

Legal Status of the Mayor of the Territorial (Local) Authority (Municipality) of Lithuania from 1990 to the Present Day

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Abstract: *Purpose of the Study:* This article presents the results of a scientific study (research) of the legal status of the mayor of the territorial (local) authority (municipality) of Lithuania during the period from 1990 to the present day.

Methodology: The study (research) was conducted using comparative analysis, synthesis, descriptive, graphic representation methods.

Result: The results obtained during the study (research) confirm (using the example of the case of Lithuania) that the change of the legal status of the mayor of the territorial (local) authority (municipality) is a permanent process that takes place for various reasons, one of the most important of which is the change of the principle models of the structure of the territorial (local) authorities (municipalities).

Novelty of the Study: The novelty of this study (research) and article is that no such study (research) has been conducted in Lithuania so far.

Keywords: Mayor, legal status of the mayor, responsibilities of the mayor, model of the structure of territorial (local) authority.

INTRODUCTION

There is such a position (functional place), which is called the mayor in the various models of the structure of territorial (local) authorities (municipalities) of many European countries. This position (functional position) usually occupies an exclusive, special place. In some states, the mayors are elected directly by the local (municipal) residents who have the right to vote, in others, the mayors are elected by the municipal councils, and still in others, the mayors are appointed by the state institutions. In some European countries, the mayors perform only the functions of the single-person executives (authority), in others, they are the heads of municipal councils and perform the functions of the head of the municipality, and in still others, the mayors have to perform all these functions (the functions of the single-person executive (authority), the functions of the head of municipal council and the functions of the head of the municipality).

While analysing the examples of the formation and functioning of models of the structure of territorial (local) authorities (municipalities) of various states and the accumulated experience, it can be observed that the composition of the elements of the legal status of

the mayor and especially his role in the structure of the territorial (local) authority (municipality) directly depends on the principle model of the structure applied in the territorial (local) authorities (municipalities): the legal status of the mayor is one when the "municipal council - directly elected mayor principle model" is implemented, another - in the case of the "municipal council - mayor elected by municipal council principle model" and yet another - when the "municipal council - appointed administrator (manager) principle model" is chosen. Changing the principle model of the structure of the territorial (local) authorities (municipalities) inevitably presupposes changes in the elements of the legal status of the mayor's position (functional position), although these changes may be influenced not only by changes in the principle model of the structure of the territorial (local) authority (municipality), but by changes in the state or / and local level election systems, or in the payment and /or the social guarantee systems of the politicians and officials, or in forms of the accountability and responsibility, etc. Lithuania is no exception, where in the period from 1990, when the independence of Lithuania as a state was restored, the various principle models of the structure of the territorial (local) authorities (municipalities), as well as the systems of the elections, the payment of politicians and officials, their social guarantees, and other systems were changed several times until nowadays. As a result, the elements of the legal status of the municipal mayors also changed. Noticing that until now

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no such scientific study (research) has been conducted in Lithuania over more than 30 years the authors of this article decided to conduct such a study (research) and present the obtained results in a scientific article.

METHODOLOGY

Study (Research) Purpose and Methods

The objectives of the study (research) are:

- 1) to present the criteria that create the assumptions for a systematic review and evaluation of the legal status of the mayor of the Lithuanian municipality during the period from 1990 to the present day;
- 2) to review and evaluate the list of the elements of the legal status of the mayor of the Lithuanian municipality during the period from 1990 to the present day, taking into account the different principle models of the structure of the territorial (local) authorities (municipalities) applied in the municipalities of Lithuania.

Comparative analysis and synthesis, as well as descriptive and graphical methods were used in the study (research) and in writing of this article.

Criteria Creating Assumptions for a Systematic Review and Evaluation of the Legal Status of the Mayor of the Lithuanian Municipality during the Period from 1990 to the Present Day

In order to conduct a qualitative and systematic scientific study (research), there were:

- 1) the definitions of "status", "social status", "legal position" and "legal status" were defined in the scientific literature of Lithuanian law, sociology and management;
- 2) selected exactly those elements of the composition of the legal status of the mayor of the Lithuanian municipality, which were established and are repeated in all laws of Local self-government in Lithuania, valid in the period from 1990 to the present day and coming into force from 1st April, 2023 (the new version of the Law on Amendments to the Law on Local Self-Government in Lithuania (6)).

The former Minister of Internal Affairs of the Republic of Lithuania Eimutis Misiūnas (Misiūnas, 2010) in his doctoral dissertation, writes:

- 1) "...the definition "status" in the most general sense is interpreted as "position, condition, legal position, position of a person in a social group or the position of a group in a larger community"..."
- 2) "...in legal literature, two equivalent definitions are used to describe the definition of status: legal status and legal position. The definition of the legal status of a legal subject is most often used in legal literature - the set of rights and obligations of a legal subject that he has when participating in public relations..."
- 3) "...however, opinions are also expressed in the scientific literature that when determining the legal status of the status holder (entity) participant in public relations, not only his rights and duties, but also guarantees, restrictions related to his activities, incentives must be legally established and responsibility, it is also stated that legal status is a complicated and complex institution, which consists of a set of rights, duties, responsibilities and other elements..."
- 4) "...status, as a legal definition and as a social phenomenon, has a unique construction, which consists of a system of elements connected in a certain order by strong structural ties. It determines the legal and social identity, goals and functionality of the status holder (subject)... the research of status reveals the position and condition of the status holder (subject) in certain social relations... the construction of status is important for the activities performed by the status holder (subject), because it defines content and boundaries..."

Law on Civil Service of the Republic of Lithuania No. VIII-1316, adopted in of 8th July, 1999 (3), is the legal act in which one can find perhaps the most comprehensive "set" of elements of the construction of the legal status of a holder (entity) of such a legal status as a state and local (municipal) authority/management institution, politician, official and servant:

"3. The status of a civil servant - the set of official rights and duties defined by this and other laws, determined by legal acts regulating the admission and dismissal of a civil servant from the civil service, his rights, duties, responsibilities, wages and social and other guarantees."

The authors of this study (research) and the article, taking into account the analysed scientific literature (Laurinavičius, 2003) and legal acts (3, 6, 7, 8, 9), purposefully chose (more precisely, select) those elements of the composition of the legal status of the mayor of the Lithuanian municipality, which are repeated in all the laws of local self-government of Lithuania, valid in the period from 1990 to the present day and coming into force from 1st April, 2023 in the Law on Amendments to the Law on Local Self-Government in Lithuania (in the new version of this law):

- 1) the mayor's position category in the list of categories of public sector employees;
- 2) the method of holding the position of the mayor, the duration of the position (term of cadence);
- 3) censures, requirements, prohibitions imposed on a person seeking to become mayor;
- 4) the role of the mayor in the model of the structure of the municipality, implied by the responsibilities (rights and duties) of the mayor;
- 5) deputizing the mayor, temporary performance of the mayor's responsibilities;
- 6) accountability of the mayor;
- 7) dismissal of the mayor;
- 8) payment of the mayor's work, social guarantees, prohibitions, bans and restrictions.

According to the opinion of the authors of this study (research) and the article, the most important element of the composition of the legal status of the mayor of the Lithuanian municipality is the role of the mayor in the model of the structure of the municipality, which is implied by his set of responsibilities (rights and duties) and which directly depends on the principle model of the structure of the municipality. In determining the role of the mayor in the structure of a municipality, the authors of this study (research) were guided by the scientific statements about functional levels, functional links and functional places (locations), as well as about the types of municipal structure models, presented in prof. A. Astrauskas' educational book "Local self-government and municipality: theoretical, historical and practical aspects" (Astrauskas, 2022) taking into account the rights and duties of the functional positions exercised by the head (chairman) of the municipal council and the single-person executive, respectively:

- "1) the "basis" of all traditional models of the structure of the territorial (local) authority (municipality) is four functional places (locations), three functional links and two functional levels (see Figure 1);
- 2) functional places (locations) are/can be "institutionalized" (when a specific position is legally established with the responsibilities (rights and duties) established by them) and "non-institutionalized" (when the responsibilities (rights and duties) of such a functional place (location) are assigned to another institutionalized functional place (location) (legally established for a specific position) for example, when a head (chairman) of the municipal council, who is elected to this position, is entrusted with the responsibilities (rights and duties) of the head of the municipality, or a single-person executive (elected or appointed) is entrusted with the responsibilities (rights and duties) of the head of the municipal administration (and the position of the head of the municipal administration is not established in this case);
- 3) depending on the responsibilities (rights and duties) of the functional places (locations) exercised by the head of the municipal council (chairman) or the directly elected single-person executive (mayor), models can be *dual* or *monist* or models can be "*with two centres of power*" or "*with one centre of power*":
 - a) *dual model* - when a head (chairman) of the municipal council exercises only the responsibilities (rights and duties) of this institutionalized functional place (location), and the responsibilities (rights and duties) of the institutionalized functional place (location) of a single-person executive are performed by a person appointed/elected by the council, who cannot also be a member of the council;
 - b) *monistic model* - when a head (chairman) of the municipal council performs both the responsibilities (rights and duties) of this institutionalized functional place (location), and the responsibilities (rights and duties) of the functional place (location) of a single-person executive, which is not institutionalized;
 - c) *model "with two centres of power"* - when the functional places (locations) of both the head of

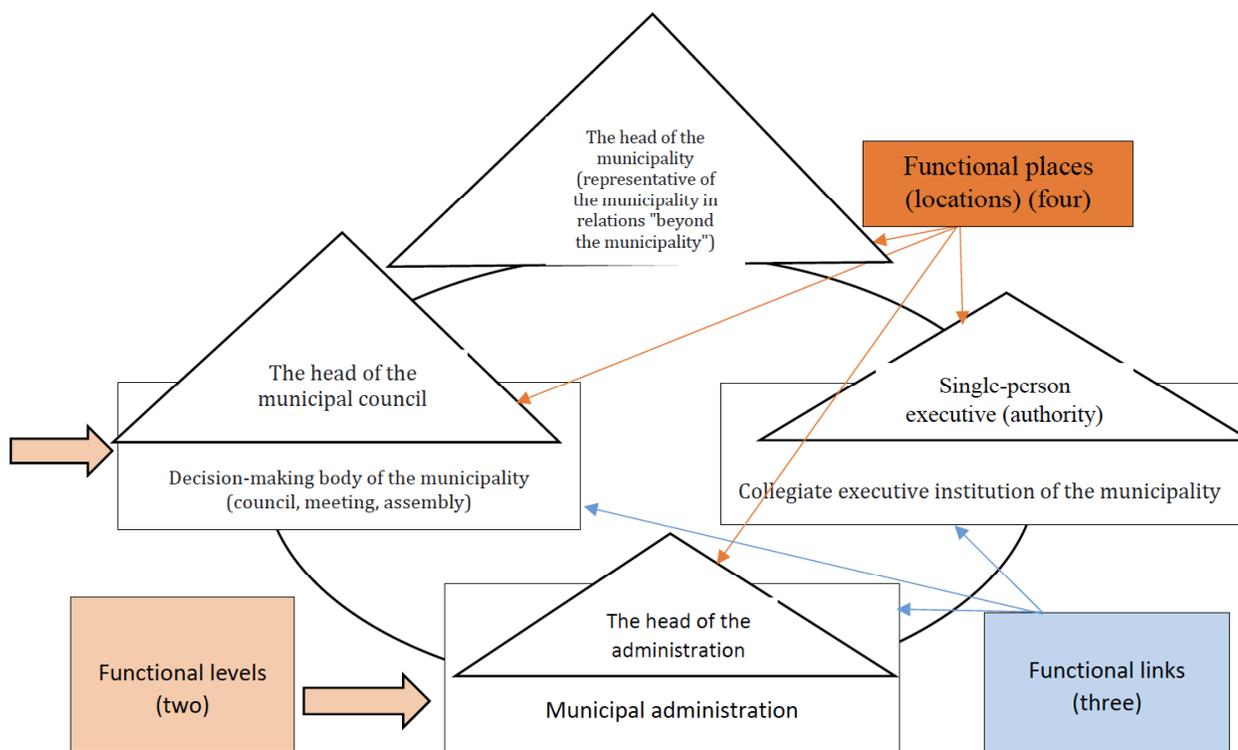


Figure 1: The elements of the organizational structure are the basis of all the principle models of the structure of the territorial (local) authorities (municipalities) (source: Astrauskas, Algirdas. 2022. Local self-government and municipality: theoretical, historical and legal aspects. Vilnius: Mykolas Romeris University. Pp 185-186).

the municipal council (chairman) and the directly elected single-person executive (mayor) are institutionalized and occupied by different natural persons;

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

From 1990 to the present day the structure of the Lithuanian municipalities were formed according to several different principle models of the structure of the territorial (local) authorities (municipalities). The following models and the following periods, when they (models) were legally established and had to be applied in all Lithuanian municipalities (see Figure 2):

- 1) **model 1** "municipal council - two (individual and collegiate) executive institutions, composed of necessarily not members of the municipal council" - in the Lithuanian municipalities of the higher-level in 1990-1994;

- 2) **model 2** "municipal council – appointed administrator (manager)" - in the Lithuanian municipalities of the lower-level in 1990-1994;
- 3) **model 3** "municipal council – mayor (elected by the municipal council)" – in 1995-2000;
- 4) **model 4** "municipal council - two (individual and collegiate) executive institutions, necessarily composed of members of the municipal council" - 1995-2002;
- 5) **model 5** "municipal council – appointed administrator (manager)"
 - 5A this model with a mayor elected by the municipal council - in 2003-2015
 - 5B this model with a directly elected mayor - 2015-2023 1st quarter;
- 6) **model 6** "municipal council - directly elected mayor (strong mayor model)" - from 2023 2nd quarter.

RESULTS AND DISCUSSION

The Supreme Council of the Republic of Lithuania in the 11th March of 1990, adopted the Act "On the

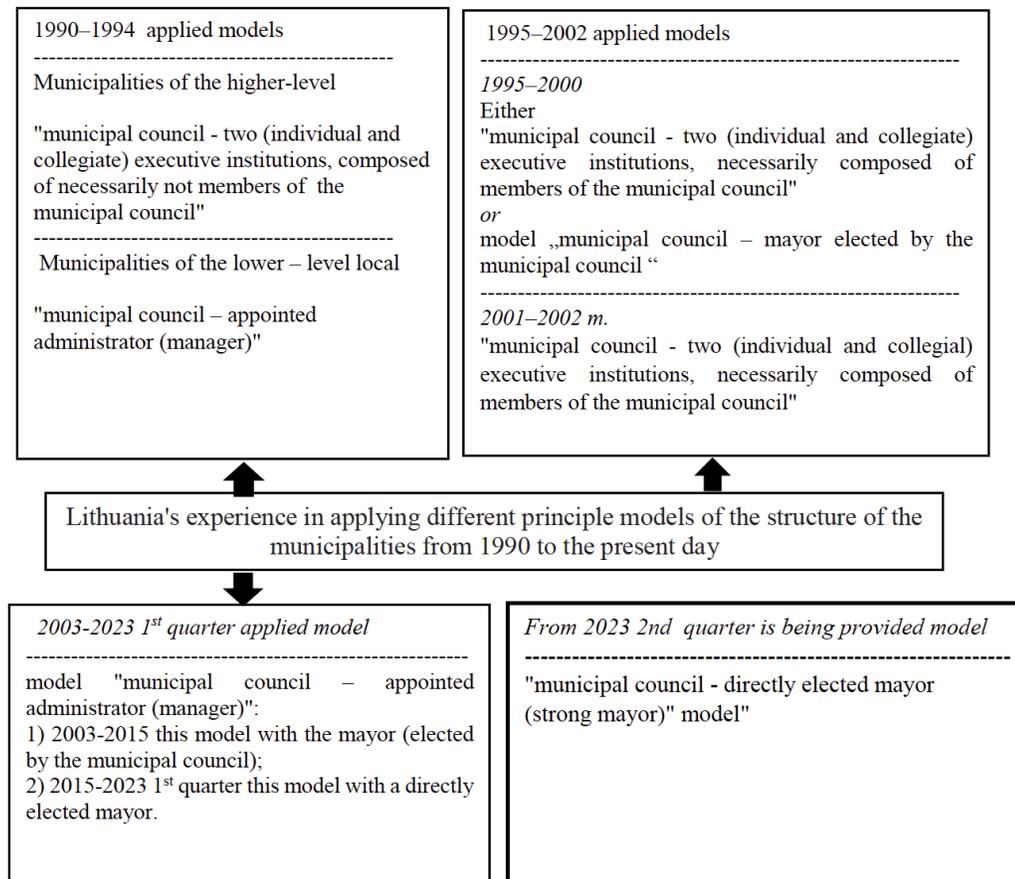


Figure 2: Lithuania's experience in applying different principle models of the structure of the municipalities from 1990 to the present day (source: Astrauskas, Algirdas. 2022. *Local self-government and municipality: theoretical, historical and legal aspects*. Vilnius: Mykolas Romeris University. P 275).

Rehabilitation of the Independent State of Lithuania", which announced that the deputies of the Supreme Council of the Republic of Lithuania, expressing "the will of the nation, decree and solemnly announce that the exercise of the sovereign powers of the State of Lithuania, abolished by a foreign power in 1940, is restored, and from now Lithuania is an independent state again". From that moment, radical transformations began in Lithuania in the political, economic, social and ideological spheres of public life, including the local government system as the lower level of the state government system. Without doubting, Lithuania chose the Western-type path of creating a local self-government system functioning on democratic bases. The first free elections to municipal councils took place already in the 24th March, 1990, and the newly elected municipal councils gathered for their first meetings already in the first weeks of April in 1990. According to the adopted Law on Local Self-Government Basis in the 12th February, 1990, municipal councils began their activities with the formation of the corps of municipal "managers": the chairmen of municipal councils and their deputies, the

mayors (in the republican cities and the towns of the district) and the governors (in the districts, named "rayon") and their deputies, chiefs, named "viršaičiai" (in the urban-type settlements and the rural-type settlements (rural areas), named "apylinkės") were elected or appointed. In this way, the "first" mayors in Lithuania "appeared" already in spring of 1990 and in the first and second (see Figures 2 and 3) principle models of the structure of the municipalities (1990–1994) established by the Law on the Basics of Local Self-Government of the Republic of Lithuania (7), they basically had to play the role of the single-person executive of the municipalities (this role was dominant).

During the period from 1990 to the present day, the role of the mayors in Lithuanian municipalities has repeatedly changed due to the objective and subjective factors (reasons), their set of responsibilities (rights and duties) and other elements of their legal status have been assumed. According to the authors of this study (research) and the article, the decisive role in this change was played by the change of the principle models of the structure of the territorial (local)

authorities (municipalities), although it would be wrong to underestimate other factors that caused changes in the legal status of the municipal mayors. During the period from 1990 to the present day, as many as five and sufficiently different principle models of the structure of the territorial (local) authorities (municipalities) have been implemented in Lithuania. In the near future, from the 1st April, 2023, another, the sixth "municipal council - directly elected mayor (executive institution, head of municipality)" principle model of the structure of the territorial (local) authorities (municipalities) will be implemented (applied) in Lithuanian municipalities. As a result, changes in the elements of the legal status of the mayors once again will occur, which will lead to a number of new challenges. In order to cope with them (new challenges), it is valuable to know well and rethink the experience gained in this field so far and do not repeat past mistakes.

In order to achieve the purpose of the study (research) – to systematically assess the change of the elements of the legal status of the mayors of the Lithuanian municipalities found in all legal acts that regulated the establishment and operation of local self-government institutions during this period - the comparative table was prepared based on carefully selected information (see Figure 3). After analysing the information presented in the comparative table, the following observations, and insights (study results) should be formulated:

- 1) during the period from 1990 until the end of 2022 the category of the mayor position in the public sector employee category system changed several times - until 2000 the position of the mayor of the Lithuanian municipality was assigned to the positions of the heads of the municipality (according to the Law on the Officials), and since 2000 (up to the present day) according to another law (the Law on the Payment of the State Politicians, the State Officials and the Judges), the position of the mayor of a municipality is assigned to the group of positions of the state politicians;
- 2) during the entire period from 1990 until the end of 2022 and in the case of all 1-5 principle models of the structure of the Lithuanian municipalities, the method of holding the positions of the mayors remained the same - elections. However, since 1990 until 2015 the mayors were elected by the municipal councils

(decisions are made by the qualified majority), and since 2015 (during the 2015 and 2019 elections) the mayors were already elected by the permanent residents of the Lithuanian municipalities with the active voting rights.

The duration of the term of office of the mayors varied significantly during this period: 5 years during the 1990 elections, 2 years during the 1995 elections, 3 years during the 1997 and 2000 elections, 4 years during the all other elections since 2003 until today (2003, 2007, 2011, 2015, 2019 elections). Radical reduction of the term of office of the mayors from 5 years (during the 1990 elections) up to 2 years (during the 1995 elections) caused the 25th October, 1992 Provisions of the Constitution of the Republic of Lithuania adopted by the people's referendum (the creators of the text of the Constitution chose this term of office, reasoning that from 1995 a new, untested principle model of the structure of the Lithuanian municipalities had to be implemented (applied) which was chosen in order to eliminate the negative phenomenon that had occurred until then, named "dualism" and manifesting in a fierce competitive struggle between the full-time heads (chairmen) of the municipal councils and the mayors (single-person executive). In order to increase the term of office of the mayors to 3 years (during the 1997 and 2000 elections) and later - to 4 years during the elections from 2003 to the present day, the Parliament of the Republic of Lithuania had to amend Article 119 of the Constitution of the Republic of Lithuania twice (in 1996 and 2002) according to a complicated procedure;

- 3) during the period from 1990 until the end of 2022 when electing the mayors, 3 criteria were applied (age, citizenship and residency), 2 requirements (regarding knowledge of the state (Lithuanian) language and taking an oath) and several types of the prohibitions – the prohibitions related to the passive right to vote, the prohibition on being/not being a member of the council, the prohibition to hold the positions, incompatible with the position of the mayor and banning the same person from holding the position of the mayor for more than 2 terms in a row.

The age census for the entire period since 1990 until the end of 2022 significantly diversified - from 25 (after the 1990 elections according to model 1), until the age of 21 (during the 1990 election in model 2, and during the 1995 and 2000 elections in models 3 and 4), by 20 (during the period from 2003 to 2015 in the case

of the 5A model) and up to 18 years (after the 2019 elections, in the presence of the 5B model and after the upcoming elections of the 5th March, 2023, in the presence of the model 6).

The requirement for the mayor candidates to know the state (Lithuanian) language was formally established before the 1990 elections in the presence of models 1 and 2. Later, *de jure* it did not remain, but *de facto* it always existed (this is decided in other ways, for example, it is established by the law that the meeting of the municipal council, which is chaired by the mayor, is held in the state (Lithuanian) language).

The requirement for the elected mayor to take an oath "appeared" since 2011 (after the 2011 election in the case of model 5A) and remains valid until nowadays (this requirement will also be valid after the 2023 election). The text of the oath and the procedure are regulated by the Law on Local Self-Government. The mayor's oath is linked to his responsibility – breaking/failing to keep the oath is the basis for a vote of no confidence in the mayor of the municipality and for the municipal council members to dismiss the directly elected mayor by the council by a qualified majority of votes, before the term expires.

The list of the prohibitions related to the passive right to vote (the prohibitions related to the military and statutory service, serving a sentence, the court-recognized incapacity, etc.) and existing since 1990 with each election (through amendments to the Laws regulating elections of the municipal councils) has been constantly supplemented, so their legal formulations were also constantly revised: it was most fully and best regulated in the Election Code, which came into force in the 1st September, 2022 and there are as many as 9 prohibitions of this type.

The prohibition for the mayor of a municipality to be or not to be a member of the same municipal council was determined, taking into account the applied model of the structure of the municipality: the prohibition of the mayor of a municipality to be a member of the same municipal council was established in the case of models 1, 2 and the future of model 6. For models 3, 4, 5A and 5B, the mayor had to be a member of the council of that municipality.

The ban on the mayor of a municipality to hold the positions that are incompatible with the mayor's position "appeared" after the Constitutional Court of the Republic of Lithuania adopted in 24th December 2002

resolution and after consolidating the list of such positions (e.g. the position of the mayor is incompatible with the positions of the President of the Republic, a member of the Parliament, a member of the European Parliament, a member of the Government (Cabinet of the Ministers), with the positions of the head of a state institution subordinated to the Government or a state institution under a ministry whose activities are related to the supervision and control of the municipal activities, with the positions of the Representative of the Government in a county, with the positions of the State Controller and his deputy. Moreover, the position of the mayor is incompatible with the position of the head of the budgetary institution whose owner is a municipality, with the position of the head of the public institution whose owner or one of the shareholders is a municipality, with the positions of a chief-manager or a member of a board (collegiate management subject) of a municipal company, with the same positions in a joint-stock company managed by that municipality, etc.).

The ban on the same person serving as the mayor of a municipality for more than 2 terms in a row has been established since 1990, in the case of models 1 and 2, and has been applied throughout the period since 1990 until the end of 2022. From 2023 this prohibition has been slightly adjusted - it will be prohibited for the same person to hold the position of the mayor of the municipality for 3 terms in a row;

- 4) during the period from 1990 until the end of 2022 and in the case of the future model 6, the role of the mayor in a municipality will significantly diversify and that diversity is basically determined by the directly applicable model of the structure of the municipality: the majority of the roles were given to the mayor in 1995-2003 during the period, in the case of model 4, as many as 5 roles (the roles of the head of the council (chairman), the single-person executive, the head of a collegiate executive institution (named "municipal board"), the head of the entire municipality and partially the head of the municipal administration). Fewest roles (2 roles) – in 1990 - 1995 in the case of model 2; 3 roles in the case of models 1, 5A, 5B and future model 6; 4 roles in the case of model 3.

However, the authors of this study (research) believe that the more important aspect is not the number of mayoral roles, but the dominant role/roles of the mayor. The assessment shows that during the

period from 1990 until the end of 2022 taking into account this aspect, 4 situations occurred: 1) in 1990-1995, with models 1 and 2, and from the 1st April of 2023, in the case of model 6, the dominant roles of the mayor were/will be the single-person executive (authority) of the municipality and the head of the entire municipality; 2) in 2003 - 2023 1st quarter the dominant roles of the mayor were the chairman of the municipal council and the head of the entire municipality (see Figures 3 and 4); 3) in 1995-2003, in the presence of models 3 and 4, the mayor was given the responsibilities that allowed him to consolidate the roles of the head (chairman) of the municipal council, the single-person executive (authority) and the head of the entire municipality and 4) from 2023 the 2nd quarter the roles of the single-person executive (authority) and the head of the entire municipality will be supplemented by the responsibilities related to the organization of the work of the municipal council: the mayor will approve the agendas of municipal council meetings, call meetings, preside over them, sign or veto the decisions made by the municipal council (see Figures 3 and 5). The situations 3 and 4 always raised and still raise the reasonable doubts: regarding the situation 3, the Constitutional Court of the Republic of Lithuania in the 24th December 2002 adopted the resolution stating that the relations between the municipal council and the mayor, as regulated in models 3 and 4, do not comply with the Constitution of the Republic of Lithuania (therefore, the principle model 4 was changed in 2003 – and model 5A was introduced). There are some opinions of some state politicians that in the situation 4, when the mayor (single-person executive and the head of the entire municipality) is also given the responsibilities related to the organization of the work of the municipal council, it is possible that it does not correspond to the Constitution of the Republic of Lithuania and it is appropriate to apply the provisions to the Constitutional Court of the Republic of Lithuania in order to be evaluated by the Law on Local Self-Government adopted in the 30th June, 2022, as far as they correspond to the Constitution of the Republic of Lithuania;

5) during the period from 1990 until the end of 2022 there were no problems regarding the element of the legal status of the mayor of the Lithuanian municipality - who replaces the mayor or temporarily performs his responsibilities: since 1990 until 2015, in the case of models 1, 2, 3, 4 and 5A, it was established that the mayor is deputized (e.g. in cases of vacation, business

trip, etc.) and temporarily performs his responsibilities (e.g. in the event of the death of the mayor or termination of his powers before the deadline), until a new mayor of the municipality is elected - the deputy mayor, who has always been appointed to the position on the recommendation (proposal) of the mayor of the municipality by the decision of the municipal council; since 2015, in the case of models 5B and 6, it has been determined that until a new mayor is elected, the position of mayor is/will be held by a member of the municipal council appointed by the municipal council (but not the deputy mayor).

This element of the mayor's legal status is regulated in the most detailed and legally literate manner in the Law on Amendments to the Law on Local Self-Government (adopted on the 30th June, 2022 and will come into force on 1st April, 2023).

6) during the period from 1990 until the end of 2022 provisions regarding the accountability of the mayor of the municipality changed slightly: a) 1990 - 1995 it was established that the mayor is responsible and accountable to the municipal council; b) since 1995 until 2003, when the functions of municipalities began to be divided into the independent functions and the functions delegated to the municipalities by the state (performed on behalf of the state), the law established that the mayor was directly responsible for the execution of the functions delegated to the municipalities by the state to the Government, which was given the right to propose to the municipal council to dismiss the mayor from his duties for gross violations of laws and other legal acts, before the deadline, and if the municipal council does not agree to make such a decision, apply to the Parliament and propose the introduction of direct management in the territory of the municipality; c) since 2003 the accountability of the mayor to the municipal council and the municipal community is determined: the mayor reports on his activities to the municipal council and the municipal community at least once a year, prepares and submits to the municipal community a report on the activities of the entire municipality; d) from 2nd quarter of 2023 the mayor of the municipality is obliged to prepare a set of annual reports of the municipality and submit it for the approval of the municipal council and for the municipal

community to familiarize themselves with, as well as the duty of the mayor of the municipality to constantly communicate with the residents of the municipality;

- 7) during the period from 1990 until the end of 2022 the provisions of the laws were constantly improved regarding regulating the cases when the mandate of the mayor of a municipality expire, when the mayor loses the mandate, including cases when the mandate of the mayor are terminated before the deadline, and when the mandate of the mayor of a municipality can be suspended. This element of the mayor's legal status is regulated in the most detailed and legally literate manner in the Law on Amendments to the Law on Local Self-Government (adopted on the 30th June, 2022 and will come into force on 1st April, 2023) and the Election Code (adopted on the 23rd June, 2022 and will come into force on the 1st September, 2022).

The number of cases in which the mandate of the mayor of the Lithuanian municipality is terminated before the deadline, from 2 cases in 1990 - 1995 increased to 12 cases from the 1st April, 2023. Since 2003 provisions "appeared" in the law regarding the suspension of the mandate of the mayor (by court order) or removal from office (by the qualified majority of the municipal council, if he is officially suspected of having committed a crime).

During the entire period since 1990 to the present day and with all models, the law established the right of municipal council to express distrust in the mayor and to make a decision on his dismissal by the qualified majority before the deadline (until 2003, the initiative of 1/3 of the members of municipal council was sufficient before considering the dismissal of the mayor later, it was already necessary to initiate a reasoned consideration of the question of distrust, and since 2015, the law has established a sufficiently complex multi-level procedure for a motivated initiative, consideration and decision-making, with the participation of a special commission established by the municipal council and the Administrative Court (its the purpose of legally assessing whether possible violations are sufficient grounds for dismissing the mayor from office);

- 8) during the period from 1990 until the end of 2022 the element of the mayor's legal status that

changed the most was the municipal mayor's salary, leaves (vacation), social guarantees, prohibitions, bans and restrictions. 1990 -1995 and until 2000 in the Law on Local Self-Government, only provisions can be found on the salary of the mayor's work (the salary (specific amount) of the mayors of the republic cities was determined in the scheme approved by the Government's resolution; the Government was also given the right to award the mayors of these cities a salary supplement). At the same time, the salary for the mayors of the towns, the urban-type and the rural-type settlements was determined by the relevant municipal council, following the mayor's salary scheme approved by the Government's resolution (the lower and upper limits of the salary range were defined). In 2000 after the Law on the Payment of State Politicians, State Officials and Judges adopted by the Parliament of the Republic of Lithuania came into force, the situation changed - the size of the mayor's salary (a salary and a salary supplement for years of service to the Lithuanian state) was already regulated by the special law, in which the size of the official salary coefficients (linked to the size of municipality (number of inhabitants)) and the number of these coefficients (defined from 2 to 5 groups) were established. The Constitutional Court of the Republic of Lithuania in 2019, gave the opinion on the number of coefficients of the mayor's official salary (and, accordingly, the number of groups). Currently, the draft of the Law on Payment of State Politicians is submitted to the Parliament of the Republic of Lithuania for consideration, applicable to the mayors of the municipalities as well, in which it is planned to determine the size of 5 official salary coefficients (depending on the number of inhabitants of the municipality), the amount of adjustment, taking into account whether there is a resort or a resort area in the territory of the municipality, to calculate the official salary by multiplying the official salary coefficient from the new base - the average salary in the country and to refuse the official salary supplement for years of service to the Lithuanian state.

Since 2003 (valid until today) the Law on Local Self-Government was supplemented with the provisions on the creation of the Mayor's fund, the purpose of this fund, its size and the use the resources from it: depending on the size of the municipality, a Mayor's

Municipal structure model	Elements of the legal status of the mayor of the municipality							
	Category of the mayor's position	The method of holding the position of the mayor, the duration of the office	Requirements for a person seeking to become mayor	The role of the mayor in the structure of the municipality (it depends on the responsibilities of the mayor)	Substitution of the mayor, temporary performance of the mayor's responsibilities	Accountability and subordination of the mayor	Dismissal of the mayor	Mayor's salary, holidays, social guarantees, prohibitions, bans and restrictions
<p>1990-1995 The higher level of municipalities Model - "municipal council-two executive institutions (consisting necessarily not of council members)"</p> <p>Model 1</p>	Mayor of a republic city and town is a head of the municipality.	Elections. Mayor is elected by a municipal council. The term of office is 5 years.	Censors and requirements: 1) age limit - not younger than 25 years; 2) citizenship and residency certificates - Lithuanian citizen living in the territory of the municipality; 3) educational certificate - higher education; 4) requirement to know the state Lithuanian language; 5) prohibition to be a member of the same municipal council; 6) banning the same person from serving as mayor for 2 terms in a row.	Mayor: 1) a single-person executive; 2) a head of the municipal board (collegiate executive institution); 3) has some responsibilities in relation to the municipal administration.	Mayor is replaced and temporarily held by one of the deputy mayors (deputies are appointed by the municipal council on the proposal of the mayor).	Mayor is responsible and accountable to the municipal council that elected him.	Mayor's mandate (responsibilities) expires at the end of his term. There are 2 cases when the mayor's mandate (responsibilities) is terminated before the deadline (after municipal council members express distrust and at the suggestion of the Government).	Mayor's salary is set in the scheme approved by the Government's resolution and is equal to 6-6.7 minimum monthly salary. The Government can set a salary supplement for the mayor. Holidays and guarantees are determined by Labour laws.
<p>1990-1995 The lower level of municipalities Model - "municipal council – appointed administrator"</p> <p>Model 2</p>	Mayor of an urban-type settlement and rural-type settlements (territory) is a head of the municipality.	Elections. Mayor is elected by the municipal council. The term of office is 5 years.	Censors and requirements: 1) age limit - not younger than 21 years; 2) citizenship and residency certificates - Lithuanian citizen living in the territory of the municipality; 3) requirement to know the state Lithuanian language; 4) prohibition to be a member of the same municipal council.	Mayor: 1) a single-person executive; 2) a head of the staff of the mayor's office.	Mayor is replaced and temporarily held by the deputy mayor (the deputy is appointed by the municipal council on the proposal of the mayor).	Mayor is responsible and accountable to the municipal council that elected him.	Mayor's mandate (responsibilities) expires at the end of his term. There are 2 cases when the mayor's mandate (responsibilities) is terminated before the deadline (after municipal council members express	Mayor's salary is determined by the municipal council according to the salary scheme approved by the Government. The Government's resolution established the range of the official salary coefficient from 3.7 to 5.3 minimum monthly salary.
							distrust and at the suggestion of the Government).	
<p>1995-2000 Model - "municipal council – mayor (elected by the municipal council)"</p> <p>Model 3</p>	Mayor is a municipal politician (from 1995 to 2000). Mayor is a state politician (since 2000).	Elections. Mayor is elected by a qualified majority of a municipal council. Term of office is 2 years during 1995 elections; is 3 years during 1997 elections.	Censors and requirements: 1) age limit - not younger than 21 years; 2) citizenship and residency certificates - Lithuanian citizen living in the territory of the municipality; 3) requirement to be a member of the council of the same municipality; 4) prohibitions related to military or statutory service; being a member of the Parliament; execution of the sentence according to the court verdict; incapacity recognized by the court.	Mayor: 1) a head (chairman) of the municipal council; 2) a single-person executive; 3) a head of the municipal board (collegiate executive institution); 4) has responsibilities in relation to the municipal administration.	Mayor is replaced and his duties are temporarily held by the deputy mayor (the deputy is appointed by the municipal council from among the municipal council members on the proposal of the mayor).	Mayor is responsible and accountable to the municipal council for the implementation of the independent functions of the municipality. Mayor is directly responsible to the Government for the implementation of the functions delegated to the municipality by the state.	Mayor's mandate (responsibilities) expires at the end of the term. There are 6 cases when the mayor's mandate (responsibilities) is terminated before the deadline (when municipal council members express distrust; at the suggestion of the Government, after a court verdict enters into force, after the introduction of direct management, etc.)	Mayor's salary is determined by the municipal council according to the norms approved by the Government until 2000. Since 2000 until 2004 according to the special law on the Salaries of state politicians, state officials and judges the mayor's salary consisted of: 1) official salary (mandatory salary coefficients from 8.5 to 12, depending on the municipality's population (4 groups were established); 2) salary supplement for years of service to the Lithuanian state (up to 30% of the official salary). Prohibition to hold other positions, work in other jobs, receive other salary, except for salary for creative activities. At the end of the term of office, if the mayor is not elected for a new term and he cannot be returned to his previous job (position), a severance allowance in the amount of 3 average monthly salary is paid.
<p>1995-2003 _ Model - "municipal council-two executive institutions (consisting necessarily of council members)"</p> <p>Model 4</p>		Elections. Mayor is elected by a qualified majority of a municipal council. Term of office is 2 years during 1995 elections; is 3 years during 1997 and 2000 elections.		Mayor: 1) a head (chairman) of the municipal council; 2) a single-person executive; 3) a head of the municipal board (collegiate executive institution); 4) a head of the municipality; 5) has responsibilities in relation to the municipal administration.	Mayor is replaced and temporarily held by one of the deputy mayors (the deputy is appointed by the municipal council from among the municipal council members on the proposal of the mayor).			
<p>2003-2015 Model - "municipal council - administrator"</p>	Mayor is a state politician.	Elections. Mayor is elected by a qualified majority of a municipal council.	Censors and requirements: 1) age limit - not younger than 20 years; 2) citizenship and residence census - Lithuanian citizen, permanent resident of that municipality;	Mayor: 1) a head (chairman) of the municipal council; 2) a head of the municipality;	Mayor is replaced (in case of illness, business trip, etc.) by one of the mayor's deputies (deputies are appointed by the	Mayor reports to the municipal council and the community at least once a year on his activities, and also	The mayor's mandate (responsibilities) expires at the end of the term. There are 6 cases when the mayor loses	According to the special law on the salary of state politicians and etc., the mayor's salary consists of: 1) official salary (from 2004 to 2015 official salary coefficients from 10.5 to 12.5, depending on the population (2 groups are

(Figure 3). Continued.

<p>with the mayor elected by the municipal council</p> <p>Model 5A</p>		<p>Term of office is 4 years during 2003, 2007, 2011 elections.</p>	<p>3) requirement to be a member of the council of the same municipality; 4) prohibitions related to military or statutory service; being a member of the Parliament; execution of the sentence according to the court verdict; court-recognized incapacity or innocence; limited by the court to a passive right for a citizen of a foreign state. 5) the obligation to swear an oath (since 2011); 6) prohibition to occupy the positions that are incompatible with the position of the mayor (a member of the municipal council) (such a list of such positions was determined by the Constitutional Court of the Republic of Lithuania in 2002).</p>	<p>3) a member of the municipal council.</p>	<p>municipal council from the municipal council members on the proposal of the mayor). In the absence of the mayor, one of the deputy mayors temporarily assumes some of the responsibilities of the mayor until the council elects a new mayor.</p>	<p>prepares and submits to the municipal community a report on the activities of the entire municipality.</p>	<p>his mandate (responsibilities) before the deadline (due to temporary incapacity; when the mayor loses his citizenship; when municipal council members express distrust; at the suggestion of the Government, for violations of laws and regulations; after the mayor submits a resignation request; after the introduction of direct management, when the municipal council loses its powers).</p>	<p>established); from 2015 to 2019 official salary coefficients from 18 to 19 (2 groups are established); from 2020 official salary coefficients from 18 to 19 (5 groups are established) and it was also established that the mayor's official salary coefficient is increased by 4 or 5 percent, if there is a resort area or resort in the territory of the municipality; 2) salary supplement for years of service to the Lithuanian state (up to 30% of the official salary). Representation expenses in Lithuania and abroad are reimbursed from the Mayor's fund (fund size from 1 to 3 average monthly salary size, depending on the size of the municipality). Prohibition to hold other positions, work in other jobs, receive other salary, exception of salary for scientific, pedagogical or creative activities. Prohibition for the mayor to be a member of the committees formed by the municipal council. The provisions of the Labour Code regarding work and rest time, holidays specified in the Law on Local Self-Government, material responsibility, employee safety and health apply to the mayor. Mayor is entitled to 28 calendar days (from 2015 - 20 working days) of annual paid vacation. The mayor may be granted targeted leave: pregnancy and childbirth, parenthood, education, state or public duties, unpaid leave due to participation in elections. Since 2015 the mayor has the right to the benefits set out in the Labour Code for persons raising children, benefits for disabled employees.</p>
<p>2015-31st March, 2023 Model - "municipal council - administrator "</p> <p>with a directly elected municipal mayor</p> <p>Model 5B</p>		<p>Elections. Mayor is elected by permanent residents of the municipality who have the right to vote. Term of office is 4 years during 2015 and 2019 elections</p>	<p>Censors and requirements: 1) age limit - at least 20 years old (during the 2015 elections) and 18 years old (during the 2019 elections); 2) citizenship and residence census - Lithuanian citizen, permanent resident of that municipality; 3) requirement to be a member of the council of the same municipality; 4) prohibitions related to military or statutory service;</p>	<p>The responsibilities of the mayor (23 positions) are determined in the Law on Local Self-Government. Mayor: 1) a head (chairman) of the municipal council (note: since 2015 the mayor has been assigned the responsibilities that are more typical of</p>	<p>Mayor is replaced (in case of illness, business trip, etc.) by one of the mayor's deputies (deputies are appointed by the municipal council from the municipal council members on the proposal of the mayor).</p>			
			<p>being a member of the Parliament; execution of the sentence according to the court verdict; court-recognized incapacity or innocence; limited by the court to a passive right for a citizen of a foreign state; 5) the obligation to swear an oath (since 2011); 6) prohibition to hold the positions that are incompatible with the position of the mayor (a member of the municipal council) (such a list of such positions was determined by the Constitutional Court of the Republic of Lithuania in 2002).</p>	<p>the executive institution of the municipality, but not of the head (chairman) of the municipality; 2) a head of the municipality; 3) a member of the municipal council.</p>	<p>In the absence of the mayor, the municipal council appoints a member of the municipal council temporarily acting as mayor, who holds this position until a new mayor is elected in accordance with the procedure established by the Law on Elections.</p>			<p>Since 2015 the mayor may have public consultants who, at the request of the mayor, provide him with consultations, proposals, conclusions and other information. At the end of the term of office, if the mayor is not elected for a new term and cannot be returned to his previous job (position), a payment of 3 average monthly salary is paid, which is paid out over 3 months in equal monthly installments. The amount of the benefit can be smaller (of 1-2 average monthly salary) if the person held the office of mayor for less than 1 year or the mayor lost his powers after expressing no confidence in him and dismissing him from office as a result.</p>
<p>From 1st April 2023 Model "municipal council - directly elected mayor" (strong mayor model)</p> <p>Model 6</p>	<p>Mayor is a state politician.</p>	<p>Elections. Mayor is elected by permanent residents of the municipality who have the right to vote. Term of office - 4 years (elections will be held on the 5th of March 2023)</p>	<p>Censors and requirements: 1) age limit - at least 18 years old; 2) citizenship and residence census - Lithuanian citizen, permanent resident of that municipality; 3) prohibition to be a member of the council of the same municipality; 4) 9 specific prohibitions related to military or statutory service; being a member of the Parliament; execution of the sentence according to the court verdict; court-recognized incapacity or innocence; limited by the court to a passive right for a citizen of a foreign state, etc.; 5) the obligation to swear an oath; 6) prohibition to hold the positions that are</p>	<p>The responsibilities of the mayor (27 positions) are determined in the Law on Local Self-Government. Mayor: 1) a single-person executive; 2) a head of the municipality; 3) has the responsibilities related to the municipal council's activities and decisions (eg. calling council meetings, presiding over them, signing the adopted decisions or vetoing them).</p>	<p>Mayor is replaced by a vice mayor appointed by the mayor (with the approval of the municipal council) when: 1) the mayor is temporarily absent from his duties due to vacation, temporary incapacity or other justifiable reasons; 2) the responsibilities of the mayor are suspended by a court order. The office of the mayor is temporarily held by a municipal council member appointed by the majority of</p>	<p>Mayor is accountable to the municipal council and the municipal community for his and the municipality's activities. Mayor prepares a set of municipal annual reports and submits it to the municipal council for consideration and approval. The set of annual reports of the municipality is provided to the municipal community. Mayor has the duty to</p>	<p>Mayor's mandate (responsibilities) expires at the end of the term. The mayor loses his mandate (responsibilities) when: 1. the elected mayor does not take an oath or the results of the mayoral elections are recognized as invalid; 2. the mayor's mandate (responsibilities) are terminated before the deadline (12 specific cases are provided for in the Election Code). 3. the mandate (responsibilities) of the mayor may be suspended: 1) by court order;</p>	<p>Mayor's salary, social guarantees, insurances are analogous to the period 2015-2022, except for: 1) according to the draft law on Salaries of Politicians submitted to the Parliament for consideration, the mayor's salary will consist only of official salary (official salary coefficient from 3.2 to 4.0, depending the size of the municipality) (5 groups will be established), which will be further adjusted (4-5%), depending on whether there is a resort or resort area in the territory of the municipality). 2) the mayor has the right to an annual minimum vacation of 22 working days; 3) it is forbidden to persecute the mayor for the expressed opinion at the meetings of the municipal council or its committees, commissions, municipal college.</p>

(Figure 3). Continued.

			incompatible with the position of the mayor (a member of the municipal council) (such a list of such positions was determined by the Constitutional Court of the Republic of Lithuania in 2002); 7) banning the same person from serving as mayor for 3 terms in a row.		the municipal council members participating in the meeting of the municipal council, when: 1) the mayor's responsibilities are terminated before the deadline (12 specific cases are foreseen); 2) the elected non-sworn mayor loses his mandate or the results of the mayoral elections are recognized as invalid.	constantly communicate with the permanent residents of the municipality.	2) direct management in the territory of the municipality on the basis established by law.	
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Figure 3: Elements of the legal status of mayors of Lithuanian municipalities in 1990 - 2023 (source: created by the authors in accordance with the provisions of the Constitution of the Republic of Lithuania, the Law on Elections of Municipal Councils, the Election Code and Laws on Local Self-Government adopted in 1990-2022).

Fund (of the size of 1 to 3 average monthly salary) is established in the municipalities, from which the representation of the mayors in Lithuania and expenses abroad could be paid.

analogy, because the Constitution of the Republic of Lithuania also establishes such a ban for other state politicians, as well as state officials and judges.

Since 2000 (valid to this day) in the Law on Local Self-Government, the prohibition "appeared" for the mayor to hold other positions, work in another job, receive another salary, except for the salary for creative activities. Such a ban was introduced by

Since 2000 the social guarantee was introduced for mayors of the municipalities, linked to the right of the mayor not elected for a new term to return to his previous job or to receive a certain amount of severance pay. Until today, the provisions related to the return to the previous job have changed (the cases

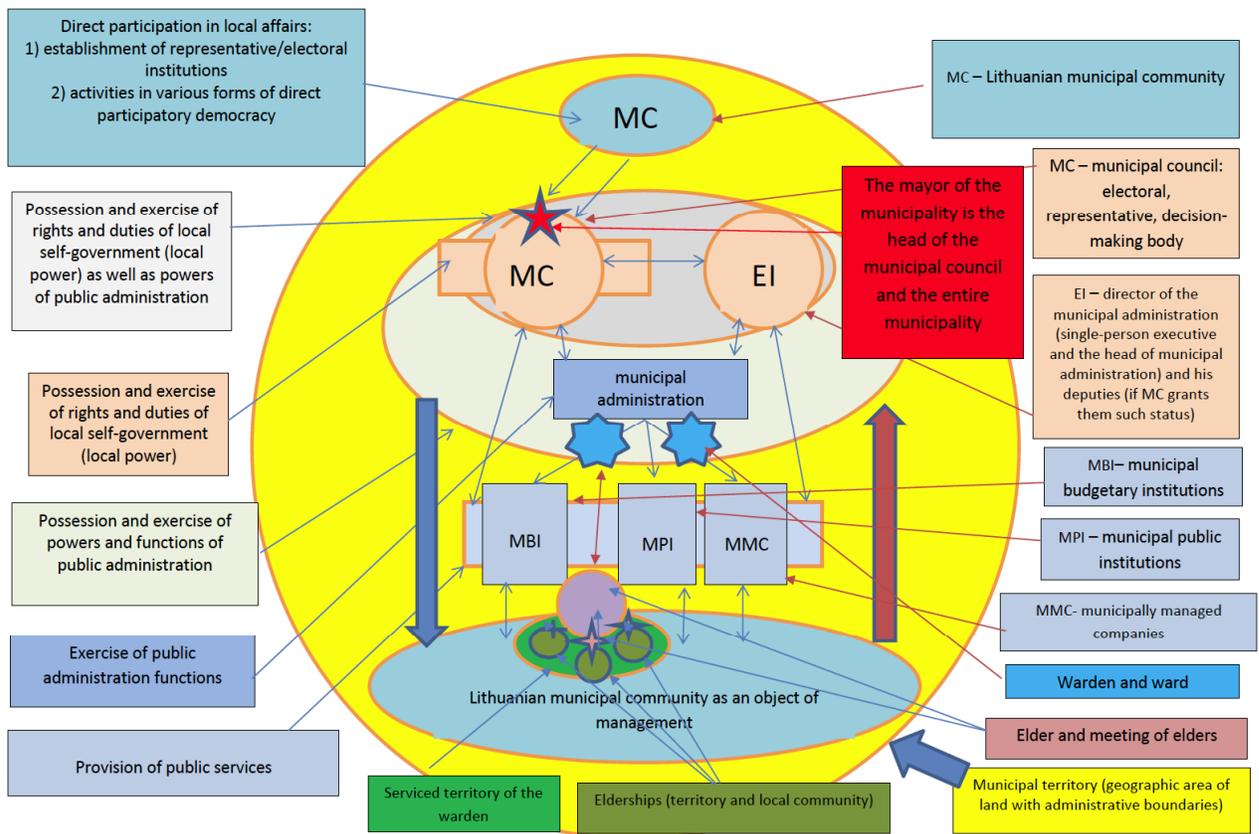


Figure 4: Lithuanian local municipalities 2015-2023 1st quarter graphic image (source: Astrauskas, Algirdas. 2022. Local self-government and municipality: theoretical, historical and legal aspects. Vilnius: Mykolas Romeris University. P 86).

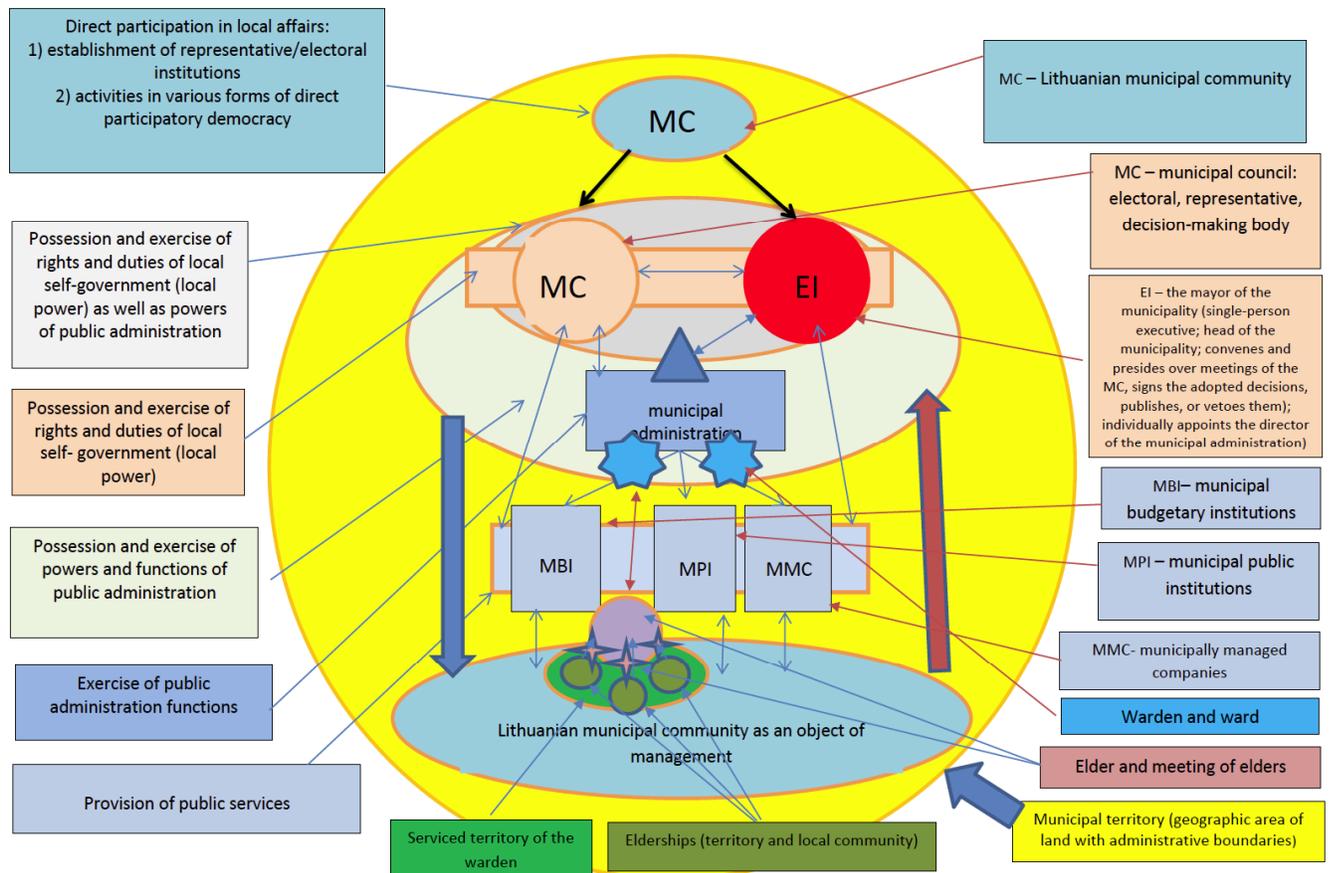


Figure 5: Lithuanian local municipalities from 2023 2nd quarter graphic image (source: Astrauskas, Algirdas. 2022. *Local self-government and municipality: theoretical, historical and legal aspects*. Vilnius: Mykolas Romeris University. P 87).

of return to the previous position are foreseen depending on the former position, the legal and ownership form of the entity where the person worked before becoming the mayor, etc.). Provisions were also changed regarding the amount of severance pay, the method of its payment, etc. (the amount of the benefit is linked to the number of years worked by the mayor and the grounds for dismissal).

Since 2003 in the Law on Local Self-Government, we find the provisions on the leaves (vacation) applicable to the mayor (the annual leave and its duration, the targeted leave, the provisions of the Labour Code on the work and the rest time, the material responsibility, the work safety and the health. Since 2015, these provisions have been further developed due to certain benefits application.

Since 2003, when the 5A model began to be applied, the mayor of the Lithuanian municipality has been prohibited from being a member of the municipal council committee, and since 2015, when the 5B model began to be applied, the municipal mayor has been given the right to have public assistants (consultants)

who provide him with consultations at the request of the mayor. This element of the mayor's legal status is regulated in the most detailed and legally literate manner in the Law on Amendments to the Law on Local Self-Government (adopted on the 30th June, 2022 and will come into force on 1st April, 2023).

The place and role of the mayor in the model of the structure of the Lithuanian municipality at the moment (from 2015 to the 31st March, 2023) is depicted in Figure 4, and the place and role from the 1st April 2023 – in Figure 5.

CONCLUSIONS

1. The selection of the eight most important elements of the legal status of the mayor of a municipality as evaluation criteria and their identification in six different principle models of the structure of Lithuanian municipalities allowed the authors of the study (research) not only to systematically review the changes in the elements of the legal status of mayors of Lithuanian municipalities, but also to make sure

that there is a close connection between the changes in the elements of the legal status of the mayors and changes of the principle models of the structure of the municipalities.

According to the opinion of the authors of the study (research) and the article, it is appropriate to conduct study (research) of a similar nature in other countries and to create conditions for sharing the results of these studies (researches). In this way, the conditions would be created to use the accumulated good experience, determining the optimal composition of the elements of the legal status of the mayors in various countries in the search for a more effective local self-government system.

2. The conducted study (research) and the obtained results confirm the fact that there is a permanent process of changing of the elements of the legal status of municipal mayors due to various - both objective and subjective reasons (factors). The change of the core element of the composition of the legal status of municipal mayor - the role (the responsibilities) of the mayor in the structure of the municipality - are greatly influenced by the change of the principle models of the structure of the municipalities. This means that when changing the principle model of the structure of the municipalities, the role (the responsibilities) of the mayor and the other elements of his legal status will inevitably change as well (if not all, then a significant part of them).
3. The conducted study (research) confirmed that, in search of the optimal principle model of the structure of the Lithuanian municipalities, in the period from 1990 to the present day (the end of 2022), 5 different principle models of structures of the municipalities have been tested, and from the 1st April, 2023 it is planned to apply another, new principle model of the structure of the municipality "municipal council – directly elected mayor (single-person executive (authority) and head of the municipality)". In each of the applied principle models of the structure of the Lithuanian municipalities, the legal status of the mayors acquired a new composition of elements, adequate for that model and meeting the needs of that era. The elements of the legal status of the mayors were regulated as far as possible, in more detail and quality. This was done in the most qualitative and legally literate way in the Law on Amendments to the Law on Local Self-

Government (adopted on the 30th June, 2022 and will come into force on 1st April, 2023) and the Election Code (adopted on the 23rd June, 2022 and will come into force on the 1st September, 2022)).

4. According to the authors of the study (research) and the article, it is difficult (and perhaps impossible) to find an "absolutely" perfect principal model of the structure of the municipalities with an "absolutely" perfect composition of the elements of the legal status of the mayor, which would create the conditions for the highly efficient functioning of the mayor as well as other municipal institutions for a long period of time in a certain country. Each principal model of the structure of the municipalities and each composition of the elements of the legal status of the mayor has its own advantages and disadvantages, and they cannot guarantee that problems will not arise in practice. The case of Lithuania illustrates this well: e.g. 1990-1995 applying the dualistic, "two centres of power" model of the structure of the municipalities (the model "municipal council - two executive institutions, necessarily composed of not members of the council") with the corresponding composition of the elements of the legal status of the mayor, sharp competition appeared in Lithuanian municipalities between the full-time head (chairman) of the municipal council and the mayor (elected by the municipal council) as a single-person executive (authority), which has caused negative phenomena in a considerable number Lithuanian municipalities of the higher-level and sometimes even paralyzed the "normal" activities of all municipal institutions of the certain municipality. The mentioned situation was changed in 1995-2003 after changing to another principle model and applying already the monistic model of the structure of the municipalities (the model "municipal council - two executive institutions, consisting necessarily of council members"), in which responsibilities of the head (chairman) of the municipal council, the single-person executive (authority), the head of the collegiate executive institution (named "municipal board") and the head of the municipality were accumulated "in the hands" of the mayor of the municipality. Then another problem emerged - the mayors and the municipal boards (collegial executive institutions)

they lead intervened in the competence of the municipal councils and actually usurped the real power in the municipalities, implementing the right of self-government guaranteed to municipal communities, although according to the Constitution of the Republic of Lithuania, the municipal councils were named as "implementers" of this right. Therefore, in the 24th December 2002 The Constitutional Court of the Republic of Lithuania, having examined the constitutional case, recognized in its ruling that the relations between municipal councils and the mayors and the municipal boards headed by them, as well as the separate elements of the legal status of municipal mayors, do not comply with the Constitution of the Republic of Lithuania. The monistic principle model of the structure of the municipality since 2003 it had to be changed again to a dualistic model (with an adequate composition of the elements of the legal status of the mayor), which was successfully applied until 2015, while, for political reasons, an unconventional element was incorporated into this model - the mayor directly elected by the residents with the responsibilities of the council member, the head (chairman) of the municipal council and the head of the entire municipality). This led to new problems.

5. In the opinion of the authors of the study (research) and the article, based on the experience gained in Lithuania and after

assessing the exceptionally important role/roles of the mayors in the structure of the municipality, it is appropriate to establish an educational qualification for mayoral candidates. A person who wants to occupy such a responsible position must have a high level of competence, acquired after obtaining basic knowledge in higher education, having accumulated the necessary work and life experience, constantly improving his abilities, knowledge, and skills.

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