

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Responds to Questions about the Current Budgeting Process in Tbilisi Self-Government

Recently budgeting process in Tbilisi has become the focus of public attention. Even though we are now in a new budgeting year, this year's budget has not yet been approved which raises a number of questions. We would like to provide public with answers to these questions from applicable legislation:

1)What procedures are envisaged by law for budget approval?

Presenting draft budget of Tbilisi to Sakrebulo falls under the exclusive powers of Tbilisi Mayor. Sakrebulo discusses the draft and returns it with its comments, if any. Sakrebulo is unable to make any changes to the draft independently, without consent of the Mayor. Furthermore, Mayor is not obligated to share comments of Sakrebulo; rather, s/he makes his/her own decisions whether to approve them or not.

2)What happens if Sakrebulo does not approve the proposed budget?

If Mayor does not approve Sakrebulo's comments and the latter refuses to approve the proposed draft, Sakrebulo has one important leverage to resort to. It can approve with 2/3 of votes draft budget proposed by one of the factions or at least 1/3 of enlisted members of Sakrebulo. The documents must reflect all comments made by Sakrebulo about the budget drafted by the Mayor.

If Sakrebulo fails to approve the self-government budget even three months after the approval of the State budget, it will serve as grounds for introducing direct state government.

3)What does direct state government entail?

Direct state government implies pre-mature termination of the authorities of Sakrebulo and Mayor and is introduced under the resolution of the Government of Georgia based on consent of the parliament. Direct state government is exercised by Mayor appointed by the Government, discharging powers of both the Mayor and Sakrebulo.

The State Budget of Georgia for 2014 was approved on December 11, 2013. Therefore, if Tbilisi Sakrebulo fails to approve Tbilisi budget up until March 11, 2014, the Government of Georgia will dismiss it and appoint Tbilisi Mayor itself.

4)What is the term of direct state government?

Extraordinary elections will be held within 45 days after suspension of the powers of Sakrebulo. After powers of the newly elected Sakrebulo are recognized, powers of the Mayor appointed by the Government of Georgia will be terminated and direct state government will end.

5) Who will act as interim Mayor after direct state government is finished?

If the above scenario is the case, there will be no extraordinary elections for Tbilisi Mayor as only several months remain before expiration of his authority. Therefore, Vice-Mayor or Deputy Mayor if Vice Mayor is absent will be acting as interim Mayor.

It is not our intension to claim that any of the above mentioned scenarios will actually be true; rather, it is our aim to provide public with an overview of applicable legislation about the issue of their interest. The course of further developments is only up to decision-makers. We would like to also note that dismissal of directly elected Sakrebulo and introduction of direct government instead will threaten democratic processes in the country. To avoid the threat and provide Tbilisi-dwellers with quality and adequate services, we urge representative and executive bodies of Tbilisi municipal government to cooperate on budget-related issues in a constructive manner, and avoid creating grounds for direct state government.