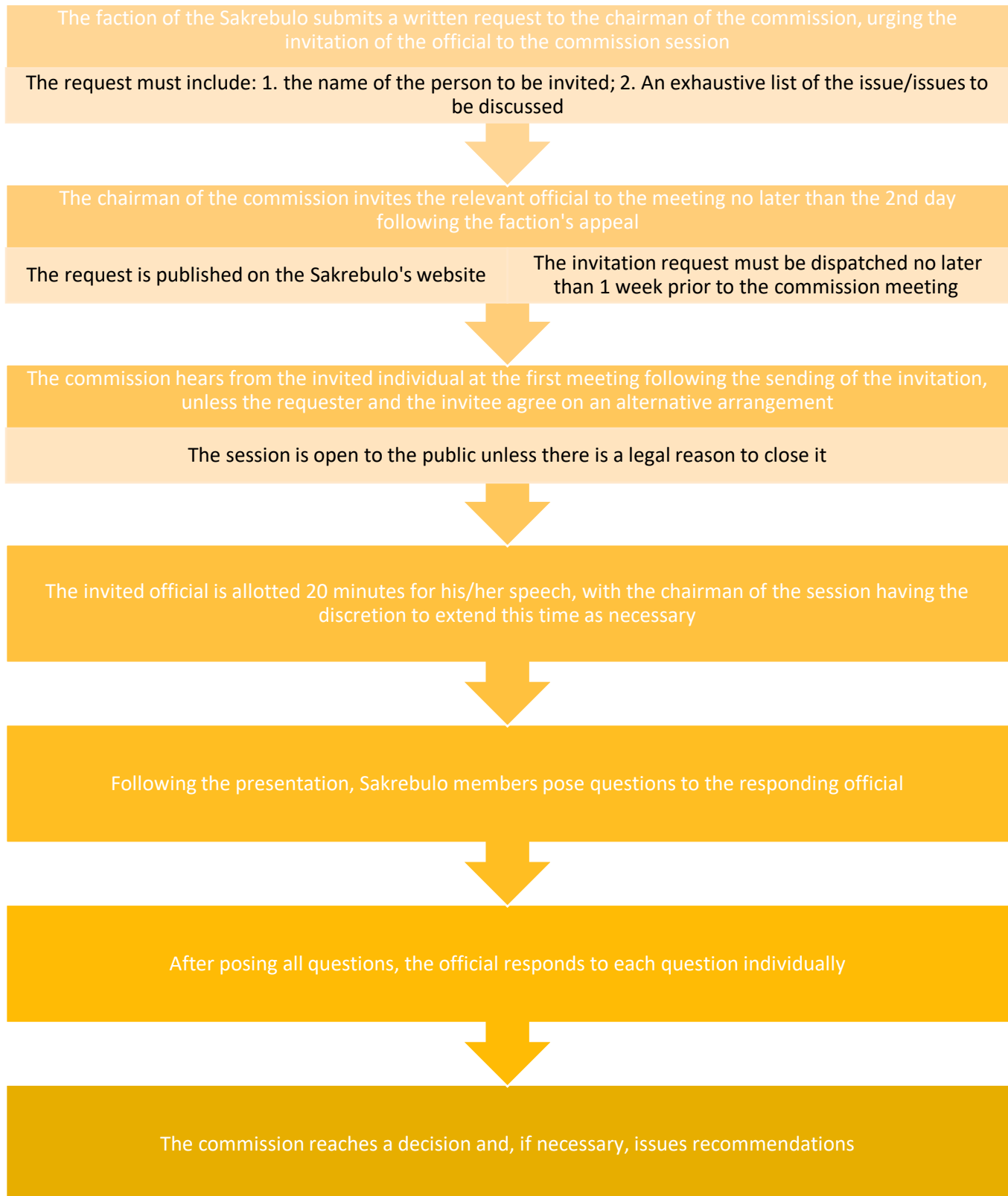
**Rules of Invitation:** The invitation to the commission session must be formally submitted in writing and should include: 1. The name of the individual being invited; 2. A comprehensive list of the issue(s) to be discussed (refer to Appendix 3 for details).

No later than the 2nd day following the faction's request for an invitation, the chairman of the commission sends a written invitation for the commission session to the respective accountable person. The date of the session announcement is mutually agreed upon by the initiating faction and the invited accountable person. The request for an invitation to the commission meeting must be dispatched no later than 1 week prior to the scheduled meeting.

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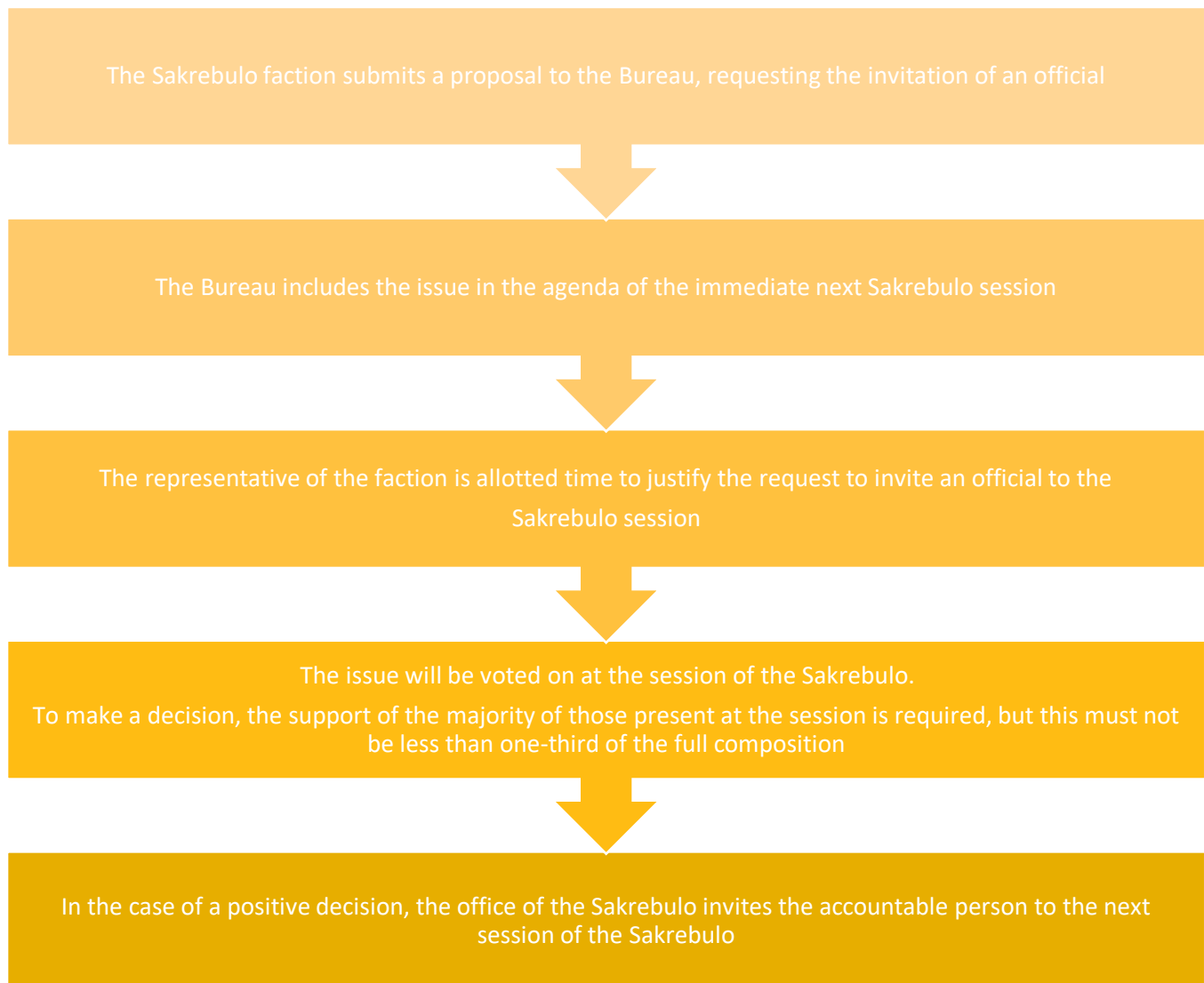
<sup>16</sup> For additional information please refer to the section 2.2.2. Written question directed to entities/bodies accountable to Sakrebulo

**Publicity:** The process of inviting an official is public; hence, a request for this is published on the website of Sakrebulo. Additionally, the hearing is conducted in an open session, except for exceptional cases where the commission may decide to close the session.



### 2.3.4. Initiating the summoning of an accountable person to a Sakrebulo session

The faction holds the prerogative to request the presence of an official at a Sakrebulo session at any given time. This request may arise if the faction deems that the issue warrants discussion by the full composition of the Sakrebulo or if it falls beyond the jurisdiction of a single commission. Inviting an accountable person to the council meeting enhances transparency and public awareness. It is important to note that the decision of the faction alone is insufficient to extend an invitation to an official. Such an initiative must garner majority support from the Sakrebulo through voting (refer to Appendix 6).



## 2.4. Oversight mechanisms of the Sakrebulo Commission

Commissions are established within the municipal council to facilitate the preliminary preparation of issues, promote the implementation of decisions, and oversee the Mayor's office, its structural units, and legal entities established by the municipality. Each Sakrebulo has the authority to create up to five commissions, except for Tbilisi, which may have more.<sup>17</sup>

With a decision from the Sakrebulo (by including additional rules or mechanisms in the regulations), the commission can undertake specific oversight measures. Similar to factions, the commission itself has the right to initiate the summoning of an official to its session, propose the invitation of an official to a Sakrebulo session, hear reports on the activities of accountable officials, monitor budget execution, designate thematic rapporteurs, oversee the implementation of decisions made by the Sakrebulo, conduct thematic inquiries, and more.

### 2.4.1. Inviting an official to the commission session (mandatory attendance)

Mandatory attendance of officials at commission sessions and hearing their answers to specific issues in a public format is of particular importance for the implementation of the oversight authority of the commissions of the municipal council.

**Initiating the Mandatory Attendance of an Official:** The Sakrebulo Commission is authorized to invite the mayor, the mayor's deputy, heads of the municipal services, or the heads of private legal entities established by the municipality to the commission meeting regarding the policies they are implementing in their respective fields. The decision to summon an official is made by a majority vote of those present at the commission session. The commission can exercise this authority at any time, at its own discretion (see Appendix 4 for a sample letter inviting an official to a commission meeting).

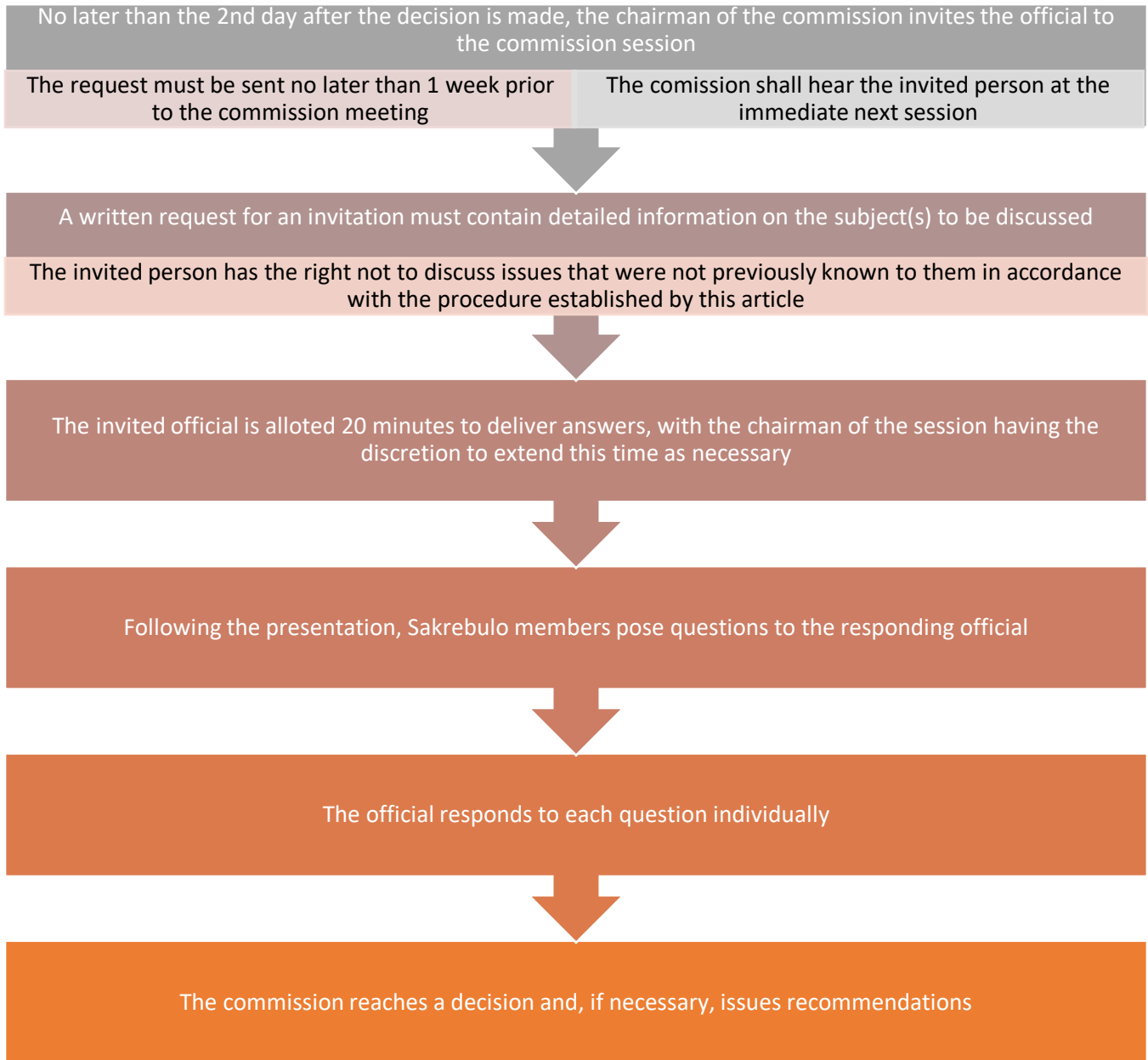
**Publicity:** The mandatory attendance of an official at the commission session is a public process aimed at informing the public about various issues. Therefore, except in exceptional cases, all stages of this procedure are public:

- The decision to summon an official is made at a public meeting
- The Commission's decision to summon an official is published on the Sakrebulo website
- The hearing of the official is conducted at a public session

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<sup>17</sup> Local Self-Governance Code, Article 28.1

### The Procedure for Considering the Issue at the Commission Session:



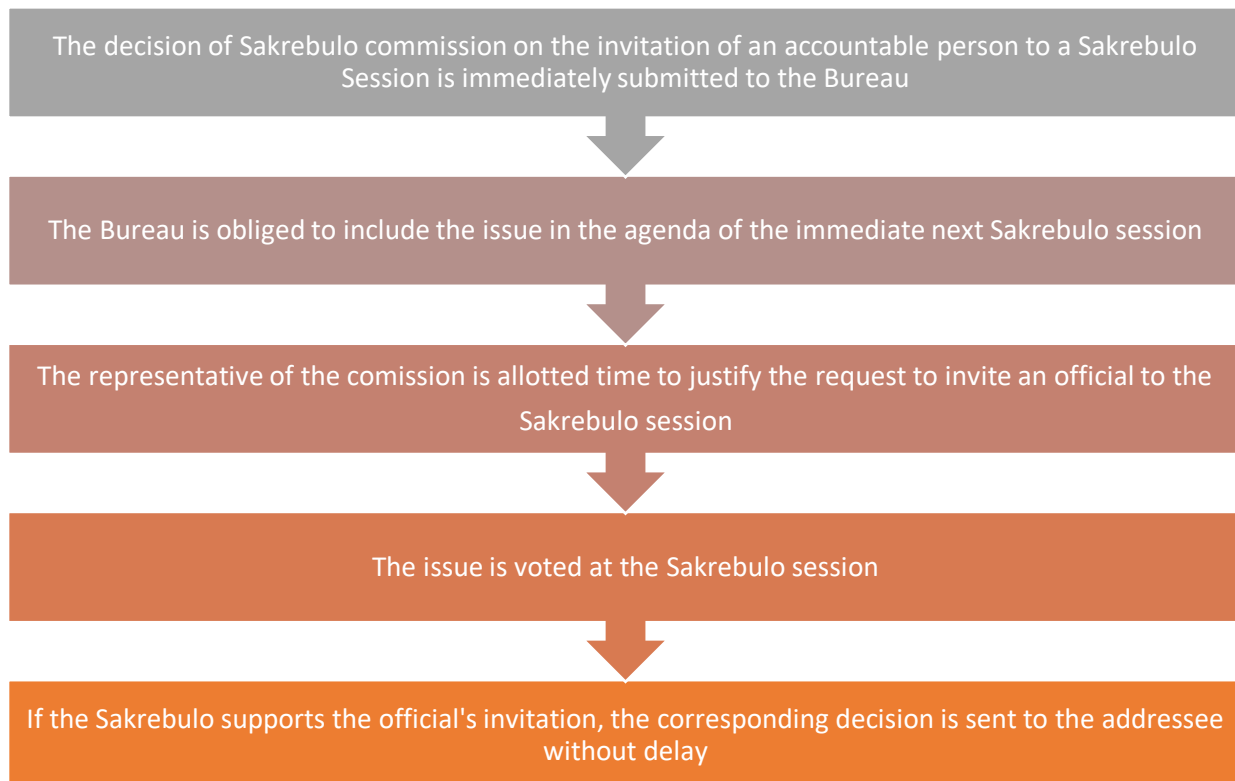
## 2.4.2. Initiating the summoning of an accountable person to a Sakrebulo session

The commission may initiate the summoning of an accountable person to a Sakrebulo hearing if it deems that the issue warrants discussion by the full composition of the Sakrebulo, or if the matter to be discussed falls beyond the jurisdiction of a single commission. To invite an official through this mechanism, the initiative needs to be supported by the majority (but not less than one-third) of those present at the Sakrebulo session.

**Publicity:** Inviting an official to the session of the Sakrebulo is a public process:

- The decision to initiate the invitation of the official is made at a public session of the commission.
- The commission's decision on initiating the invitation of the official to the session of the Sakrebulo is published on the Sakrebulo's website.
- The decision of the Sakrebulo regarding the invitation of the official is also published on the Sakrebulo's website.
- The hearing of the official is conducted at a public session.

**Procedure for Summoning an Accountable Person to a Sakrebulo Session:**



### 2.4.3. Hearing reports of activities from accountable persons

In addition to requesting information and summoning officials, the oversight authority of the Sakrebulo includes periodic proactive accountability of accountable agencies. Even if the Sakrebulo does not request information, the city hall services are required to periodically submit reports on their activities. The Sakrebulo, in turn, must evaluate the received information and, if necessary, study the issue further to ensure the accountability of the relevant service. This may involve using other oversight mechanisms or resorting to response measures stipulated in the Rules of Procedure<sup>18</sup> (if any). Reviewing the reports on the performed activities, according to the field, is an important oversight function of the Sakrebulo Commission. It is recommended that the Rules of Procedure of the Sakrebulo outline the procedures, including deadlines, for submitting and reviewing these types of reports.

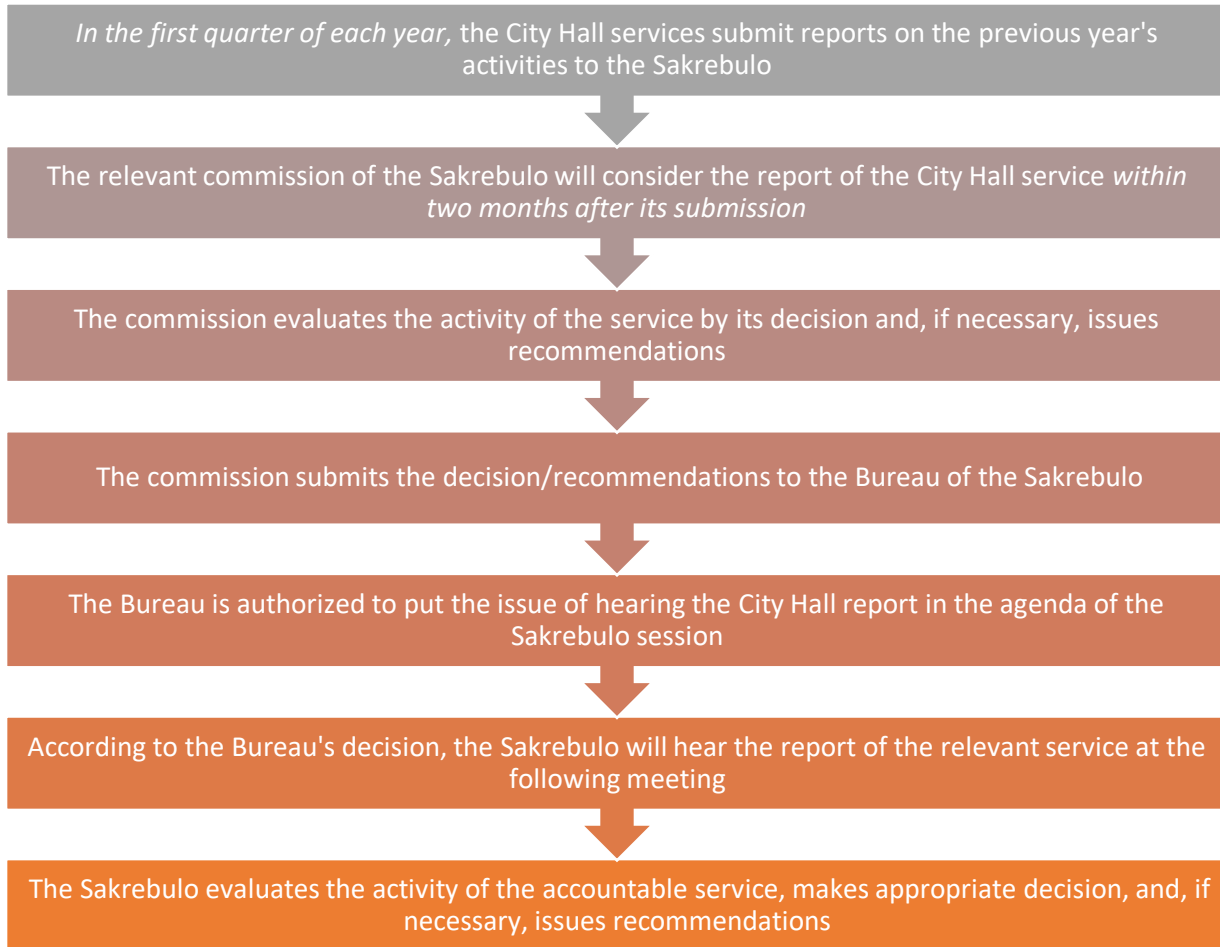
Accountable persons' activity reports are as a rule submitted to the Sakrebulo every year. The Bureau of the Sakrebulo assigns the reports to the relevant sectoral commissions for consideration. The commissions review them, evaluate the activities of the relevant service, make a decision, and, if necessary, issue recommendations. The written report is sent to the members of the commission immediately after submission, so they have the opportunity to familiarize themselves with it and prepare for the hearing.

In order to carry out effective oversight, it is important for the commissions to seek information from alternative sources as well about the activities carried out by the executive authorities and the achievements or challenges in the field. For this, it is recommended that the commissions familiarize themselves with alternative reports (if any), invite experts for consideration, and meet with interested parties.

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<sup>18</sup> For response measures, see Chapter 3 of this guide, "Response Measures for Violations of Established Oversight Rules"

## Procedure for Hearing Reports



## 2.4.4. Budget execution control (quarterly reports)

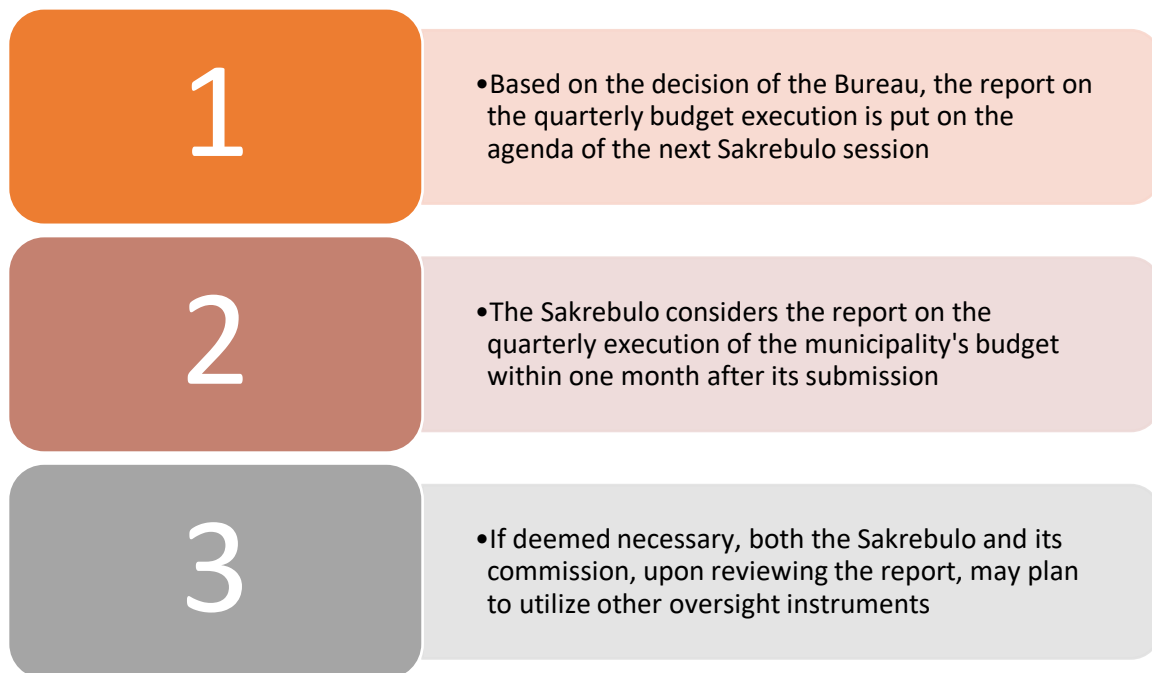
Budget execution control is the key oversight competence of the Sakrebulo and its commissions. The Sakrebulo supervises the budgetary process through various means, including regular reviews of progress of budget execution by the commissions.

**Submission of Quarterly Reports:** According to the Rules of Procedure of certain Sakrebulo, the Mayor or their designate must submit to the Sakrebulo commission within one month of the end of each quarter a comprehensive review of budget performance. This review should include cumulative totals comprising receipts, payments (including funds allocated from the reserve fund), changes in balances, and total balances, enabling a comparison of actual volumes with the planned indicators for the corresponding period. The Commission is empowered to request additional data necessary for a thorough evaluation of the quarterly reports.

The relevant commission of the Sakrebulo reviews the report on the quarterly budget implementation and submits the review results to the Bureau of the Sakrebulo.

**The Result:** Following the Bureau's decision, the report on the quarterly budget execution of the self-governing unit will be included in the agenda of the next Sakrebulo meeting.

The Sakrebulo considers the report on the quarterly performance of municipality's budget within one month after its submission and takes note of it.



## 2.4.5. Thematic rapporteur

To ensure the effective development of administrative-legal acts and oversight over the activities of municipal executive bodies, the chairman of the commission is authorized to appoint a dedicated member of the commission as the thematic rapporteur on any issue within the commission's jurisdiction. The presence of thematic rapporteurs ensures the division of labor among Sakrebulo members and enhances the overall quality of the Sakrebulo commissions' work. This mechanism is only provided for in a few Sakrebulo regulations.

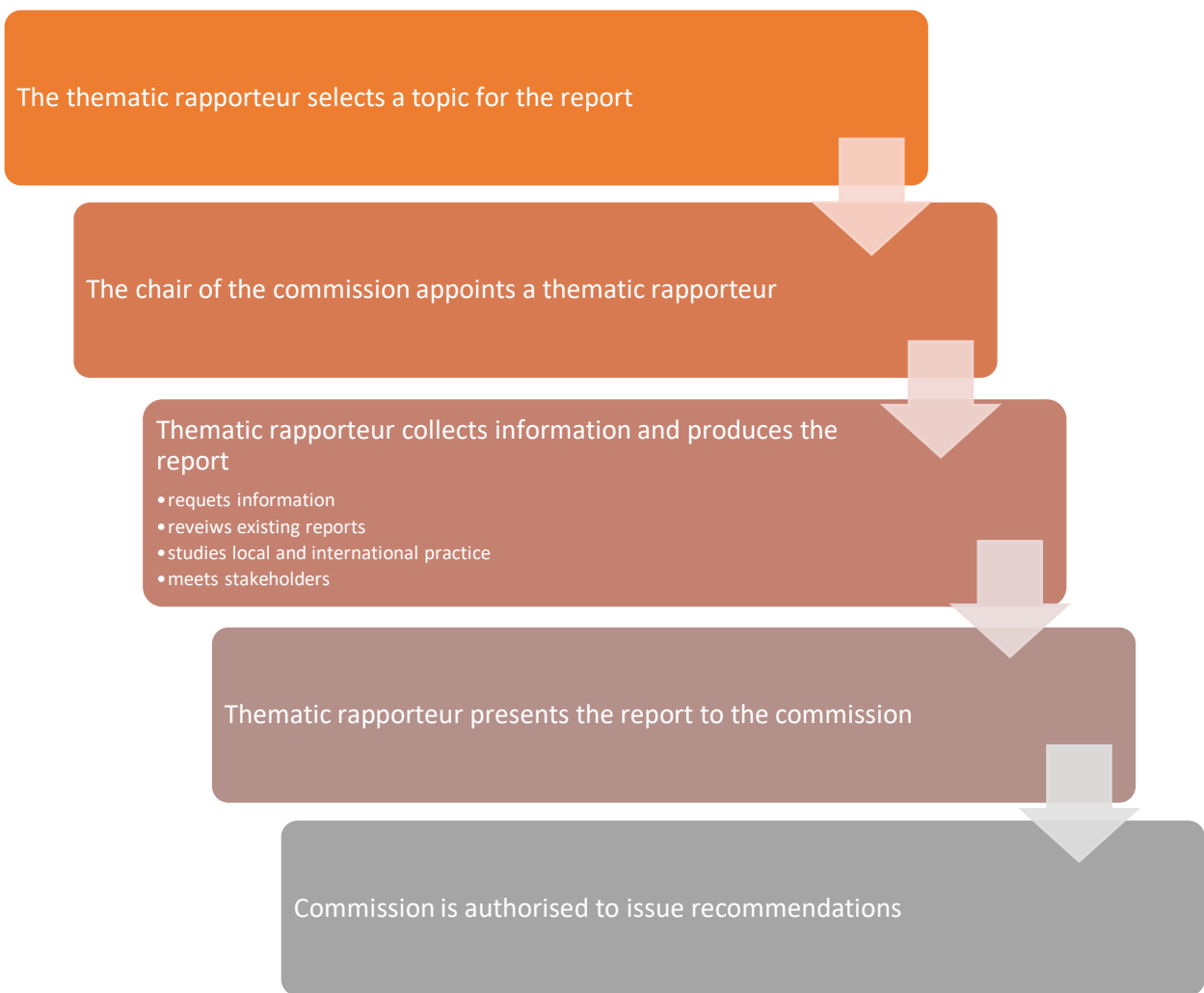
**Selection of Topics for Thematic Rapporteurs:** Thematic reports may address any issue within the commission's field of competence, such as evaluating the activities of executive bodies in a specific area, reviewing drafts of administrative-legal acts approved by the Sakrebulo, assessing the practical implementation of already adopted legal acts, or addressing important issues for the municipality's population falling under the commission's competence.

**The procedure for appointing the Thematic Rapporteurs:** as a rule, the members of the Sakrebulo are appointed as thematic rapporteurs during the process of developing the commission's action (work) plans. However, a member of the commission may express interest in a specific topic at other times, on the basis of which, the chairman of the commission is authorized to appoint him/her as a thematic rapporteur. In this way, the flexibility of the mechanism and timely response to current issues in the field of commission's competence is ensured. If a member of the Sakrebulo in the majority is designated as the rapporteur, at the request of the opposition, the chairman of the commission will appoint one thematic rapporteur from the factions or non-factional members of the opposition as a co-rapporteur. If the majority in Sakrebulo is not established, the rule stipulated in this paragraph applies to factions and non-faction members.

**Activities of the Thematic Rapporteur:** During the preparation of the report, the thematic rapporteur familiarizes himself/herself with any existing reports already prepared or published on the selected topic (if available). The rapporteur request information from competent authorities, reviews relevant local or international practices, engages with stakeholders from both the executive bodies and the private sector, as well as representatives of civil society, and undertakes other activities aimed at fully exploring the issue.

**Note:** *During the preparation of the thematic report, the thematic rapporteur may be assisted by an expert in the field or an invited specialist. Regardless, the thematic rapporteur is entitled to receive organizational and content support from the offices of Sakrebulo.*

**Discussion of the Report:** The rapporteur presents his/her thematic report at the commission session during the consideration of a relevant issue. Alternatively, the rapporteur may opt to present a thematic report at the subsequent commission session, followed by a question-and-answer session with commission members. The thematic report may serve as the basis for issuing recommendations to relevant authorities and/or initiating other oversight mechanisms by the commission, such as thematic inquiry, hearing of a relevant accountable official, etc.



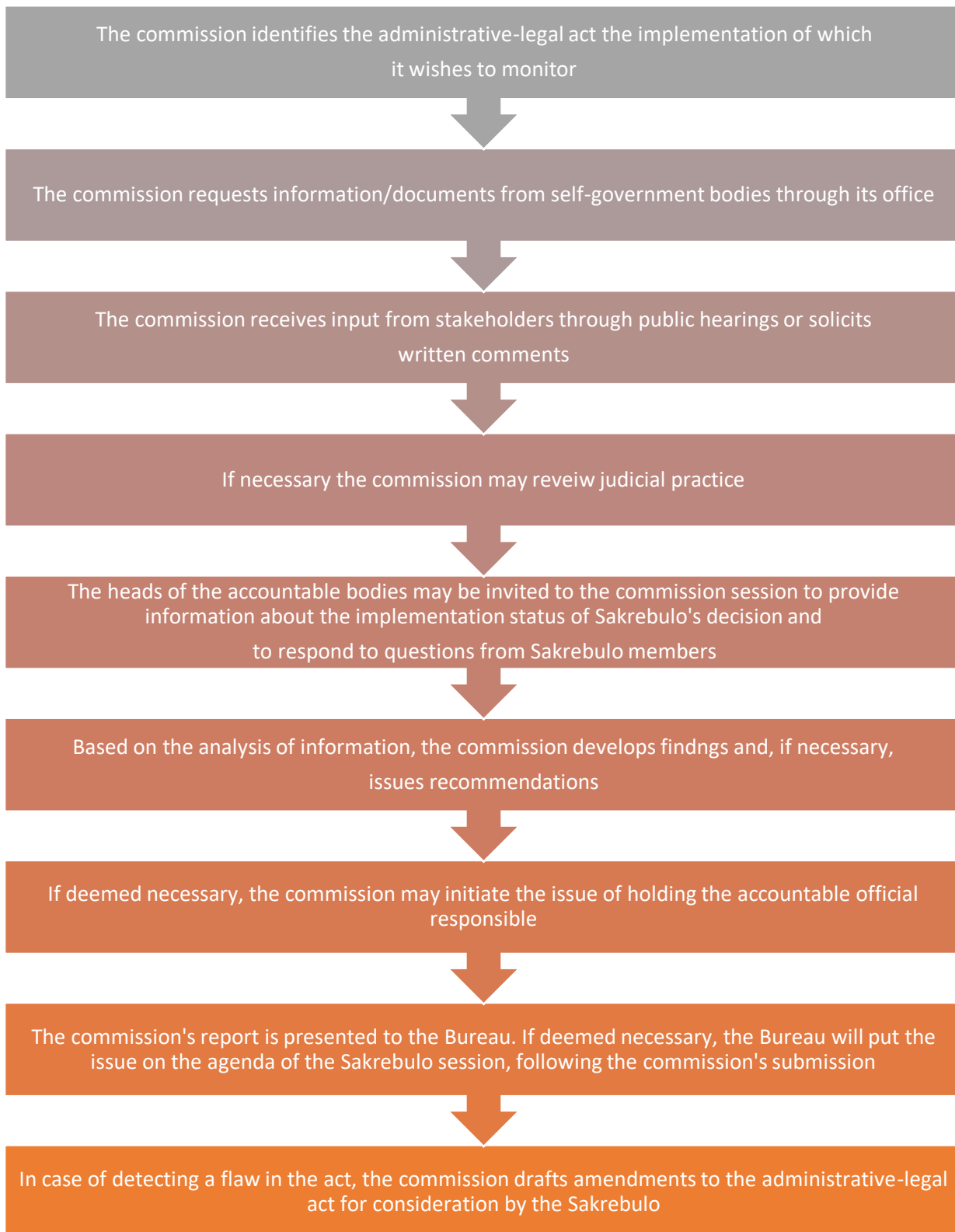
**Publicity:** It is crucial for the public to be informed about the appointment of a thematic rapporteur so that interested individuals know which member of the Sakrebulo works on specific issues of interest to them. Therefore, the Sakrebulo office ensures the publication of a comprehensive list of thematic rapporteurs on the Sakrebulo's website, updating it periodically.

## 2.4.6. Monitoring implementation of Sakrebulo's decisions

The Sakrebulo periodically monitors the implementation of its decisions by the local executive authorities. This oversight mechanism enables the Sakrebulo to assess the effectiveness of its adopted normative or individual administrative-legal acts, analyze any gaps identified during implementation, identify objective and subjective factors hindering full implementation, and take necessary measures to address them. While the Rules of Procedure of certain Sakrebulo provide detailed regulations for this mechanism, others only mention it as a competence of their respective commissions.

**Initiating the monitoring of the implementation of Sakrebulo's decision:** The commission, responsible for the sphere to which the Sakrebulo's normative act or a decision belongs, is mandated to periodically monitor its implementation status. Typically, the commission indicates in its workplan which act(s) adopted by Sakrebulo it intends to review during the current year. It is advisable for the commission to consider the time elapsed since the adoption of the act and determine whether sufficient experience has been accumulated to assess its effectiveness. For normative acts, it is preferable to wait at least one year after adoption before initiating control. For individual administrative-legal acts of the Sakrebulo, the commission may commence the control from the day of their entry into force.

**The results of monitoring implementation of decisions/acts:** If the monitoring process uncovers ambiguity or other flaws in the act leading to its incorrect or inconsistent application, or if it is determined that the existing problem cannot be effectively addressed within the framework of the current regulation, the commission shall draft and present to Sakrebulo the necessary amendments to the administrative-legal act.



## 2.4.7. Thematic inquiry

Thematic inquiry is a mechanism designed for in-depth and insightful examination of any issue significant for the municipal council. It emphasizes high levels of transparency and engagement, enabling a thorough exploration of the matter with engagement of Sakrebulo members, municipal executive bodies, experts, and the public. The primary objective of thematic inquiry is to identify optimal solutions to existing challenges and formulate relevant recommendations. Only a few Sakrebulo's Rules of Procedure incorporate this mechanism, through which they substantively enhance the oversight capabilities of Sakrebulo.

**Selection of the topic:** Thematic inquiry can be initiated by any member of the Sakrebulo who deems a problem urgent, considering citizen statements, analysis of current events, public interest, and other significant factors. The issue for thematic inquiry should fall within the purview of the relevant commission. Thematic inquiry aims to thoroughly examine the chosen topic, draw pertinent conclusions, and formulate recommendations.

**Initiating the thematic inquiry:** The decision to establish a thematic inquiry group is made by the Sakrebulo commission with the majority of votes from those present. This decision outlines the topic of the inquiry, its scope, and the composition of the inquiry group. It's not mandatory for all commission members to be part of this group. The members of the thematic inquiry group should be members of the commission responsible for initiating the inquiry. Information about the creation of the thematic inquiry group, including its composition, is communicated to the Sakrebulo Bureau.

**Technical support for thematic inquiry:** During the thematic inquiry, it's essential to engage Sakrebulo staff for organizational and content related support. In certain instances, additional expertise may be required. Therefore, the thematic inquiry group has the authority to engage the specialists of the relevant field in the work of the inquiry group.

**Publicity:** Thematic inquiry is a transparent process, and complete information about it should be published on the website of Sakrebulo, including:

- ✓ Details about the initiation of the thematic inquiry, comprising the issue's name and a brief description, information about the Sakrebulo member(s) handling the matter, and the procedure and deadlines for the stakeholders to submit their opinions and relevant documentation (within 5 days of the inquiry's initiation);
- ✓ Documents received during the inquiry process;
- ✓ Notice about the inquiry's hearing (provided 1 week in advance);
- ✓ Finalized thematic inquiry report and recommendations.

**Term and Duration:** Thematic inquiry is intended to address contemporary issues, hence it is time-bound. It can commence at any time and must conclude within 3 months of initiation. An extension of up to 2 months is permissible if deemed necessary.

## Thematic Inquiry Process



**Submitting the Inquiry Report to the Sakrebulo:** The Sakrebulo Commission forwards the thematic inquiry report to the Sakrebulo Bureau, which is responsible for including the issue in the agenda of the Sakrebulo session. Discussing the report and recommendations of the thematic inquiry at the Sakrebulo session enhances public awareness of the relevant issue and the Sakrebulo's activities. Furthermore, the transparent nature of the process aids in monitoring the implementation of the developed recommendations.

It is advisable for the relevant Sakrebulo commission to revisit the issue of thematic inquiry after a reasonable period and assess the implementation of the recommendations issued.

## 2.5. Oversight mechanisms of the Sakrebulo as a single institution

The Code provides for specific oversight mechanisms that can only be employed by the Sakrebulo as a whole and not by any of its individual entities. In these cases, a decision from the entire Sakrebulo is required. Quorums for these decisions vary depending on the issue at hand. Different subjects within the Sakrebulo can initiate these decisions.

### 2.5.1. Declaration of no confidence in the mayor

The Sakrebulo can only declare no confidence in the mayor, representing the most severe instrument of political accountability. This process does not require a specific reason for initiation, allowing the initiating entity to base it on political considerations. A successful vote of no confidence results in the dismissal of the mayor. Given the significant implications, this procedure is challenging to execute. Both the initiation and final decision-making quorums are high, effectively preventing the opposition from using this mechanism without having supporters from the majority.

The Sakrebulo must also decide on the issue of no confidence in the mayor if the initiative is submitted by at least 20 percent of the total number of registered voters in the municipality. In this case, an initiative group with at least 10 members must be registered with the Sakrebulo. The application and composition of the initiative group are registered by the administration of Sakrebulo. The initiative group receives a registration certificate within 3 working days of the application.

Once registered, the initiative group begins collecting signatures on a form /sheet established by the Sakrebulo. Each sheet is signed by no more than 50 citizens, who provide their name, surname, year of birth, ID card number, place of registration, and date of signature. Each sheet is also signed by the person responsible for collecting signatures, who includes his/her address. This signature must be certified by the Notary or the relevant authorized person of the Sakrebulo. If the Sakrebulo has not established the appropriate paper form, the initiative group must ensure the collection of signatures complies with these requirements.

The initiative group has 1 month to collect signatures and submit them to the administration of Sakrebulo along with the appropriate statement. The decision to present the initiative for consideration at a Sakrebulo session or to refuse it is made by the chairperson of Sakrebulo within 15 days of the registration of the application. If the application meets the formal requirements, the chairperson of the Sakrebulo ensures that the initiative is submitted for discussion at the Sakrebulo meeting within 20 days of registration.

### Authorised person/ entity

- A majority of the full composition of the Sakrebulo
- At least 20 percent of the total number of registered voters in the municipality

### Form of the initiative

- Written motion (with signatures)
- Statement of the initiative group along with the signatures of at least 20 percent of the total number of registered voters in the municipality

### Timeframe for consideration of the initiative

- No later than within 10 days of submission
- In the event, where the no confidence is initiated by citizens, the decision to present the initiative for consideration at a Sakrebulo session or to refuse it is made by the chairperson of Sakrebulo within 15 days of the registration of the application. If the application meets the formal requirements, the chairperson of the Sakrebulo ensures that the initiative is submitted for discussion at the Sakrebulo session within 20 days of registration.

### Decision-making

- Sakrebulo, no less than 2/3 of Sakrebulo's full composition (by vote)

### Results of the vote of no confidence

- Dismissal of a mayor (new elections)

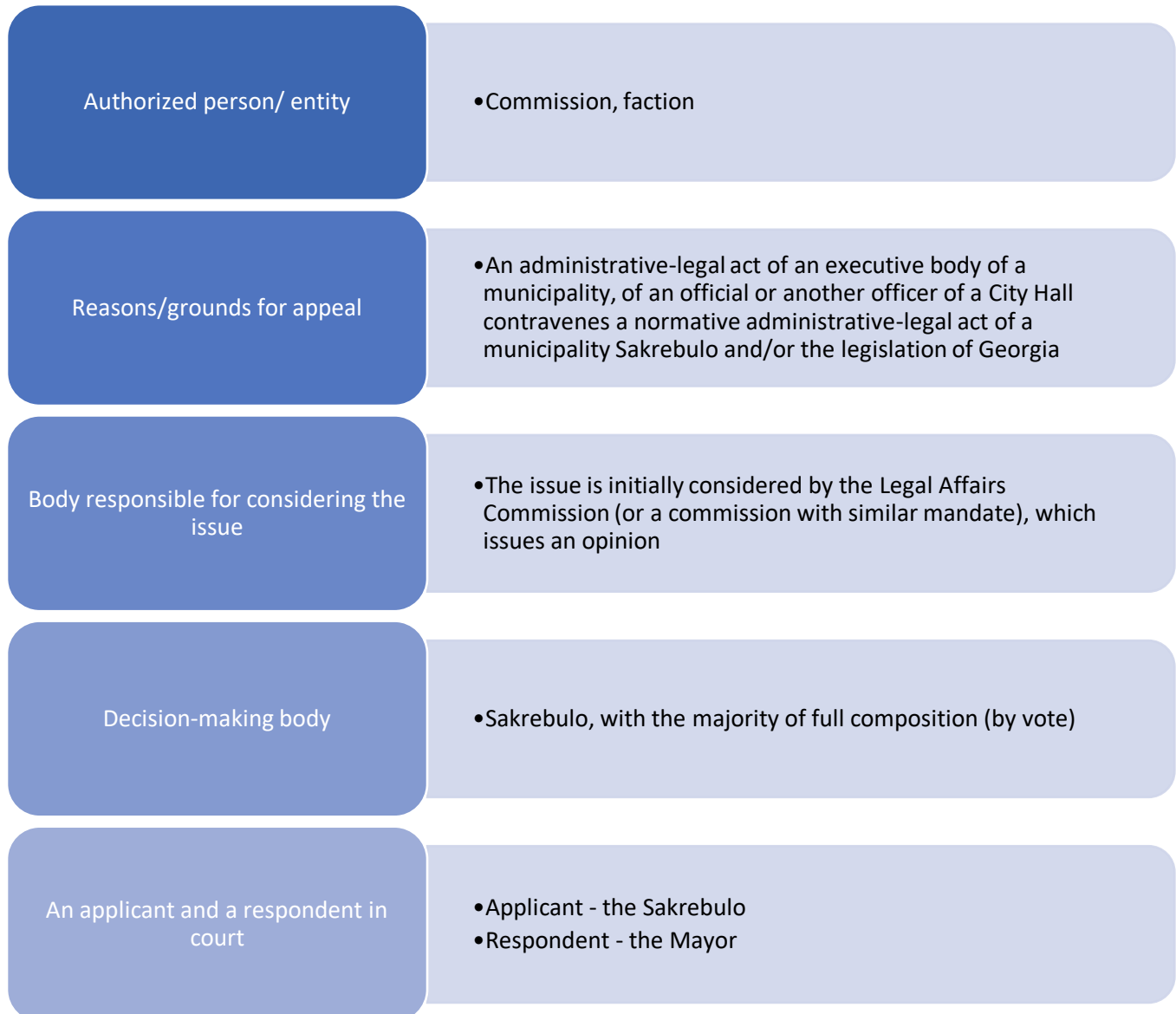
### Restrictions

- In the event of a vote of no confidence, the issue cannot be raised again within the next 6 months.
- The initiation of the no-confidence procedure and the no-confidence motion are not allowed within 6 months after the mayor's election, nor during the last year of the mayor's term of office.

## 2.5.2. Challenging legal acts of the mayor in court

Appealing the mayor's legal acts is the final legal remedy available to Sakrebulo. This measure is typically pursued when other supervisory mechanisms have failed to achieve their intended objectives. The decision on who can initiate this process and the procedure for reviewing such cases is determined by each individual Sakrebulo.

The Rules of Procedure of Sakrebulo may outline a specific procedure for appeals. In such cases, it is advisable to involve the legal affairs commission (or a commission with similar competencies) to prepare an opinion. The Rules of Procedure may designate a faction or a commission as the initiator of the appeal. Once the decision to appeal is made, the representation in court will follow standard legal procedures.



### 2.5.3. Independent audit (Invoted auditor)

The Sakrebulo has the authority to request an independent audit of municipal bodies' activities. This procedure aims to enhance transparency and independence within the municipality. In practice, the invited auditor operates in parallel with the City Hall's internal audit, and his/her engagement may not even be necessary in all cases. The application of this oversight mechanism is a discretion of the Sakrebulo. An independent audit may be requested only once per year, and its findings must be made public.

Authorized person/ entity	<ul style="list-style-type: none"><li>•At least 1/3 of the full composition of Sakrebulo</li></ul>
The rule for filing the initiative	<ul style="list-style-type: none"><li>•The initiative must be confirmed by the signature of at least 1/3 of the members (no vote is required)</li></ul>
Procedure	<ul style="list-style-type: none"><li>•The request/motion is presented to the Sakrebulo Chair and the issue is put on the agenda of the session</li></ul>
Decision-maker	<ul style="list-style-type: none"><li>•Sakrebulo - the majority of those attending but not less than 1/3 of the full composition (with a vote)</li></ul>
Period	<ul style="list-style-type: none"><li>•Any time, but no more than once a year</li></ul>
Rule for inviting an auditor	<ul style="list-style-type: none"><li>•In accordance with the Law on Public Procurement</li></ul>
The result	<ul style="list-style-type: none"><li>•The independent auditor's report and findings are presented to the Sakrebulo, submitted to the State Audit Office, and made public.</li></ul>

## 2.5.4. Hearing the mayor's report(s)

Annually, the mayor is required to present a report on the previous year's activities not only to the citizens but also to Sakrebulo. The latter also reserves the right to request an extraordinary report from the mayor. This report is deliberated directly at the Sakrebulo session, without going through its commissions.

In the majority of cases, the Rule of Procedures do not stipulate deadlines for the submission and review of such report. However, it is advisable for this process to occur within the first quarter of the subsequent year, allowing the report to encompass a full year, followed by a two-month review period. It's crucial for the Rules of Procedures to establish clear deadlines for the year of the Sakrebulo's election, usually held in October-November, to prevent a reporting gap in the preceding year.

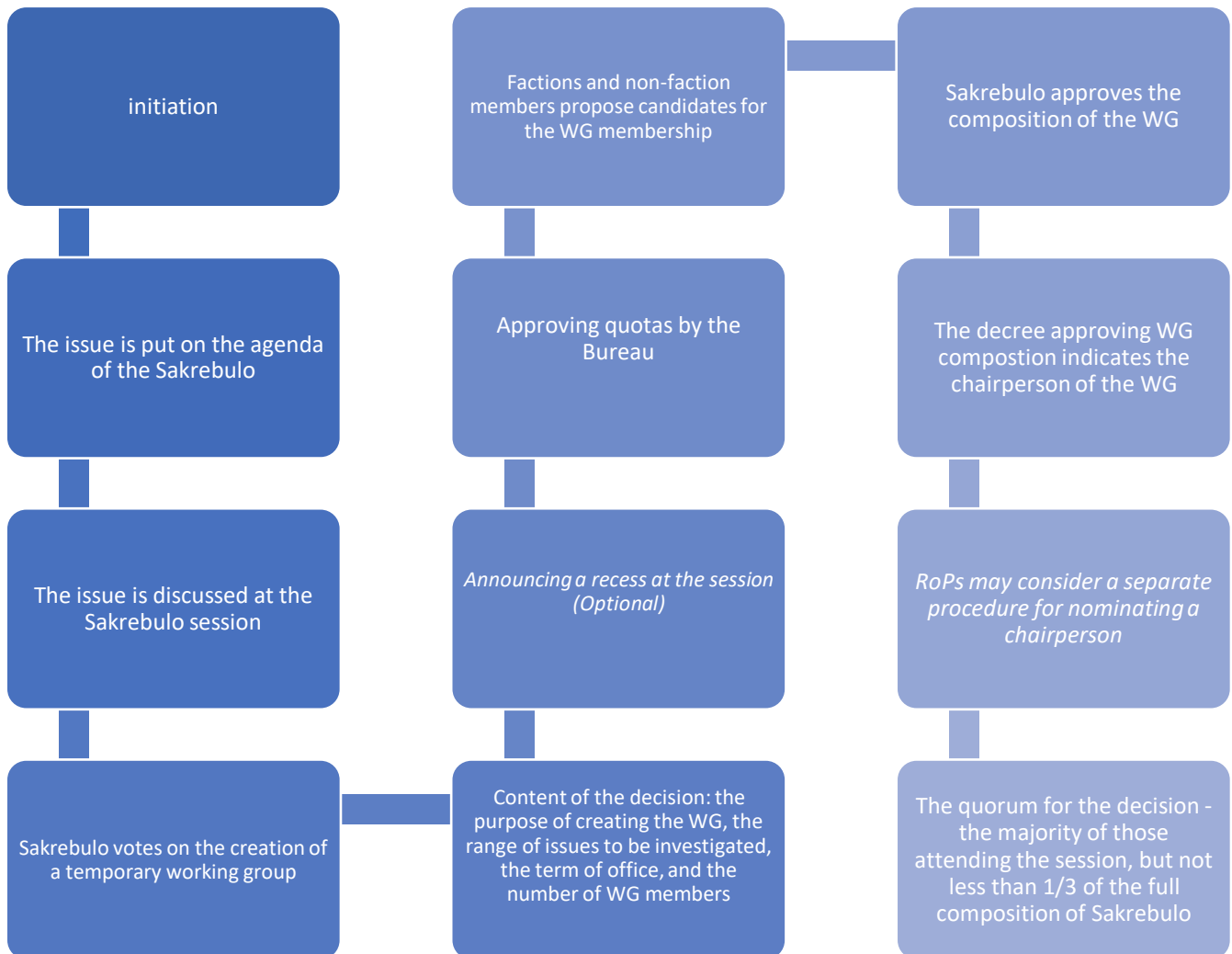
Authorized person / entity	<ul style="list-style-type: none"><li>• Annual Report - A Mayor</li><li>• Extraordinary Report - No less than 1/4 of Sakrebulo members (confirmed by signatures)</li></ul>
Reporting period	<ul style="list-style-type: none"><li>• Annual - At least once a year</li><li>• Extraordinary - As requested</li></ul>
Report Submission Period	<ul style="list-style-type: none"><li>• <i>Prior to 31 March of the year following the reporting year</i></li><li>• <i>In the year of Sakrebulo elections - September-October of that year</i></li></ul>
Timeframe for Report consideration by Sakrebulo	<ul style="list-style-type: none"><li>• <i>Annual Report - By 1st of May</i></li><li>• <i>Extraordinary - at the next session, but not earlier than 7 days of the submission of the report</i></li></ul>
Reviewing entity	<ul style="list-style-type: none"><li>• Sakrebulo</li></ul>
Potential results	<ul style="list-style-type: none"><li>• <i>Decree of the Sakrebulo and assessment of the mayor's work</i></li></ul>

## 2.5.5. Temporary working group (WG)

The Sakrebulo has the authority to establish temporary working groups to delve into specific issues when deemed necessary. This mechanism serves the purpose of analyzing existing or emerging problems within the municipality and devising appropriate solutions.

Authorized person/entity	<ul style="list-style-type: none"><li>• Sakrebulo's Chairperson, commission, faction, not less than 1/5 of the full composition of Sakrebulo</li></ul>
Objective	<ul style="list-style-type: none"><li>• Inquiry into a specific issue</li></ul>
Content of the initiative	<ul style="list-style-type: none"><li>• The initiative should specify the purpose of creating the WG, the range of issues to be investigated, the term of office of the WG, and the number of its members</li></ul>
Term of office of the working group	<ul style="list-style-type: none"><li>• The WG is established for an initial term of up to 3 months, with the possibility of extension for up to 6 months, with an additional month if necessary</li></ul>

## Proposed Procedure



## 2.5.6. Approval of statutes and staff lists of mayoral services

The approval of statutes and staff rosters for the mayoral services and its structural units, particularly in the context of regulating and controlling the activities of the municipality's executive bodies, falls under the authority of Sakrebulo. These legal acts are drafted by the Mayor's office and can only be submitted to Sakrebulo by the Mayor. The same process applies when making amendments to these acts. The Sakrebulo's oversight of the Mayoral services is assessed through the process of reviewing these legal acts. This evaluation considers who presents the legal act to Sakrebulo and commission sessions, the types of questions and comments posed by Sakrebulo members, and how the City Hall representatives respond to these inquiries.

### Initiator

- The Mayor

### Presenter of the Issue (Rapporteur)

- The Mayor, Deputy Mayor or the head of a relevant service (is is advisable for the Mayor to be present)

### Period

- Any time

### Possible changes/ potential issues to be reviewed by a Member of Sakrebulo

- Abolition or creation of a service/department
- Function allocation and reassignment between structural units
- Position addition, deletion, or transfer within the staff roster
- Financial matters (such as, salary adjustments)

### Outcome of deliberation

- Voting in support or opposition to the act*

## 2.5.7. Hearing on procurement report:

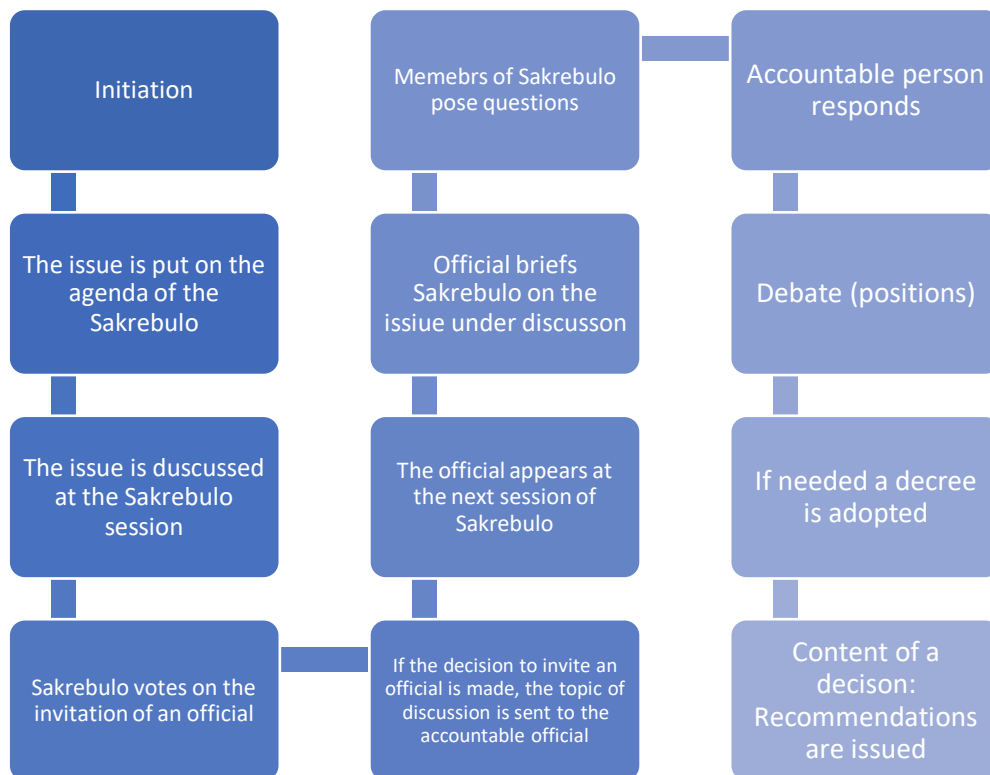
Each February, the mayor submits to Sakrebulo a report detailing the previous year's procurements in accordance with the procurement plan. This report is distinct from budget performance and the mayor's annual reports, focusing solely on procurement activities. It is advisable for the procedures governing the review of such reports to be stipulated in the Sakrebulo Rules of Procedure. Furthermore, it is important that the Mayor or their deputy submits this document to the Sakrebulo, ensuring that information regarding total purchases made by the City Hall is presented comprehensively to the Council, rather than the report of purchases made by individual services/entities. The timeframe for review may be specified in the Rules of Procedure.

Initiator	•The Mayor
Presenter of an Issue (Rapporteur)	•The Mayor, Deputy Mayor or the head of a relevant service (is is advisable for the Mayor to be present)
Report Submission Period	•Annually, no later than February
Time for deliberation	• <i>by 1st of May; it shall be advisable to reveiw the report in parallel with the Budget and with the annual report of the mayor</i>
Procedure of reviewing	•Commission, followed by Sakrebulo
Outcome of deliberation	• <i>Voting in support or opposition to the act</i>
Potential outcomes of the review	• <i>Decree of the Sakrebulo with assessment, issuance of recommendations</i>

## 2.5.8. Inviting an accountable person to the session of the Sakrebulo

Officials can be invited not only by the commissions to their session, but also to the session of the Sakrebulo. In this case, the Sakrebulo makes a decision by voting. This mechanism is similar to interpellation, as the official is heard at the Sakrebulo meeting. However, it differs in the procedure – the content and the initiator. The initiator can be a commission or a faction (the initiation procedures are discussed in the previous subsections). Unlike interpellation, where a specific question is sent, in this case, a general question/issue is posed/stated. During the discussions, besides asking questions, there is also a general debate. This mechanism can be included in the Rules of Procedure of the Sakrebulo, significantly complementing other oversight tools (Appendix 6).

Essentially, this procedure is two-step (requiring 2 sessions). First, a decision is made to invite the official, and then, at the next meeting, the relevant person is heard. Terms and other details should preferably be determined by the Rules of Procedure of the Sakrebulo.



## 2.5.9. Review and approval of the draft municipal budget

The budget is the main financial document of the municipality, prepared and executed by the executive body. After submission of the draft, the commissions of the Sakrebulo review its content. They have the right to provide comments and opinions, after which the mayor's office is obliged to submit a revised draft to the Sakrebulo. If the Sakrebulo fails to approve the budget according to the established procedure, the government has the authority, as per the existing regulations of the Code, to terminate the Sakrebulo's mandate<sup>19</sup>.

It is important to stipulate in the Rules of Procedure that the budget, as the principal financial (and political) document of the municipality, should be personally presented to the Sakrebulo by the mayor or, if there is a valid reason, by the deputy mayor.

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<sup>19</sup> For further information regarding good practices for the involvement of the representative body in the budget process, please consult the guide by Loladze, developed with the support of USAID and NDI, accessible at: <https://tinyurl.com/ywqx455k>

## Initiator

- The Mayor

## Presenter of an issue (Rapporteur)

- Mayor or his/her deputy (the mayor shall be present at the deliberations)

## Reporting period

- Annually, no later than by 15 November

## Timeframe for deliberation

- The draft budget is published for public discussion within 5 days of submission. If there are comments, it is returned to the mayor no later than by November 25. The mayor then has the option to either send the original version (as the mayor has the right to not incorporate the comments) or an amended version to the Sakrebulo no later than by December 10.

## Deliberating body

- Commission, followed by Sakrebulo

## Outcomes of deliberation

- After public discussions, the Sakrebulo must approve or disapprove the budget by a majority vote before the beginning of the new budget year.
- If the Sakrebulo does not approve the amended or original version of the budget presented by the mayor, it is entitled to approve a draft budget initiated by a faction or at least one-third of its members, provided it includes only the comments previously sent to the mayor. This decision requires a 3/5 majority of the Sakrebulo members.
- If the budget is not approved within three months from the beginning of the new budget year, the Government of Georgia has the right to terminate the authority of the Sakrebulo.

## 2.5.10. Hearing and approval of the annual report on the implementation of the municipal budget

Hearing and approval of the annual report on the implementation of the municipality's budget are crucial tasks for the Sakrebulo. As previously mentioned, the budget stands as the primary financial document of the municipality, and its preparation and execution fall under the jurisdiction of the executive body. This body is mandated to submit both periodic and annual reports on budget implementation to the Sakrebulo. According to the Code, the deadline for approving this document is set as May 1 of the following year, while additional procedures may be outlined in the Rules of Procedure. Given the significance of this report, it's essential to tie its performance evaluation to tangible outcomes, such as making recommendations for future fiscal planning.

Initiator	<ul style="list-style-type: none"><li>•The Mayor</li></ul>
Presenter of an issue (Rapporteur)	<ul style="list-style-type: none"><li>•The Mayor or his/her deputy (The mayor shall be present at the deliberations)</li></ul>
Report submission period	<ul style="list-style-type: none"><li>•No later than 2 months after the end of the reporting years (by 1st of March)</li></ul>
Timeframe for deliberation/ approval	<ul style="list-style-type: none"><li>•By 1st of May</li></ul>

## 2.6. Oversight Mechanism of the Sakrebulo Bureau

### 2.6.1. Hearing reports from officials by the bureau of the Sakrebulo

The Bureau of the Sakrebulo primarily serves organizational functions. However, as outlined in the Code, it also has responsibilities for receiving reports from officials. To ensure this body remains within its designated scope, the process of hearing reports should ideally be determined not as a routine activity, akin to commission hearings, but rather at the discretion of the Bureau itself. This grants the Bureau the autonomy to decide when to hear specific reports.

Initiator	<ul style="list-style-type: none"><li>•The Bureau</li></ul>
Period	<ul style="list-style-type: none"><li>•Once a year or as decided by the Bureau</li></ul>
Procedure	<ul style="list-style-type: none"><li>•Developing a preliminary schedule for hearing the reports by the Bureau</li></ul>

## 2.7. Oversight Mechanisms of the Municipal Gender Equality Council

The Sakrebulo establishes a Municipal Gender Equality Council (GEC) to ensure systematic engagement with gender-related issues in the municipality and to coordinate efforts with the Permanent Parliamentary Council for Gender Equality established by the Parliament of Georgia.

Comprising members of Sakrebulo, representatives from the City Hall, and individuals from various sectors including non-governmental organizations, the private sector, and independent experts, the GEC plays a key role in shaping the municipality's gender policies. Its responsibilities encompass identifying main policy directions, executing activities mandated by legislation, formulating, revising, and endorsing pertinent strategies and action plans, and overseeing the performance of accountable bodies and officials on gender equality matters. Additionally, the GEC focuses on raising awareness and implementing initiatives aimed at empowering women.

Close collaboration between the Municipal GEC and the Standing Gender Equality Council of the Parliament of Georgia, including its Secretariat, is essential for sharing best practices and accessing additional resources.

The authority of the GEC is delineated in the Sakrebulo Rules of Procedures and/or the GEC regulations, which are approved by the Sakrebulo.

### 2.7.1. Request for information and documentation

The Gender Equality Council of the Sakrebulo is empowered to request information and documentation from the mayoral office (City Hall) regarding gender equality matters. This includes all necessary materials for a comprehensive examination of gender equality issues and the formulation of pertinent recommendations. Representatives of the mayoral office are obligated to furnish the GEC with requested information and documents, barring those protected by legal confidentiality provisions.

**Timing:** Anytime

**Content of a Letter:** Inquiry; Document Request

**Response Deadline:** Immediately or within 10 days

GEC Secretariat or a member of GEC drafts a letter

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graph TD; A[GEC Secretariat or a member of GEC drafts a letter] --> B[Dispatching a letter: - Via the Electronic System of case management - Through the Office of the Sakrebulo - By Delivery to the Addressee - By Email]; B --> C[Response is provided immediately or no later than within 10 days]; C --> D[The Secretary of the GEC disseminates the response to the GEC members];
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**Dispatching a letter:**

- Via the Electronic System of case management
- Through the Office of the Sakrebulo
- By Delivery to the Addressee
- By Email

Response is provided immediately or no later than within 10 days

The Secretary of the GEC disseminates the response to the GEC members

## 2.7.2. Gender analysis of municipal legal acts:

Gender analysis of municipal legal acts/projects includes the expertise of legal acts adopted or prepared by municipal bodies and officials, with the aim of identifying and addressing gender inequalities. This process may involve the development of proposals or recommendations to mitigate gender disparities. The examination of legal acts is conducted openly and transparently, with the participation of diverse groups.

Given the differing needs of women and men, the same regulation may have varying impacts on their situations. Therefore, it is crucial for the Sakrebulo to conduct gender analysis when addressing key local issues and adopting legal acts. This allows for an objective assessment of the potential positive, negative, or neutral effects of implementing the relevant acts on gender equality.

**Period:** Anytime

**Decision on Examination of Legal Acts:** The Gender Equality Council establishes a list of municipal legal acts/projects to be examined during the year. Identification of these acts often involves consultation with community groups

**Resource Allocation for Gender Analysis of Legal Acts/Projects:** The Gender Equality Council will find necessary resources for examining legal acts/projects from the office of the Sakrebulo. In cases where expertise is lacking internally, the GEC is empowered to engage external resources.

**Outcome:** The gender analysis should address the following questions (Appendix 7):

Were gender considerations adequately incorporated during the preparation of the municipal legal act?

Will the adoption/implementation of the relevant act promote or hinder equality between women and men?

What measures are necessary to enhance gender equality?

### Gender Analysis of Legal Acts

Assessing the Act's Compliance with Gender Equality Regulations:

Consultation with the authority/person responsible for the legal act's adoption; Engagement with community groups.

Submission and presentation of the Draft Gender Analysis Report to the Gender Equality Council; Its consideration with engagement of the body responsible for adopting the act.

Developing recommendations based on the analysis and transmitting them to the relevant body or official responsible for the adoption of the act.

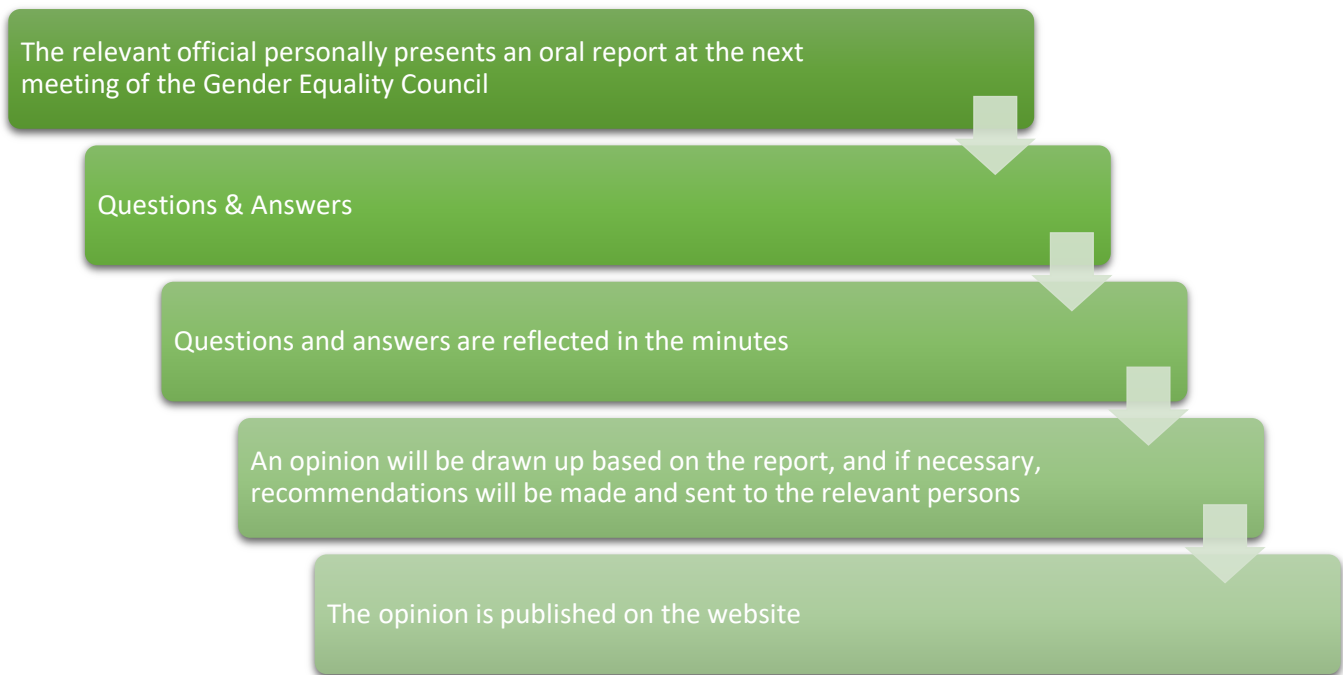
### 2.7.3. Reviewing and evaluating reports of accountable persons of the municipality

Reviewing and evaluating the reports from accountable persons within the municipality enables the Gender Equality Council to assess municipal activities from a gender perspective. Municipal bodies are obliged to submit reports on activities conducted within a specific period to the Gender Equality Council upon request. Following the review, the Gender Equality Council may issue recommendations to the relevant bodies if necessary.

**Period:** Anytime

**Venue/Format:** Gender Equality Council meeting

**Request for the Report and Its Submission Deadline:** The Gender Equality Council sends a written request to the accountable officials of the municipality for the submission of the report. The officials must provide the requested report to the Council in writing within the specified period. The relevant official is required to personally present the report at the next meeting of the Gender Equality Council.



## 2.7.4. Thematic inquiry

Thematic Inquiry is a mechanism that allows the Municipal Gender Equality Council to conduct an in-depth, meaningful study of any problematic issue. The mechanism is characterized by high levels of publicity and involvement. The process involves members of the Gender Equality Council, municipal executive bodies, experts, and the public, providing an opportunity for a comprehensive study of the issue. The main goal of thematic inquiry is to identify the best ways to address existing challenges and develop appropriate recommendations. This mechanism is included in the Rules of Procedure of some Sakrebulo for gender equality councils (for example, Zugdidi).

For detailed information on the application of the thematic inquiry, see subsection 2.4.7 of this guide.

### 3. Response Measures for Violations of Established Oversight Rules

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To fully and effectively carry out the oversight mandate of the Sakrebulo, it is crucial to monitor the practical application of oversight tools and mechanisms and respond to any violations. This entails identifying breaches of established oversight rules, processing, summarizing, and publishing relevant information, and possibly employing additional oversight tools or addressing issues of responsibility.

The Mandate, Procedural Issues, and Ethics (Legal) Commission of the Sakrebulo (or a commission with equivalent authority) plays a key role in this regard. This commission records and consolidates the practice of using various oversight tools and periodically provides information to the Bureau (see sample reports in Appendix 8). Subsequently, the Bureau is empowered to put the matter on the Sakrebulo meeting agenda for discussion if necessary.

Ideally, the Rules of Procedure of the Sakrebulo should grant authority to the Mandate, Procedural Issues, and Ethics (Legal) Commission to monitor compliance with the Rules of Procedure. The Commission should examine:

The mandatory attendance of officials at commission sessions and their participation in these sessions;

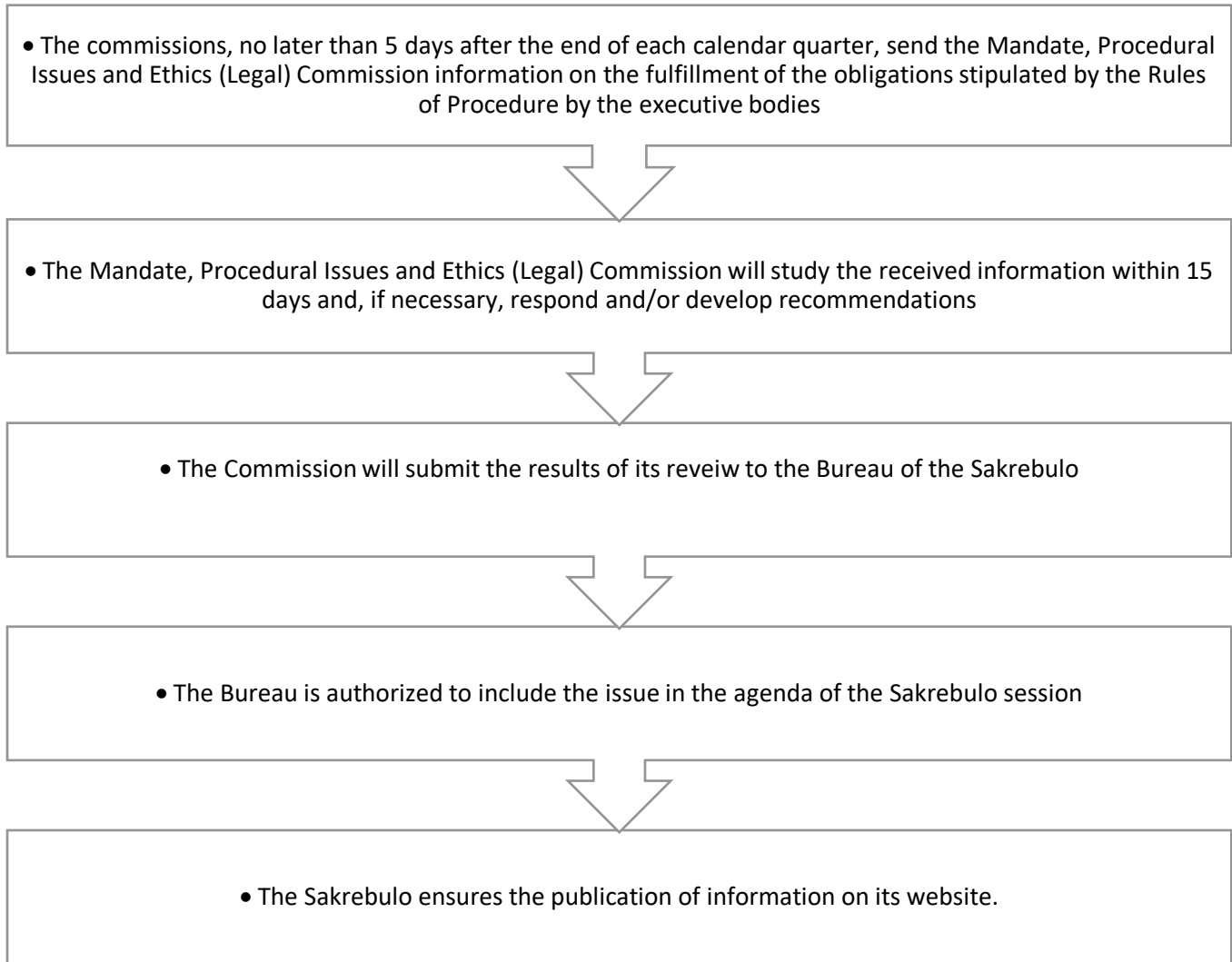
Responses to written questions of Sakrebulo members:

Responses from accountable bodies/officials to written questions of Sakrebulo members;

Timely submission of written responses by the accountable body/person as required by law.

Comprehensive information on violations of the requirements outlined in the Rules of Procedure by representatives of the municipality's executive bodies will enable the Sakrebulo to respond promptly, ensure the accountability of the executive bodies, and uphold the respect for the Sakrebulo as a representative body.

### Responding to Violations of the Oversight Rules



In terms of more stringent remedies, the majority of the Rules of Procedure do not specify particular measures of responsibility for violations. To enhance oversight practices, it is advisable to delineate Sakrebulo's authority to petition the mayor to take appropriate legal measures against officials under their purview.

Additionally, it's recommended for the Rules of Procedure to specify a set of circumstances authorizing the Sakrebulo to request the mayor to take necessary measures. These may include instances where an accountable official:

- Fails to attend when invited to discuss an issue;
- Breaches established procedures for responding to a question of a Sakrebulo member;
- Fails to attend a scheduled hearing at the Sakrebulo;
- Provides incomplete or erroneous information to the Sakrebulo;
- Fails to comply with decision made by the Sakrebulo;

- Obstructs a Sakrebulo member in the exercise of their legislative powers mandated by law.

If any of the aforementioned circumstances are established, upon appeal from the relevant entity of the Sakrebulo, the Mandate, Procedural Issues, and Ethics (Legal) Commission will review the violation of the Rules of Procedure and refer the matter to the Sakrebulo Bureau for further action.

The Sakrebulo is mandated to address the chief executive body of the municipality with an appeal to hold a person subordinate to them accountable.

Incorporating the Sakrebulo's capacity to address the mayor regarding the actions of officials accountable to the Sakrebulo into the Rules of Procedure enhances and fosters the establishment of effective oversight practices within the municipality.

## 4. Recording (documenting) and Reporting the Use of Oversight Mechanisms by Sakrebulo Entities

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### 4.1. Documenting the use of oversight mechanisms

Recording the utilization of oversight mechanisms is essential as it enhances the visibility of the oversight efforts of the Sakrebulo while facilitating the identification of any procedural gaps. The responsibility for documenting falls upon the Sakrebulo's office, which is tasked with generating statistics, maintaining separate records of materials related to oversight measures, ensuring their lawful publication, and disseminating relevant public information.

It is essential to designate a dedicated staff member within the Sakrebulo's office responsible for processing or publishing this information. This ensures the availability of consistent and comprehensive statistical data for the Sakrebulo.

The office (Sakrebulo staff) is also responsible for producing comprehensive minutes. These minutes should reflect detailed information about the discussions held at the session, participant and speaker names, questions and answers including authors' names, voting results on each issue (identifying those voting in favor and against in the case of open voting), as well as other technical details (such as session duration, indications of recess, information regarding the postponement of an issue, etc.).

### 4.2. Proactive disclosure of information on oversight practices

To enhance the useage of oversight mechanisms and ensure transparency, it is advisable to establish a dedicated section on Sakrebulo's website, titled "Oversight" or with a similar heading. This section should provide detailed information about the use of each oversight tool, including timing, subjects, records of hearings, and voting results, and document uploads. Such proactive disclosure ensures that the public is well-informed about the activities of the Sakrebulo, enabling them to assess the work of its representatives and the outcomes achieved.

Maintaining comprehensive statistics will streamline the process of preparing responses to requested information and facilitate timely provision of such information by the Sakrebulo's office.

## 5. Appendices: Samples of Letters and Reports

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In this guide, appendices provide samples of letters and reports by the entities/subjects of the Sakrebulo, which will assist the Sakrebulo in carrying out its oversight activities. See Appendices:

1. Question from a Member of Sakrebulo;
2. Letter of interpellation;
3. Invitation of an official by a faction to the commission session (mandatory attendance);
4. Invitation of an official by the commission to the commission session (mandatory attendance)
5. Thematic inquiry (terms of reference - TOR);
6. Mandatory attendance (invitation) of the official at the session of the Sakrebulo;
7. Key issues for gender analysis of a legal act;
8. Reports by the *Mandate* Commission (used only if the Rules of Procedure of the Sakrebulo provide for the possibility/obligation to submit such a report);
9. Report of a Sakrebulo Member on the use of oversight mechanisms;
10. Main issues of the commission's annual report on the implementation of its action plan.

## Appendix 1

### *Sample Question from a Sakrebulo Member*

*On the letterhead of the Sakrebulo member or without it*

Addressed to the Mayor of the Municipality

Mr/Ms (name, surname)

Mr/Ms (name),

As is known to the public, New Year's events in the municipality start in December [year] and will continue throughout January [year].

In accordance with Article 45, Paragraph 1, Sub-paragraph "A" of the Organic Law of Georgia - the Local Self-Government Code, please provide us with the following information within the time limits established by law: the total amount of money the municipality will spend on New Year's events; the amount spent on concert within the framework of these events. Please also provide relevant procurement documentation, including information about persons employed under the contract (name, surname, amount of remuneration).

Sincerely,  
[Name]

Member of the Sakrebulo  
*Signature*

## Appendix 2

### *Sample of Interpellation Letter*

#### *Letterhead of the Faction*

..... to Municipality Mayor

Mr./Ms (name, surname)

Mr./Ms (name),

In accordance with the Article ..... of the Rules of Procedure of Sakrebulo, the faction hereby addresses you through interpellation regarding the following issues:

In accordance with the findings of the State Audit Office, it became known to the public that the number of employees in the 5 non-commercial legal entities operating under the municipality has increased considerably in the last year. The mechanisms of their control have been reduced, especially in the anti-corruption sphere. The facts of nepotism have also surfaced through the work of the media.

We request that you provide answers to the following questions and explain your position with regard to them at the Sakrebulo meeting:

- a) What has caused the increase of employees in the non-commercial legal entities;
- b) What is the policy of the Mayor in terms of personnel policies in municipal legal persons;
- c) Does the City Hall cooperate with the National Anti-Corruption Agency in addressing nepotism and what does this cooperation entail;
- d) .....

Sincerely,

Faction ..... Chairman....

[Name]

[Signature]

**Note:** When an interpellation question is submitted by at least three members of the Sakrebulo, the letter should be prepared on the official letterhead of a Sakrebulo member (or, if unavailable, on plain paper) and signed by all initiating members of Sakrebulo.

### Appendix 3

#### *Invitation of an official by a Faction to the Commission Session (mandatory attendance)*

##### *(I) Sample Letter of a Faction*

#### *Letterhead of a Faction*

To the Chairperson of the Finance Commission,

Mr./Ms [Name, Surname]

Mr./Ms [name],

In accordance with Article ..... of the Rules of Procedure of the Municipality Sakrebulo, the faction ..... has decided on the invitation of the First Deputy Mayor of the municipality to attend the session of the Finance Commission regarding the following issue:

- disposal of the fund for projects approved by the government to be implemented in the regions for the duration of the last 6 months.

Please ensure that the First Deputy Mayor is invited to the next regular meeting of the commission.

Enclosed with this letter are the faction's decision and the minutes of the corresponding meeting (two pages).

Sincerely,

Faction ..... Chairman

[Name, Surname]

Signature.....

*(II) Sample of a Commission Letter*

*Letterhead of the Finance Commission*

To the First Deputy Mayor of the Municipality

Mr./Ms. [Name, Surname],

In accordance with Article ..... of the Rules of Procedure of the Municipality Sakrebulo, the commission ..... requires your mandatory attendance at the meeting of the Finance Commission on February ....., 2024, to report on the following issue:

- The expenditures from the fund for projects approved by the government to be implemented in the regions over the past 6 months.

Please ensure presence at the above meeting in accordance with the requirements of the Rule of Procedure.

Enclosed with this letter is the motion of the faction (two pages).

Sincerely,

Chairperson of the Finance Commission

[Name, Surname]

Signature

## Appendix 4

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

#### *Letterhead of the Finance Commission*

..... To the First Deputy Mayor of the Municipality

Mr./Ms (name, surname)

Mr. /Ms (name),

In accordance with Article ..... of the Rules of Procedure of the Sakrebulo, the Finance Commission has decided on your mandatory attendance at the commission session on February ....., 2024 to report on the following issue:

- The disposal of the fund for the projects approved by the government to be implemented in the regions during the last 6 months.

As per the rules of procedure, your presence at the said meeting is required.

Enclosed herewith is the decision of the commission (attachment... sheet).

Sincerely,

Chairman of the Finance Commission

[Name Surname]

Signature

**Appendix 5**

Terms of Reference (TOR) for the Thematic Inquiry

<b>Municipality ..... Commission</b>	
<b>About the Thematic Inquiry</b>	
<b>Subject of an inquiry</b>	
<b>Members of the Inquiry Group</b>	
<b>Objective of a Thematic Inquiry</b>	
<b>About the Issue</b>	
<b>Action Plan of the inquiry</b>	
<b>Terms of Reference</b>	
<b>You may submit written comments regarding those issues below that are of interest to you or are within your competences</b>	
<p>To participate in the thematic inquiry initiated by the Sakrebulo Commission, please submit your opinions, views, and any evidence at your disposal regarding the following issues:</p> <p>1.</p>	

<p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p>	
<p><b>Deadline for submitting information</b></p>	
<p><b>The requirements for written submissions</b></p>	<ul style="list-style-type: none"> <li>• The document should be formatted on A4 size standard paper in Word format.</li> <li>• The font type should be Sylfaen.</li> <li>• Font size should be 11.</li> <li>• Line spacing should be set to 1.15 intervals.</li> <li>• All information provided must be factual and supported by data.</li> <li>• Opinions should be backed by data to ensure accurate analysis.</li> <li>• The document should include the identity and contact information (mobile phone number and email) of the representative/reporter. The confidentiality of this information will be protected when the material is published.</li> <li>• Applicants may choose to answer only questions within their competence and interest.</li> </ul>
<p><b>Contact Information</b></p>	

## Appendix 6

### Mandatory Attendance (invitation) of the Official at the Session of the Sakrebulo

#### (I) *Sample Letter of a Faction*

To the Chairperson of the Sakrebulo (name, surname)

Mr/ Ms (name),

In accordance with Article [insert article number] of the Municipality Sakrebulo Rules of Procedure, the faction [insert faction name] has decided to invite the Mayor to the next Sakrebulo Session in February 2024 to address the following issue:

- *Disposal of the funds allocated for government-approved projects implemented in the regions over the past six months.*

Please ensure that this issue is included on the agenda for the January 2024 meeting and is given due consideration.

Enclosed with this letter are the decision of the faction and the minutes of the corresponding meeting (two pages).

Sincerely,

Chairperson of the Faction .....

Name, surname

Signature

*(II) Sample Letter of the Sakrebulo*

*Letterhead of the Sakrebulo*

..... To the Mayor of the Sakrebulo

Mr./Ms (name, surname)

Mr/ Ms (name),

In accordance with Article [insert article number] of the Municipality Sakrebulo Rules of Procedure, the municipality Sakrebulo has decided to invite you to the next Sakrebulo Session in February 2024 to address the following issue:

- *Disposal of the funds allocated for government-approved projects implemented in the regions over the past six months.*

Please ensure your presence at the above session.

Enclosed with this letter are the request of the faction and the corresponding decision of the Sakrebulo (two pages).

Sincerely,

Chairperson of the Sakrebulo

Name, surname

Signature

## Appendix 7

### Key Points to be considered for Gender Analysis of the Legal Act

#### 1. Identification of the Issue

- Which act regulates the issue?
- Which field does the act belong to?
- What is the purpose of the act?

#### 2. Collecting Information/Data Related to the Issue

- Who is affected by the act?
- What information/data is needed to study the issue?
- Is gender-disaggregated data available on the issue? Is this data up-to-date and reliable? What data is missing?

#### 3. Determine Whether Gender Aspects Were Taken into Account in the Decision-Making Process

- Did the body adopting the act conduct a gender analysis?
- Is it possible that the implementation of the act will affect unequally the situation of women and men?
- Is there evidence that the gender aspect was considered in the decision-making process?
- Who was consulted during the adoption of the act?
- Will women be involved in the implementation of the act?
- How will the public be informed about the act?

#### 4. Preparation of the Report

## Appendix 8

### *Sample Report of the Mandate Commission*

Information from the *Mandate Commission* of the ..... Municipality Sakrebulo on the mandatory attendance of the officials at the commission sessions and the hearings of the officials at the commission sessions based on the results of the study of the information received from the commissions of the Sakrebulo.

According to Article ..... of the Rules of Procedure of the Municipality Sakrebulo, the Mandate Commission of the Sakrebulo periodically studies the issue of the mandatory attendance of the officials at the commission session and the hearings of the officials at the commission sessions. For this purpose, the commissions of the Sakrebulo, no later than ..... days after the end of every 6 months of the calendar year, send to the Mandate Commission the information regarding the requests to be heard at the session of the commission filed by the accountable officials, as well as the information on invitation of the accountable persons at the sessions of the commission and the relevant practice.

In accordance with the Rules of Procedure, the Mandate Commission studied this issue from January 1, 2024, to June 30, 2024, and considered the information received from the Sakrebulo commissions about the mandatory attendance of the official at the commission sessions and the hearings of the official at the commission sessions during its July 2024 meeting.

As a result of processing and studying the information provided by the commissions of the Sakrebulo, it was determined that from January 1 to June 30, 2024, Sakrebulo factions submitted requests to two Sakrebulo Commissions in four instances to invite an official to the session. Specifically, a relevant requests were initiated by the ..... factions to invite the first deputy mayor and the head of the financial service on ... April and ... June 2024. In addition, two invitations were sent out with the request of mandatory attendance at the Urban Commission: one initiated by a ..... faction and the other by the decision of the commission itself. The Head of the Urban Service and the corresponding Deputy Mayor responsible of the Urban Service were invited. Out of these four cases, the deputy mayor, due to a business trip, was unable to attend the commission session, and his hearing was postponed to the next session in July. In all other instances, the commission hearings were held in accordance with the Rules of Procedure.

During the studied period, in accordance with the ....article of the Rules of Procedure of the Sakrebulo, none of the officials accountable to the Sakrebulo applied to the commissions of the Sakrebulo with a request to be heard at the meetings of the relevant commissions.

In accordance with the Article .... Rules of Procedure of the Sakrebulo, the results of this study will be submitted to the Bureau of the Sakrebulo, and the Mandate Commission will ensure that this information is published on the Sakrebulo's website.

Sincerely,

Chairman of the Mandate Commission

Name Surname

Signature

## Appendix 8.1

### *Sample Report of the Mandate Commission*

Information from the Mandate Commission of the ..... Municipality Sakrebulo on the Response to the

Written Question from a Sakrebulo Member

According to Article .... of the Rules of Procedure of the Sakrebulo, the Mandate Commission of the Sakrebulo, no later than ..... days after the end of every 6 months of the calendar year, studies the issue of responding to a Sakrebulo member's question in accordance with the requirements established by this article and submit information about it to the Bureau of the Sakrebulo. Accordingly, the Mandate Commission has reviewed and discussed at the commission meeting in July 2024 the issue of responding to a Sakrebulo member's question in accordance with the requirements established by Article 45, Paragraph 1.a. of the Local Self-Government Code and article ..... of the Rules of Procedure of the Sakrebulo.

As a result of the study, it was revealed that during the reporting period, a total of 60 questions (letters) were sent by members of the Sakrebulo, of which 40 written questions were answered (.....%), and 20 of them were not answered, which amounts to .....% of the total number of questions sent.

The questions of the Sakrebulo members were addressed to the following officials: .....

Of the questions sent, .....% were sent by opposition members of the Sakrebulo, and .....% by majority/faction members.

Of the unanswered questions, .....% were sent from the opposition, and .....% from the majority/fraction members.

The following officials failed to respond to the written questions: ....

Answers were provided to ..... questions in compliance with the deadline, while ..... questions were answered with a delay. Based on an agreement between the members of Sakrebulo and the addressees, the deadline for answering ..... questions was extended by 10 days. The deadline for providing a response to ----- questions sent during the reporting period has not yet expired.

Among the answers received during the reporting period, ..... were signed by unauthorized persons.

The Mandate Commission of the Sakrebulo of the ..... Municipality, in accordance with Article ..... of the Rules of Procedure of the Sakrebulo, will submit this information to the Sakrebulo Bureau. Additionally, the commission will continue to study the data on the responses to questions from Sakrebulo members and monitor the dynamics of the response process in accordance with the requirements of the Sakrebulo's Rules of Procedure.

Chairman of the Mandate Commission

[Name, Surname]

[Signature]

*Note: The information provided in the report may also be conveyed through graphic representations.*

## Appendix 9

### *Sakrebulo Member's Report on the Utilization of Oversight Mechanisms<sup>20</sup>*

#### *III Oversight Activities*

*(example)*

- During the year 2024, as part of my oversight activities, I issued 10 written questions to individuals/entities accountable to the Sakrebulo. These inquiries pertained to various issues, including .....[briefly describe the topics]. For those questions that remain unanswered, I am actively engaged in ongoing communication with the relevant recipients.
- Additionally, during the reporting period in June and October, I endorsed the initiative of two Sakrebulo members by signing their respective letters, urging the mayor and his first deputy to attend an interpellation session. The subject of the interpellation was centered around [briefly describe the issue].
- In July 2024, on behalf of the faction, we summoned the head of the Finance Department of the Mayor's Office to attend a session of the Finance Commission to address the matter of [briefly describe the issue].
- Furthermore, as a Sakrebulo member, I participated in a Temporary Working Group established in April 2024, which was formed in response to the issue of [briefly describe the issue]. Within the framework of this temporary working group, I undertook the following activities: [describe activities such as site visits, information requests, and initiatives to invite officials to group meetings, etc.].
- In accordance with the ..... article of the Rules of Procedure, outside the sessions, I held up to 30 meetings with persons accountable to the Sakrebulo. Among them, 5 external meetings were held with the head of the Infrastructure Service of the City Hall and the responsible employees of the service in order to oversee the progress of the construction of the kindergarten; 6 meetings were held in the Culture Service of the City Hall, in the meeting room of the Head of the Service, and the topic of the meeting was related to ..... ; 5 meetings were held in an online format, during which I inquired about the problems identified in the process of enforcing the rule of outdoor trade in the municipality. I reported the information received during the meetings to the relevant commission. It is planned to identify additional measures by the commission in order to address the identified challenges.

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<sup>20</sup> Additional information on the accountability of the member of Sakrebulo can be found in a guide prepared by the Governance Systems Development Center (MSDC), available at: <https://tinyurl.com/bp8n2m4a>.

## Appendix 10

### *Contents of the Annual Report of the Commission's Action Plan (proposed structure)*

1. Introduction
2. General Information about the Commission
  - 2.1. Mission of the Commission
  - 2.2. Commission Members
3. Main Achievements and Challenges
4. Results of Action Plan Monitoring
5. Adoption of Administrative-Legal Acts
6. Oversight Activities Carried Out by the Commission
7. Institutional Strengthening of the Commission
8. Enhancing Transparency and Accountability of Commission Activities
9. Other Commission Activities