

## CITY RESILIENCE IN THE LIGHT OF THE MUNICIPAL SELF-GOVERNMENT SYSTEM IN POLAND

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**Purpose:** Analysis of the resilience of local government units.

**Design/methodology/approach:** Formal-dogmatic method. Literature studies.

**Findings:** Due to the binding nature of the administration's activities by law, local self-governments have little freedom to choose measures leading to resilience. In addition, the inadequate funding of local self-governments makes it difficult to build up resources for times of crisis. The regulation of resilient instruments is relatively extensive and coherent, but it is not flawless and mainly focuses on procedures.

**Social implications:** The article points out the shortcomings of the adopted solutions. The local communities resilience would increase if they were eliminated by the legislator.

**Originality/value:** Analysis of the legal regulations in the light of the achievements of management sciences in the field of the local self-government organisations resilience.

**Keywords:** resilience, crisis, municipality.

**Category of the paper:** Research paper.

### 1. Introduction

#### 1.1. The idea of resilience

Nowadays, it is characteristic of organisations to operate in a turbulent environment, due to fluctuations in demand and supply, frequent and profound changes in customer preferences, health, economic, migration and weather crises, natural disasters, etc. This has recently led to an increased interest in the issue of the resilience of organisations (Clements, Kinman, 2023). This resilience is variously defined in management science. Ingram defines it as the ability of an organisation to withstand crises and difficulties (Ingram, 2023). Another definition, on the other hand, defines it as the ability of a system to regenerate and recover from disruptions and to survive in a turbulent environment (Gaudenzi, Pellegrino, Confente, 2023). According to Annarelli and Nonino, it is the ability to resist and respond to a shock (internal and/or external) and to recover from it (Annarelli, Nonino, 2016).

If an organisation is resilient to disruption, its operations are characterised by (Sundarakani, Onyia, 2021):

- (a) efficient service delivery - the ability to provide full and uninterrupted customer service despite the disruptive impact of the crisis,
- (b) customer satisfaction - the rate and level of satisfaction achieved among new and existing customers through continued service performance despite the crisis,
- (c) customer retention - the number of existing or lost customers and the number of new customers gained or not gained thanks to the level of customer satisfaction achieved during the crisis.

The above considerations of resilience lead to the conclusion that it is the ability of an organisation to maintain its functioning and fulfill its tasks, despite of various disturbances and obstacles disorganising its normal functioning. Resilience understood in this way must be characterised by the following attributes (Giustiniano, Cantoni, 2018):

- (a) reliability, meaning the ability to absorb and withstand disruptions,
- (b) redundancy, meaning the excess capacity of system components or the existence of a backup system to maintain the basic functionality of the organisation in the event of disruption,
- (c) resourcefulness, behind which is the ability to adapt to crisis situations, the flexibility to respond, the ability to turn threats into opportunities.

## **1.2. The idea of self-government**

Local self-government is a specific structure of a part of public administration, which is local administration (i.e. administration in charge of units of territorial division of the state), consisting in the fact that public tasks are delegated directly to the local communities to be performed by them independently. These tasks include meeting the collective needs of these communities, such as maintenance of green spaces, roads, cemeteries, issuing administrative decisions, local transport, education, etc. (Dolnicki, 2016).

Already this very general definition of self-government illustrates how important the issue of resilience is for local government, because administration, is not an entity that can be closed down for a certain period without much harm to the users (like a clothes shop, for example), but on the contrary, it is the responsibility of the administration to safeguard the community and meet its needs. It is even emphasized in the literature that a feature of administration is to function all the time (Zimmermann, 2016). The needs of the inhabitants therefore arise not only in times of calm, but also in times of tension and crisis, and local authorities must be prepared for these crisis. Furthermore, ensuring public order and the safety of citizens as well as fire and flood protection, including the equipping and maintenance of a municipal flood warehouse, are explicitly mentioned as tasks of the local government. A related task is the provision of video surveillance of public spaces. This feature therefore forces the administration to provide appropriate organisational solutions.

The structure of local government comprises municipal, poviát and provincial governments, according to the territorial division of the state in which the community performs its tasks. On top of this, municipalities are divided into urban and rural, and towns can be 'ordinary' towns or cities with poviát status. The latter is a municipality that simultaneously (additionally) performs district tasks. This is of such significance that there is a difference in the system of authorities between districts and cities with poviát rights. There is also a difference between the authorities of a rural municipality and a city municipality (which is not a city with poviát rights). These differences will be discussed in the following section.

### **1.3. The scope of the research**

The resilience attributes showed above must be achieved by managing the organisation and adjusting the solutions adopted to the specificity of each organisation. One of the organisations are also public organisations, and in particular cities that are local self-government units. Hence, it may be interesting to analyze what solutions to improve resilience are used in local government, including their type and effectiveness. Such analysis is the subject of this article.

This topic has not been addressed in the legal literature. Resilience is a subject of research in management sciences and the law doctrine does not address it from the management sciences point of view.

## **2. Methods**

In order to analyse the resilient solutions applied in local government, there is no need to study each local government unit, with the selection of an appropriate research sample and to generalise the results to the entire population. This is due to the fact that the activities of local authorities, as administrative entities, are strictly regulated by law (Zimmermann, 2016). Hence, to assess the resilience of a public organisation such as a local self-government, it is necessary to analyse the legal acts that set the framework for its activities, as only within their boundaries local self-governments units can build the components of resilience, i.e. reliability, redundancy and resourcefulness. Legal acts are usually analysed through legal literature and judicial decisions. Such a research method is used in the legal sciences and is called the formal-dogmatic method and this method will be used in this study.

The legal acts regulating the principles of local government are:

- (a) the Act on Municipal Self-Government (1990),
- (a) the Act on Poviát self-government (1998),
- (b) the Act on Provincial Self-Government (1998).

These are the so-called constitutional self-government acts as they set foundations to its structure and operation. In addition to the above, the activities of self-governments are regulated by other acts, which will be referred to further in the relevant parts of the discussion.

### **3. Results**

#### **3.1. Decision-making process in the local self-government**

One of the fundamental problems in setting up a new organisation is the question of its organs, their tasks and decision-making mechanisms. After all, an organisation is not human being and needs organs to function effectively (Dmowski, Rudnicki, Trzaskowski, 2014; Stahl, 2011). The importance of this issue is evidenced by the history of the formation of state systems, which led to the formation of the principle of the division of power with three systems of organs. In Polish local self-government, this issue was resolved by establishing the ruling and executive authorities, partly transferring the principle of separation of powers and the consequent mechanism of mutual control and braking of authorities to the level of local administration (Dolnicki, 2106; Bandarzewski, Chmielnicki et al., 2022; Augustyniak, Cybulska et al., 2021).

The decision-making body is the council - municipal, district or voivodship - consisting of a dozen to several dozen councillors elected by universal suffrage for a five-year term, while in the voivodships this council is called the voivodship assembly.

More complicated is the case of executive bodies. It is the mayor, but if the headquarters of the authority is in a city located within the municipality then it is the city mayor (e.g. the city mayor of Mikołów in the municipality of Mikołów), and in - generally speaking - larger cities and towns with powiat rights it is the city president. These are therefore single-member authorities and are also elected by universal suffrage for a five-year term. In poviats and voivodeships, on the other hand, it is a multi-member powiat board or a voivodeship board elected for the same term of office, but by the powiat council or the voivodeship assembly.

As this article refers to cities that may be municipalities or cities with powiat rights, it will refer to the city council and the single-member executive body, and if it mentions the mayor, it should also be understood to mean the city mayor and the city president.

The relationship between the above-mentioned decision-making and executive bodies is shaped in such a way that decision-making and executive powers are divided between them and decisions on the most important issues are left to the decision-making body (Szewc, Jyż, Pławewski, 2012). These are so-called strategic decisions (Kowalewski, 1971). Such issues include, for example, disposing of major assets, spatial planning, adopting the budget, deciding on cooperation with other local government units. This is related to the functioning of this body, which is a collegial body, i.e. consisting of more than one person. The feature of a collegial

body is the possibility of balancing different points of view and choosing the optimal solution (Łętowski, 1995; Starościak, 1969). The decision-making body not only protects the community from imprudent decisions made by the executive one-person body, but the council also has the possibility of anticipating threats and arranging the community management in such a way that it is resilient to crisis situations, e.g. by designating areas at risk of mass earth movements, floods, or plants with a high risk of a major industrial accident.

The executive body, in turn, manages the day-to-day functioning of the community, represents it externally and carries out the tasks assigned to the local community and the resolutions of the decision-making body. It thus takes tactical decisions (Kowalewski, 1971). As already mentioned, it is a single-member body and can therefore act more quickly, does not need to convene sessions, but at the same time is limited in its decision-making powers by a subjective point of view, greater susceptibility to influence and even the threat of direct responsibility. This responsibility is difficult to attribute to a specific person in a collegiate body expressing its will through voting (Kisielewicz, 2008).

Apart from the above-discussed ways of ensuring resiliency, which can be described as internal, there are also instruments used by external actors situated outside the local self-government unit. The fact that the construction of self-government presupposes a high degree of independence of local communities executing public tasks, however, does not imply full arbitrariness and freedom (Niewiadomski, 2011). The activity of the self-government is supervised by the government administration in terms of the legality. This supervision is divided between the Prime Minister, the voivode and the regional chambers of audit, but the jurisdiction of the latter is limited to financial matters.

Supervision is a specific construction of administrative law, comprising two competences of the supervisory authority: control and interference in the activity of the supervised entity. Control is the verification of the activity in terms of a specific criterion (and, as mentioned, this criterion is a legality), while interference is the application of means affecting the functioning of the local self-government units. These means are, of course, various, and only those relevant to the resilience of the local self-government unit will be here considered. We are talking about the suspension and the dissolution or revocation of the local self-government unit's bodies and the appointment of a government commissioner in their place to carry out their tasks. The difference between revocation and dissolution depends on whether it is a single-member or collegiate body.

In the first case (suspension), the rationale is that there is no hope of rapid improvement and prolonged inefficiency in the performance of public tasks by the organs of the entity. The Prime Minister then suspends both bodies (i.e. the decision-making and the executive) for up to two years, but no longer than until the next election. This measure is rightly alleged in the literature to:

- (a) uses imprecisely defined grounds (Dolnicki, 1993),
- (a) does not in fact assess the legality but the purposefulness of the action of the self-government, which goes beyond the constitutionally established limits of supervision of the self-government (Bandarzewski, Chmielnicki et al., 2022; Augustyniak, Cybulska et al., 2021),
- (b) does not lead to the intended objective, i.e. the improvement of the management of the local self-government community, because after the expiry of the suspension, the same bodies that have been declared ineffective take over the power in the municipality (Agopszowicz, Gilowska, 1999).

In the second case (dissolution or revocation), the premise is a repeated violation of the Constitution or laws. For the decision-making body, the Sejm is competent to take the decision, and for the executive body, the Prime Minister.

The possibility of replacing the municipal executive is of a similar nature. The regulations provide for a situation where the executive body holder, that is the specific natural person assigned to the post (Ochendowski, 2005), is unable to perform his or her functions due to a transient impediment (and thus, after the cessation of the impediment, he or she resumes his or her activities), as well as situations where the mandate of the holder has expired and a new one has not yet been elected. A transient impediment may be preventive detention, serving a custodial or prison sentence, incapacity for more than 30 days, and suspension from office. Regardless of whether the executive is permanently or temporarily prevented from exercising his or her functions, he or she is replaced by a substitute (or first substitute) or, if there is no substitute, by a government commissioner. This regulation is quite detailed, as it even provides for a procedure to be followed - that is, the chairman of the municipal/city council notifies the voivode within 48 hours of being informed that the tasks and competences of the mayor have been taken over by the deputy or first deputy or that a government commissioner has to be appointed. If, on the other hand, the term of office has expired, the information to the voivode must be sent within 7 days of the expiry of the term of office.

Local self-government is not only about meeting the needs of local residents, but also about being able to introduce locally applicable regulations. This is justified primarily by the speed of action and excellent knowledge of local circumstances (Dąbek, 2004). It is not surprising, therefore be able to enact so-called local laws, of which statutory provisions and rules of order will be important for the resilience of the organisation.

In clarifying these concepts, it should be pointed out that acts of local law are regulations which are universally binding (i.e. binding on all addressees), but whose binding force is territorially limited to the area of activity of the authority which issued them (Dąbek, 2004). Statutory provisions define, among other things, the system and organisation of the local government unit and the rules for the use of municipal public utilities (e.g. in the form of rules for the use of the municipal park). By this means, solutions can be introduced to prevent crises. On the other hand, rules of order are aimed at protecting the life or health of citizens and

ensuring public order, peace and security. Their issuance is of a subsidiary nature, i.e. they may be enacted only if a specific issue is not regulated by other provisions.

An example of such regulations may be the resolution of the Radzionków Town Council (2023). It results, for example, from the ban on bringing pyrotechnic materials by participants of the event to the sports facility and their possession on the sports facility by participants of the event organised at the facility during its duration.

Such regulations may be issued by both the legislative and executive bodies, however, regulations can be issued by the executive body only in urgent situations and must be approved at the next session of the council of the municipality. Importantly, the enforcement regulations may provide for liability for their non-compliance under the rules of misdemeanour, which means that a fine of up to PLN 5,000 or arrest of up to 30 days may be imposed.

### **3.2. Resources**

When considering the resilience of a local authority to crisis situations, the issue of resources cannot be overlooked. Resources can be understood in terms of financial human resources and uniformed services. Each of these aspects can be analysed in terms of legal regulations.

#### **3.2.1. Financial resources**

When it comes to local self-government finances, this is the area where achieving resilience is by far the most difficult. This is due to the fact that a significant part of the local self-government's income is made up of transfers from the state budget, and a smaller part (45% in 2023) is its own income (Informacja..., 2024).

At the same time, these revenues are not proportional to the costs of implementing the tasks imposed on the local self-government, what is a fact that has been widely known for years and in this respect little has changed (Grzeńkiewicz, 2002; Poniawicz, Jastrzębska, 2021). In 2023, municipalities had a deficit around PLN 23 billion (Zestawienie..., 2024). As a result, this makes it difficult to generate financial surpluses and to achieve resilience. Hence, in the event of a crisis situation, it is possible to quickly obtain additional funds either by borrowing (Filipiak, 2017), or through help from others local self-government units. This assistance can be both material (e.g. supply of goods, provision of services) and financial. Such external support can be assessed as an element that increases the redundancy of local government. However, it is difficult to grant it quickly, because it requires a resolution of the decision-making body and must fit into the municipal budget (Bandarzewski, Chmielnicki et al., 2022; Augustyniak, Cybulska et al., 2021).

Also, the decision to take out a loan depends on the decision-making body, which may specify its maximum amount in a resolution, within the limits of which the mayor may decide on the loan on his own; a loan of a higher amount requires the consent of the council, which prolongs the procedure.

Some preventive solutions supporting financial resilience can be also mentioned. The first are prudential procedures related to the indebtedness of a local government unit. This indebtedness cannot exceed the amount of the Individual Debt Index determined for each municipality separately, based on many criteria, in accordance with the formula provided in art. 243 of the Public Finance Act (2009). Additionally, this formula takes into account a wide range of financial instruments classified as debt, which significantly limits the borrowing capacity of the local self-government (Dylewski, 2024). Neglecting this requirement led to the well-known case of the liquidation of the Ostrowice municipality (Gmina..., 2024). In an extreme situation, a municipality using financial instruments beforehand may not be able to increase its resources in order to overcome the crisis situation. The second is a countersignature of actions that may give rise to monetary liabilities. It is then granted by the treasurer of the local self-government unit. This is a confirmation that the action is carried out within the financial resources (budget) of the municipality.

### 3.2.2. Human resources

The principle of completing community tasks by an executive body acting alone, or even collectively as a board of several people, is of course impossible to effectuate in practice. Therefore, the executive body implements community tasks with the help of the municipal or city office, as well as with the help of various types of organizational units. The people employed there support the executive body in implementing its duties. Their employment is regulated by a separate Act on Local Self-government Employees (2008). This act specifies the types of positions in local self-government structures, requirements for candidates for employees and the rights and obligations of employees.

From the point of view of the resilience of the unit and the use of additional resources in a crisis situation, three solutions are worth considering. The first is the possibility of hiring employees in lower positions, so-called auxiliary and service positions without conducting a competition (in the case of other categories of positions, especially of the offices, this competition is required), which allows for the ad hoc employment of people for simple works, i.e. cleaning or building flood embankments. The second is the possibility of giving an employee an order to work overtime, including - in exceptional cases - also at night, on Sundays and holidays. The third option is to assign an employee to a different job than he or she has done so far for up to 3 months in a calendar year.

### 3.2.3. Uniformed services

Uniformed services are meaningful resources of local communities in crisis situations. These are municipal guards (in cities called city guards) and Volunteer Fire Departments.

The tasks of municipal guards include:

- (a) cooperation with relevant entities in the scope of saving the life and health of citizens, assistance in eliminating technical failures and the effects of natural disasters and other local threats,



- (b) securing the place of a crime, disaster or other similar event or places threatened by such an event from access by unauthorized persons,
- (c) protection of municipal facilities and public utility devices,
- (d) cooperation - during public gatherings or events - with their organizers and other services in order to protect public order (Tyczkowska-Kowerczyk, 2020).

The municipal guards may also perform tasks together with the Police in the event of a general threat to public safety, a catastrophe, a natural disaster, a state of epidemic threat, an epidemic state or another crisis situation. The voivode decides about this and informs the relevant mayor. In such a case, the guard is subordinate to the command of the territorially competent Police commander. Joint performance of tasks differs significantly from cooperation, mentioned earlier, because there is no equality in the relationship between the guard and another entity, but subordination to the Police.

Volunteer Fire Departments (VFD) are not officially self-government entities, as they are associations of amateur firefighters, however, due to the obligation of the municipality to conclude an agreement with the VFD in order to specify the activities undertaken by the VFD and the municipality's obligations towards the VFD, mainly in terms of financial and material support, and the VFD's obligations towards the municipality and its residents, they can be considered a municipal entity in practice. In terms of strengthening the resilience of the municipality in the event of an emergency, VFDs are obliged in order to protect life, health, property or the environment to:

- (a) conducting rescue operations,
- (b) participating in rescue actions, including activities conducted by other services, inspections and guards,
- (c) participating in alarming and warning the population about threats,
- (d) participating in protecting the population.

The obligation to support the VFD includes (within the scope of the municipality possibilities):

- (a) providing facilities, areas and technical equipment,
- (b) financing training other than that paid for by the State Fire Service,
- (c) bearing the operating costs.

### **3.3. Crisis situations – specific regulations**

As shown above, some mechanisms of the system and management of a local self-government entity, designed for standard situations, may be useful to some extent in crisis situations. Nevertheless, it is obvious that in the event of a serious crisis, they will be insufficient. Hence, the legislator answers to the needs of practice and provides regulations for the functioning of the administration in exceptional situations. Two solutions can be indicated here. The Act on the State of Natural Disaster (2008), introducing unitary management in times of crisis, goes the furthest.

A natural disaster is a natural catastrophe or technical failure, the consequences of which pose a threat to the life or health of a large number of people, to property on a large scale or to the environment over large areas, and assistance and protection can only be effectively provided through the use of extraordinary measures, in cooperation with various bodies and institutions and specialist services and formations operating under unified management.

The Council of Ministers decides to introduce a state of natural disaster by means of a regulation, which means that local community bodies cannot decide on the occurrence of a state of natural disaster on their own and apply extraordinary measures as a result. Only from the moment of publication of this regulation in the Journal of Laws separate rules for the functioning of the administration can be applied. An example of such a regulation can be the Regulation on the Introduction of a State of Natural Disaster in the Area of Pparts of the Lower Silesian, Opole and Silesian Voivodeships (2024).

Unified management during a state of natural disaster means that the mayor manages the actions carried out in the municipality area in order to prevent or eliminate the effects of the natural disaster. In this purpose, he may issue orders to the bodies of auxiliary units, managers of entities established by the municipality, managers of fire protection units operating in the municipality area and managers of organizational entities temporarily put at his disposal by the competent authorities and addressed to perform tasks in the municipality area. He may also claims managers of other entities operating in the municipality area to perform activities necessary to prevent or eliminate the effects of the natural disaster. In the event of refusal to perform these activities or their improper performance, the mayor shall immediately notify the body to which the manager is subordinate or which supervises him. At the same time, the mayor executes such orders received from the starost or voivode, if the state of natural disaster has been announced in the powiat or voivodeship, respectively.

If the mayor is unable to manage or improperly manages the activities carried out to prevent or remove the effects of a natural disaster, the starost may suspend his or her powers in this regard and appoint a proxy to take over these tasks. This regulation leaves a large margin of interpretation and in reality does not contain any criteria, because the wording ‘inappropriate’ is far from being precise.

In the reality of functioning of the administration, it turned out that there is also a lack of an intermediate solution, in situations of growing threat, but not yet meeting the conditions of states of emergency (i.e. also a state of natural disaster). This lack is filled by the Act on Crisis Management, 2007 (Bandarzewski, Chmielnicki et al., 2022). This act ‘creates a crisis management system in the event of threats requiring special actions [when] it is required to implement special mechanisms aimed at ensuring effective monitoring of threats and taking actions to eliminate them or at least significantly reduce them’ (Projekt..., 2007). Such regulation lets to increasie the efficiency of the administration and provides a legal basis for creating the necessary structures and documents defining the procedures, which will allow for preventive action by removing the sources of crisis situations and quickly eliminating their

effects. This is a very important aspect in the light of the principle of competence governing administrative law. This also applies to financing - municipalities are entitled, but also obliged to allocate in the budget a special reserve of 0.5% of the budget to finance tasks in the field of crisis management. Additionally, they can receive subsidies from the state budget for this purpose.

Crisis management is based on the competences of the mayor supported by the crisis management team. They primarily include:

- (a) managing the monitoring, planning, response and removal of the effects of threats,
- (b) developing a crisis management plan,
- (c) carrying out projects resulting from the operational plan for the functioning of municipalities,
- (d) managing, organizing and conducting training, exercises and exercises in the field of crisis management,
- (e) preventing, counteracting and removing the effects of terrorist incidents,
- (f) organizing and implementing tasks in the field of critical infrastructure protection,
- (g) defining specific forms of providing assistance to the local community in a crisis situation or the possibility of a crisis situation.

Crisis management also requires the functioning of crisis management centres at every level of administration. Their role is to be on duty 24 hours a day, warn the population and transfer information between services and entities conducting rescue operations. However, in lesser cities and rural municipalities, its creation is optional and the mayor is a kind of equivalent of the centre. Its task is to alert members of the communal crisis management team 24 hours a day, and in crisis situations, to ensure 24-hour duty in order to provide for information and document the activities carried out. The obligation to operate such a centre applies to cities with poviats rights.

Given the large number of crisis management bodies (mayor, starost, voivode), a dispute may arise as to which body is to take action. Hence, the Act on Crisis Management introduces the principle that the obligation to take action of crisis management rests with the body that first received information about the occurrence of a threat. This body immediately informs the other bodies of the appropriate higher and lower level about the event, presenting at the same time its assessment of the situation and information about the intended actions (Pawelczyk, Sokal, 2014). This regulation should be assessed positively as preventing disputes over competences and accelerating the taking of actions to overcome the crisis.

It is also worth adding that the mayor is obliged to carry out the orders of the voivode issued in order to prevent threats to life, health or property and threats to the environment, state security and to maintain public order, protect civil rights, as well as to prevent natural disasters and other extraordinary threats and to combat and to eliminate their effects (Article 25 of the Act on the Governor and Government Administration in the Voivodeship, 2009). The voivode's authority

mentioned here therefore covers not only the state of natural disaster and crisis management (as already mentioned), but also other situations, as long as they are aimed at preventing threats.

Concluding the issue of regulating specific procedures aimed at increasing the resilience of the municipality in crisis situations, we can also mention some independent competences of the mayor, including:

- (a) suspension of any business activity. The mayor may order any entrepreneur, in the form of a decision with immediate enforceability, to suspend business activity if it is conducted contrary to the law, and also in the event of determining: a threat to life or health, a risk of significant property damage or environmental damage as a result of conducting such activity and at the same time it is not possible to notify the competent authority that could intervene in the matter of such activity (Article 60 of the Act - Entrepreneurs' Law, 2018). This provision prevents the occurrence or increase of damage as a result of conducting activity that is unlawful or dangerous (Bielecki, Gola et al., 2019);
- (b) preparation of an operational plan for flood protection. The regulations do not specify the content of this plan, so it will have to be determined in practice. Documents defining the flood risk developed by Polish Waters (Wody Polskie) may be of assistance (Augustyniak, Cybulska et al., 2021);
- (c) announcing and cancelling a flood alarm. The regulations do not indicate the consequences of a flood alarm, therefore the mayor will have to specify the procedures for action in each case, e.g. order the readiness of services, verification of equipment, observation of water levels, etc. (Augustyniak, Cybulska et al., 2021);
- (d) ordering evacuation from areas directly threatened if the direct danger to human life or property cannot be removed in any other way.

#### 4. Discussion

The resilience instruments examined above can be analyzed in two directions:

- a) in terms of their impact on resilience (effectiveness),
- b) classification in the light of various attributes of resilience.

When assessing the entirety of legal solutions increasing the resilience of municipalities, it can be said that, in principle, they create a relatively coherent system of complementary instruments allowing for the prevention of crisis situations or for responding to them if they do occur. This system is of a cascading nature, containing instruments of varying intensity of impact, depending on the threat. Here, we can distinguish 'ordinary' instruments, such as preparing plans for the event of a threat, the ban on conducting business activity, the possibility of replacing ineffective bodies or those unable to perform their functions. Next, we can indicate

procedures resulting from crisis management, provided for the event of threats requiring special actions. Finally, the farthest solutions are related to the state of natural disaster, which introduces the principle of one-person management of rescue operations, along with a severe sanction as the possibility of depriving it.

However, not all instruments seem to be properly formed. The analysis has revealed flaws in the adopted solutions, such as:

- a) loopholes in the law (concerning the absence of the mayor due to illness lasting less than 30 days),
- b) granting far-reaching discretionary power in assessing the grounds for applying supervisory measures (concerning the suspension of local self-government bodies or depriving the right to direct rescue operations during a state of natural disaster),
- c) ineffectiveness of the applied measures (concerning the suspension of municipal bodies for two years resulting in the reinstatement of the same bodies or the inability to use financial instruments due to debt limit),
- d) inconsistency of the adopted solutions with the systemic assumptions of local government enacted in the Constitution, and above all the principle of local government independence through centralization of management (concerning a state of natural disaster and issuing orders to local government bodies).

Of course, regardless of the above-mentioned disadvantages, the existence of any pro-resilience mechanisms should be assessed positively, especially in the area of crisis management and natural disasters. It is also worth noting that many activities increasing resilience can only be implemented in a supra-local level, because they exceed the capabilities of municipalities, such as efficient and versatile services, building flood embankments, retention reservoirs, regulating rivers, etc.

Moving on to the classification, it is possible to consider the attributes of resilience to which individual resilience instruments belong.

Analyzing the self-government system, it can be considered that it primarily provides for resourcefulness as a component of resilience. This is due to the possibility of making the most important decisions in a well-considered manner and of correcting the action of a single-member body. At the same time, a monocratic body making decisions quickly can therefore be considered robustness as a component of resilience.

The use of supervising measures primarily promotes the reliability of the local self-government unit. The appointment of a government commissioner in place of the suspended or revoked or dissolved organs makes it possible to ensure their continuity of operation and may even be regarded as a redundancy of the organs of the local self-government community. On the other hand, the suspension of municipal bodies can only have an effect for a certain period of time, i.e. two years, after which the previous bodies will take over again in the municipality (unless new ones have been elected in the meantime as a result of the expiry of their term of office). It is thus clear that the legislator places a strong emphasis on maintaining

continuity in the operation of the local government unit (WSA Judgement, 2010). However, it does not do so consistently, as it allows a 30-day absence of the executive body caused by illness without any mechanism to ensure continuity of operation during this period, which can lead to significant perturbations in the functioning of the municipality. Admittedly, the government website [www.gov.pl](http://www.gov.pl) explains that ‘During the illness of the mayor of a municipality, mayor, mayor of a city, which lasts up to 30 days - these functions are temporarily performed by the deputy. In municipalities where more than one deputy has been appointed - these functions are performed by the first deputy. [...] This is a so-called transient obstacle’ (Zastępstwo..., 2024), this explanation, however, is at odds with the wording of the provisions of the Municipal Self-Government Act requiring an absence of more than 30 days for a deputy to take over the tasks and competences of the mayor. Moreover, the provision that allows such a possibility contains a closed catalogue of reasons for the deputy mayor to take over the competences of the mayor, which means that it cannot be extended by interpretation (Augustyniak, Cybulska et al., 2021).

This is not the only loophole that can be blamed on this regulation. It is possible to identify a number of situations in which the mayor is absent for some time and cannot be replaced. These include, in particular, the failure to submit the aforementioned medical certificate - it is then impossible to determine the day on which he or she will take over mayor's tasks as it cannot be established that the mayor's absence is due to illness (Szewc, Jyż, Pławecki, 2012), a holiday lasting longer than 30 days, or disappearance in a catastrophe where there is no body and the death has to be judicially established (Augustyniak, Cybulska et al., 2021), which is only possible after six months. In addition, when a mayor's mandate expires, the authority to replace him also expires, so until a new mayor is elected, there is no one to manage the municipality (Szewc, Jyż, Pławecki, 2012).

The legislative competences promote the resourcefulness and reliability of the self-government organisation. And there is no doubt that making local law increases the resilience to a very high degree, preventing undesirable behaviour.

The legal provisions regarding local resources can be perceived as ensuring all the components of resilience. Most of all it is a feature of versatile regulations of the Act on Local Self-government Employees. People who are needed to help in a crisis situation can be quickly employed. Financial instruments ensure solidity because they prevent disruptions in the functioning of local government organizations, except regular revenues that are insufficient. The municipal guards can be considered as conducive to reliability and resourcefulness, because they can be used to respond to a crisis situation. However, they do not meet the redundancy criterion, because the quantity of staff is conditioned by the local self-government entity's income, and these are sufficient to finance the guard only in the scope of performing its tasks in ‘normal’ circumstances, and even then not always at a sufficient level. On the other hand, the VFD certainly meet all three resilience attributes, because their functioning only supplements the tasks of the State Fire Service.

When assessing the solutions adopted in the Act on the State of Natural Disaster, it should be recognized that they increase the resourcefulness of local government units, as they enable flexible adaptation to the situation.

The solutions concerning crisis situations cover virtually all aspects of resilience: resourcefulness (crisis management centre), reliability (competence of the mayor in terms of preparing for and responding to crisis situations) and redundancy (separate budget for crisis management, crisis management centre).

To sum up the above categorizations, the classification of resilience instruments can be presented in the form of a table (Table 1).

**Table 1.**

*Classification of legal instruments of local self-government resilience*

Item		Reliability	Redundancy	Resourcefulness
1	Division of competences between legislative and executive bodies			x
2	Suspension/dissolution of local government bodies	x	x	
3	Local law acts	x		x
4	Local government income	-	-	-
5	Loan		x	
6	Mutual help		x	
7	Countersignature	x		
8	Indebtedness to an individual limit	x		
9	Employment of local government employees	x	x	x
10	Municipal guards	x		x
11	Voluntary Fire Departments	x	x	x
12	Unified management during a state of natural disaster			x
13	Competences of the mayor in the scope of preparing for and responding to crisis situations	x		
14	Crisis management budgeting		x	
15	Crisis management centre		x	x
16	Video monitoring	x		
17	Execution of the voivode's orders by the mayor in the event of a threat			x
18	Suspension of business activity by the mayor			x
19	Development of an operational plan for flood protection	x		
20	Announcement and cancellation of flood alarm			x
21	Ordering an evacuation from areas directly threatened			x
	Total	10	7	11

Source: own work.

## 5. Conclusions

It is possible to draw certain conclusions from the conducted research. Firstly, it is clear that the legislator puts stress mainly on procedures for action in crisis situations, because resourcefulness is an attribute that is most often obtained as a result of introducing various statutory instruments (as seen in the Table 1). On the other hand, it supports local self-governments to a lesser extent in terms of solidity, and the least in terms of redundancy, which is in line with the policy of insufficient financing of local self-government that has been pursued for years. The local government revenues in turn do not make for resiliency at all. This makes it difficult, if not impossible, to implement the principle of a rational remainder assuming that certain spare is left for the implementation of unforeseen tasks when designing the structure of the office (Łukasiewicz, 2002).

Secondly, the legal regulation of the resilience of cities as local government units is not perfect. Some flaws were revealed, of formal (related to the lack of legislative technique) as well as substantive nature consisting in depriving cities of resources, especially financial resources.

Thirdly, the research results can be used for further scientific research and during legislative work aimed at correcting the shortcomings of the existing legal regulations. The basic thing should be to increase the financing of municipalities, which will enable them - even within the framework of existing procedures and institutions - to increase their resilience by preparing for crises, taking into account the individual situation of each city. It is also necessary to eliminate the defects of regulations in the area of using the wrong legislative technique.

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