

# RESOLUTION NO. LI/1410/21 BY THE CITY COUNCIL OF KRAKÓW

of 13/01/2021

## on the Regulations concerning the participatory budget of the City of Kraków.

Based on Art. 5a, Sec. 2 and 7 of the Act of 08/03/1990 on local government (Journal Of Laws of 2020, Item 713, 1378), the following is resolved:

### Terms

Whenever the present Resolution refers to:

- 1) participatory budget - shall be understood as a specific form of social consultations concerning the allocation of part of the funds from the budget of the City of Kraków for projects indicated by the residents that fall within the competences of the Kraków Municipality and Powiat Krakowski,
- 2) regulations - shall be understood as Regulations of the participatory budget of the City of Kraków;
- 3) City - shall be understood as the City of Kraków;
- 4) residents - shall be understood as people residing in the territory of the Kraków Municipality;
- 5) Mayor - shall be understood as the Mayor of the City of Kraków;
- 6) Council - shall be understood as the Kraków City Council;
- 7) Districts - shall be understood as the auxiliary unit of the community, operating in the territory of the Municipality of Kraków;
- 8) Applicant - shall be understood as the person submitting the project;
- 9) Executor - an organizational unit of the UMK or a municipal organizational unit competent to execute the project;
- 10) public accessibility of the project - shall be understood as enabling all the residents to benefit from the results of the project selected under the participatory budget free of charge. In the case of infrastructure projects, renovation projects or projects related to the purchase of equipment or devices - at least 25 hours a week, between 6:00-22:00, including Saturday or Sunday if possible. In the case of non-investment projects - implementation should take place in public space, allowing all interested residents to fully benefit from the effects of the task;
- 11) Participatory budget team - shall be understood as an interdepartmental working team, appointed by a separate ordinance by the Mayor of the City of Kraków and responsible for the implementation and execution of the participatory budget;
- 12) Participatory Budget Council - shall be understood as a civic dialogue body established by a separate ordinance by the Mayor of the City of Kraków, performing an opinion-making, advisory and monitoring function.

## **Chapter 1. General provisions**

§ 1. 1. The present Resolution defines the rules and procedure for conducting public consultations in the form of a participatory budget in the City of Kraków and the requirements to be met by the draft participatory budget.

2. The participatory budget funds are allocated for projects submitted by residents and belonging to the own tasks of the municipality or powiat, subject to § 17, Sec. 1.

§ 2. The implementation of projects under the participatory budget takes place on a one-year or two-year cycle, according to the principles set out in the Public Finance Law.

§ 3. The submitted projects should take into account - as far as it is possible - universal design referred to in Art. 2, Point 4 of the Act of 19/07/2019 on ensuring accessibility to people with special needs (Journal of Law, Item 1696 and 2473).

§ 4. 1. The implementation and execution of the participatory budget should consist of the following stages:

- 1) information and education campaign;
- 2) consultation meetings with residents;
- 3) submitting projects;
- 4) verification of the submitted projects;
- 5) voting;
- 6) implementation of the selected projects.

2. Process evaluation is carried out in parallel.

## **Chapter 2. Distribution of funds**

§ 5. The pool of funds allocated to projects in the participatory budget will be specified in a separate resolution of the Kraków City Council, and the allocated amount must not be lower than 0.5% of the City's expenditures stated in the last submitted budget execution report.

§ 6. 1. Projects financed from the participatory budget may cover a district or the entire City. The distribution of funds is made in the proportion of 80% for the tasks related to a district and 20% for the tasks related to the entire City.

2. Funds are allocated to district tasks for individual Districts according to the following rules: 70% of funds are distributed in accordance with the division resulting from the statutory division of funds for districts made on the basis of separate resolutions specifying the statutes of these Districts; 30% of funds are divided according to the division resulting from the attendance calculated separately for each district. Attendance is calculated on the basis of valid votes cast in relation to the number of residents of a given district in the year preceding the current edition of the participatory budget.

3. District projects are projects implemented within one district, the implementation costs of which are within the limits specified in § 13, Sec. 3

4. The concept of the city-wide projects is understood as projects implemented beyond the area of one district, the implementation costs of which are within the limits specified in § 13, Sec. 2.

§7. Projects under the participatory budget are implemented on the basis of these regulations within the funds allocated for this purpose in the budget of the City of Kraków.

### **Chapter 3. Submitting of projects**

§ 8. 1. District projects may be submitted by any resident of the City in the District of their choice.

2. City-wide projects may be submitted by any resident of the City.

3. Within 10 days of submitting the project, the Applicant shall attach to the application for a district project a list persons supporting the project, signed by at least 15 residents of the District.

4. To the city-wide project, the Applicant shall attach a list of support for the project, signed by at least 15 residents of the City, within 10 days from the date of submission of the project.

5. In the event of an epidemic or epidemic threat in the territory of the Republic of Poland, the Mayor may, by means of an Ordinance, specify a different procedure and rules for the delivery of the lists of the residents supporting the project referred to in Sec. 3 and 4, in a manner taking into account the current guidelines of the government administration.

6. Withdrawal of support for a given project expressed by a resident with his/her signature in the lists of the residents supporting the project is ineffective.

§ 9. Projects shall be submitted via a dedicated online platform.

§ 10. 1. Information that shall be provided to submit the project:

- 1) applicant's name and surname;
- 2) applicant's address of residence;
- 3) applicant's e-mail address and contact telephone number;
- 4) the nature of the submitted project;
- 5) the title of the project (corresponding to its actual scope);
- 6) the place of the project implementation;
- 7) a short description of the project;
- 8) a detailed description of the project;
- 9) justification for the implementation of the project;
- 10) schedule of activities related to the implementation of the project.

2. Graphic files that are part of a complex project must not infringe the rights of third parties, including copyrights, property rights and subsidiary rights.

3. In the event that the condition referred to in § 17, Sec. 1, Point 5, a declaration of readiness to cooperate in the implementation of the task, signed by the person managing the given institution must be annexed.

§ 11. The template of the list of support is attached as Annex 1 to the present Resolution.

§ 12. 1. The Mayor shall inform about the deadline for submitting projects to the participatory budget and the amount of funds allocated for their implementation not later than 14 days before the deadline.

2. The deadline referred to in Sec. 1 is at least 30 days.

3. The submitted projects are made public through a dedicated internet platform.

§ 13. 1. The applicant may determine the approximate cost of the project implementation, according to his/her own estimate. The final valuation is made by the Mayor in the process of the project verification.

2. The cost of implementing a city-wide project must not be higher than 20% of the financial resources allocated to the implementation of the city-wide participatory budget and must not be lower than PLN 25,000.

3. The cost of implementing a district project may not be higher than 40% of the financial resources allocated to the implementation of the district participatory budget and must not be lower than PLN 2,500.

§ 14. The applicant has the right to withdraw the project, but no later than 14 days before the start of voting.

#### **Chapter 4. Verification and supplements to the projects**

§ 15. 1. Projects submitted by the Applicants to the participatory budget are subject to formal, substantive and legal verification.

2. Formal verification is performed by the Team for the Participatory Budget.

3. Substantive and legal verification is done by the relevant organizational units of the Kraków City Hall or other municipal organizational units.

4. The verification referred to in Sec. 2 is performed for the correctness of the information provided under § 10, Sec. 1 of the Resolution and the list of support attached as Annex 1 to the Resolution.

5. The verification referred to in Sec. 3 takes is performed only on the basis of the criteria specified in § 1, Sec. 2, § 2-3 and § 17, Sec. of the Regulations.

§ 16. 1. If it is found during the verification that the submitted project does not contain essential information needed for the analysis or is inconsistent with the financial limits referred to in § 13, Sec. 2-3, the Applicant will be immediately informed by phone and email about the need to supplement the project or modify the scope of the project.

2. The information referred to in Sec. 1 provided electronically shall contain at least information on how to maintain consistency with plans, policies, strategies and programs binding in the city, including in particular local spatial development plans and other resolutions of the Council and Mayor's ordinances, or information on the reasons for the impossibility of providing such information.

3. The modification referred to in Sec. 1 must be made in compliance with the rules of rational management of public funds and the requirements of § 1, Sec. 2, § 2-3 and § 17, Sec. 1

4. The Applicant has 14 days to make a correction, counted from the date of notification about deficiencies in the project or the need to modify the scope of the project.

5. When supplementing the project, referred to in Par. 1, the Applicant must adapt the title, the short description and the detailed description referred to in § 10, Sec. 1 to the introduced changes.

6. The changes referred to in Sec. 5 shall be published according to the rules set out in § 12, Sec. 3.

7. If it is found during the verification that two or more projects are on an identical or a very similar task, the relevant organizational unit of the Kraków City Hall or the municipal organizational unit shall immediately organize a meeting with the Applicants in order to discuss the possibility of merging the projects into one. If the Applicants do not agree to the merger of the projects, they are proceeded separately.

§ 17. 1. Within the framework of the participatory budget procedure, the following projects cannot be implemented:

- 1) the effects of which do not meet the general availability criterion;
- 2) projects with the implementation budgeted that is inconsistent with the financial limits indicated in § 13, Sec. 2 and 3 of the regulations;
- 3) projects with an estimated cost of implementation exceeding PLN 20,000 that, after implementation, would generate annual maintenance costs higher than 20% of the project value;
- 4) projects that on the day of notification are in conflict with the plans, politics, strategies, programs and other resolutions by the Council and ordinances by the Mayor that are binding in the city;
- 5) projects that require institutional cooperation, if the persons responsible for managing a given institution have not provided a clear written declaration of cooperation;
- 6) projects that would violate the generally applicable law, in particular the provisions of local spatial development plans, the rights of third parties, including property rights;
- 7) projects to be implemented on land not owned and managed by the City;
- 8) projects that assume partial implementation of the task - e.g. creation of the project design only, without taking into account the funds for the project implementation or project that secure funds only for the project implementation, without taking into account the funds for the design;
- 9) projects that require the Council to adopt the resolution referred to in Art. 18, Sec. 2 of the Act of 08/04/1990 on the local government, unless such a resolution has already been introduced for the implementation of such a task.

2. Entities or service providers that are to be contractors of tasks cannot be indicated in the submitted projects, with the exception of organizational units of the UMK or municipal organizational units competent for the implementation of the project.

3. Estimating the duration of the project should be based on the deadlines specified in the law.

4. If a given stage of the project implementation cannot be estimated according to the criterion given in Sec. 3, the evaluation of the implementation time should be based on data on similar projects or similar implementation stages, executed during the last 5 years.

5. During the assessment referred to in Sec. 3 and 4, the necessity to repeat the contractor selection procedure, cancellations, interruptions and delays in implementation or other unforeseen circumstances extending the implementation procedure shall not be taken into consideration.

6. In case of doubts of an organizational unit of the City Hall of Kraków or a municipal organizational unit that verifies the content and legal aspects of meeting the availability criterion by the project, the opinion on compliance with the availability criterion by the project is provided by, respectively, for a district project - the district in question, and for a city-wide project - the Participatory Budget Council.

7. The opinion referred to in Sec. 2, to be provided by the district or the Participatory Budget Council, is formulated at a meeting with the participation of the Applicant or a person authorized by the Applicant in writing. The absence of the Applicant or a person authorized by the Applicant shall not withhold the formulation of the opinion.

8. On the request submitted to the project evaluation unit, the Applicant receives a copy of the opinion, which is part of the substantive and legal verification procedure.

**§ 18.** The results of the verification are made public by the Mayor and the Applicant is immediately informed about the results. Information on the results of the verification includes at least a list of submitted projects, the designation "approved" or "rejected" at each of the proposals, a brief description of the long-term effects of the project after implementation, prepared by the opinion-making unit, and a justification along with the legal basis of decisions for rejected projects.

**§19. 1.** If the project is rejected as a result of verification, the Applicant has the right to lodge a protest.

2. The protest, together with the justification, shall be submitted to the Mayor within 10 days from the date of publishing the information referred to in § 18.

3. The Mayor shall immediately forward the contents of the protest to the Participatory Budget Council.

4. The protest is considered at the meeting of the Participatory Budget Council, which is called immediately at the request of the Mayor of the City of Kraków.

5. The Participatory Budget Council shall consider the protests within the time specified in the Participatory Budget schedule with the participation of: The Applicant or a person authorized by The Applicant in writing; appropriate organizational units of the Kraków City Hall or other municipal organizational units (online meetings are allowed). The absence of the Applicant or a person authorized by the Applicant shall not block the protest proceeding.

6. The meeting referred to in Sec. 4 is open to the public.

7. In the meeting referred to in Sec. 4, if protests concerning tasks related to a district and the City are proceeded, a representative of the district in question has the right to participate.

8. The Mayor, after reviewing the opinions presented at the meeting by the member of the Participatory Budget Council and the opinion of the Civic Budget Council, shall consider the protest. Consideration of the protest is final and results in the termination of the proceedings.

9. The opinion provided by the Participatory Budget Council, referred to in Sec. 8 is voted by a simple majority of votes.

10. If the protest is recognized as justified, the submitted project is proceeded with the observance of the applicable provisions.

11. If the protest is found to be unfounded, the submitted project is left without further proceedings.

**§ 20. 1.** All the approved projects are listed and put to vote (voted by residents).

2. The list shall contain at least the name of the project, a short description, including a description of the long-term effects of the task, and the estimated cost of the project implementation.

3. The order of the projects on the list is arranged according to the order in which the projects were submitted.

## **Chapter 5. Voting and calculation of results**

**§ 21. 1.** Voting takes place via a dedicated internet platform and in conventional polling places arranged in the City.

2. In the event of an epidemic or epidemic threat in the territory of the Republic of Poland, the Mayor may, by means of an Ordinance, specify a different procedure and rules for the voting referred to in Sec. 1, in a manner taking into account the current guidelines of the government administration.

3. The Mayor shall designate the polling places, and the list of these places shall be made public not later than 14 days before the voting commencement date.

4. Voting is equal and direct.

**§ 22.** 1. The person voting using the ballot paper shall provide the following data:

- 1) first name and last name;
- 2) address;
- 3) PESEL number, and for persons who do not have this number, the identification code assigned by the Kraków City Hall;
- 4) the number and name of the district according to the address of residence.

2. A person voting via a dedicated online platform must register an account with the platform by providing the following data:

- 1) first name and last name,
- 2) PESEL number, and for persons who do not have this number - date of birth and gender;
- 3) address;
- 4) mobile phone number;
- 5) the number and name of the district according to the address of residence.

3. Voting via a dedicated online platform requires confirmation of the account via SMS sent at the mobile phone number, referred to in Sec. 2, Point 4.

4. The president determines the specimen of the ballot paper by a dedicated ordinance

5. Direct voting with the use of a ballot paper requires the voter to present an ID.

**§ 23.** 1. Voting lasts no less than 10 days and starts on Friday.

2. Every resident of the City can vote.

3. Each resident can vote only once.

**§ 24.** 1. Each voter votes for three different city-wide projects and three different district projects. The highest-voted project receives 3 points and the lowest-voted project 1 point.

2. The sum of the obtained points determines the order of the projects on the ranking list.

3. Projects selected for implementation are considered the projects that received the highest number of points, until the pool of funds allocated to the participatory budget is depleted. The final valuation made by the Mayor is used to determine the value of the projects.

4. If two or more projects submitted to the vote receive the same number of points, the order in which they are placed on the list will be decided by a public draw.

5. If the funds for the implementation of another project on the list are not sufficient, the first of the next projects on the list will be taken into account, the cost of which does not exceed the available funds.

6. If, as a result of voting, two or more selected projects are in conflict or are mutually exclusive, the project with the highest support will be implemented.

7. Residents who live in the given district vote for district projects on the territory of that district.

§ 25. 1. The Mayor makes the voting results public.

2. The Applicant shall receive the voting results by electronic means, and the results shall be broken down into point values for his project.

## **Chapter 6. Participatory budget schedule**

§ 26. 1. The schedule for the implementation of the participatory budget is attached as Annex 2 to the present Resolution.

2. The detailed schedule for the implementation of the participatory budget is established by the Mayor through an Ordinance and made public.

## **Chapter 7. Promotion, information, education and evaluation**

§ 27. 1. The Mayor shall coordinate promotional, educational and information activities regarding the participatory budget of the City of Kraków, in particular:

- 1) introducing and explaining to the residents the ideas and principles of the participatory budget and the function of the city self-government;
- 2) encouraging the submission of projects and voting;
- 3) disseminating information about residents' proposals, voting results for projects submitted under the participatory budget and about the effects of their implementation;
- 4) conducting trainings for members of District Councils and representatives of various organizational units of the Kraków City Hall and municipal organizational units.

2. As part of information, educational and promotional activities, the Mayor shall use various channels and tools of social communication, including: open information meetings, printed publications, publications on websites, cooperation with the media and other entities interested in popularizing the idea of the participatory budget.

3. The Mayor will develop a visual identity for the participatory budget.

4. By the end of each year, the shall prepare an evaluation of the implementation of the participatory budget.

5. The evaluation referred to in Sec. 4 is announced immediately to the public and communicated to the councillors of the City of Kraków and individual districts.

6. The Mayor may entrust the execution of some or all of the activities referred to in Sections 1-4 to other entities.

## **Chapter 8. Implementation of the selected projects**

§28. 1. If, during the implementation of the project, there are circumstances resulting from legal provisions, preventing it from being executed in accordance with the scope specified in the project, and there is an alternative solution is possible to implement, the party executing the project is obliged to modify the project submitted as part of the participatory budget.



2. The modification referred to in Sec. 1 is introduced in agreement with the project Applicant. In the Applicant disagree with the proposed modification or if the party executing the project demonstrates objective reasons justifying the impossibility of performing the task, the Mayor, on the basis of the recommendation of the Civic Budget Council (with regard to a city-wide project), and on the basis of the opinion of the relevant District Council (in the case of district projects), may decide to continue the project beyond the participatory budget or to withdraw from the project.

§ 29. If the actual costs of project implementation exceed the estimated costs specified by the Mayor pursuant to § 12, Sec. 1, it is allowed to co-finance the implementation of the project using the own funds of the party executing the project

§ 30. 1. The party executing the project provides the Applicant and the local District where the task is planned to be implemented with information on the schedule and deadline for the implementation of the project and its acceptance.

2. The party executing the project is obliged to label projects being implemented or finished under the participatory budget in accordance with the Visual Identification System introduced in the City of Kraków.

§ 31. 1. The party executing the project is obliged to provide the Applicant with current information on progress during the project implementation.

2. The provision of Sec. 1 shall apply to the appropriate district for the district projects and the city-wide projects implemented on the district territory.

§ 32. 1. The Applicant or the Applicant's representative has the right to participate in the acceptance procedure of the project and has the right to submit comments that can be included in the Acceptance Protocol.

2. A representative of the appropriate district has the right to participate in the acceptance procedure initiated both for district and city-wide projects.

§ 33. By the end of June each year, the Mayor shall analyse the available funds remaining under the completed tasks and shall indicate other projects that can be implemented during the current financial year.

## **Chapter 9. Final Provisions**

§ 34. The Mayor decides on all issues not included in the present Resolution that are related to the implementation of the participatory budget process of the City of Kraków, after consulting the Participatory Budget Council.

§ 35. Implementation of the Resolution is entrusted to the Mayor of the City of Kraków.

§ 36. Resolution No. XXXV/903/20 by the Kraków City Council of 12/02/2020 on the regulations on the participatory budget of the City of Kraków is repealed.

§ 37. The resolution comes into force 14 days from the date of its announcement in the Official Journal of Małopolska Voivodship.

Vice-chairman of the Kraków City Council

**Rafał Komarewicz**

<b>LIST OF SUPPORT FOR A PROJECT SUBMITTED UNDER THE PARTICIPATORY BUDGET OF THE CITY OF KRAKÓW</b>	
<b>Project number*:</b>	
<b>Project title *:</b>	
<b>Short description of the project *:</b>	

*\* Mandatory fields The title and short description of the project must be identical with the content of the*

**ADMINISTRATOR INFORMATION ON THE PROCESSING OF PERSONAL DATA**

Please be advised that the administrator of your personal data is the Mayor of the City of Kraków with the seat at pl. Wszystkich Świętych 3-4, 31-004 Kraków. the data are collected for the formal verification of projects submitted as part of the participatory budget. You can contact the administrator by post (above address) or by email - email address: sz.umk@um.krakow.pl.

Please be advised that:

1. You have the right to request the administrator to access your personal data, rectify them and limit processing.
2. Your personal data will be processed until the case for which they were collected is resolved, and then they will be stored for at least 5 years. After that period the data will be destructed or transferred to the National Archives in Kraków.
3. You have the right to lodge a complaint with the supervisory authority, which is the President of the Personal Data Protection Office.
4. Providing personal data is a requirement resulting from the resolution of the Kraków City Council and is voluntary.
5. The consequence of not providing the data is the inability to support a project submitted as part of the participatory budget.
6. The legal basis for the processing of your data is Resolution No. ... by the Council of the City of Kraków on the regulations on the participatory budget of the City of Kraków.

Contact details of the Data Protection Officer - postal address: pl. Wszystkich Świętych 3-4, 31-004 Kraków; e-mail: iod@um.krakow.pl.

***I declare that I support this project and that I live at the address indicated herein, which I certify with my signature.***

<b>Item</b>	<b>First name and last name</b>	<b>Address</b>	<b>Signature</b>
1.			
2.			
3.			
4.			
5.			
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8.			
9.			
10.			



<b>SCHEDULE OF WORKS ON THE PARTICIPATORY BUDGET</b>	
<b>Action:</b>	<b>Deadline:</b>
<b>STAGE I: EDUCATIONAL AND PROMOTIONAL CAMPAIGN</b>	
Information and education campaign	In continuous mode
Consultation meetings and deliberation workshops with the City residents	Not later than the end of May
<b>STAGE II: PROJECTS SUBMISSION BY RESIDENTS</b>	
Submitting of projects	Not later than the end of May
<b>STAGE III: VERIFICATION OF THE SUBMITTED PROJECTS</b>	
Verification of the submitted projects	Not later than the first half of August
Publication of the verification results	Not later than the end of August, taking into account the deadline for lodging protests
<b>STAGE IV: LODGING AND HANDLING PROTESTS</b>	
Lodging a protest against the results of the legal assessment	Not later than the end of August
Handling of protests	Not later than mid-September
<b>STAGE V: VOTING OF RESIDENTS ON PROJECTS</b>	
Information campaign	September-October
Preparation and publication of the list of projects to be voted on	Not later than mid-September
Vote	Not later than mid-October
<b>STAGE VI: ANNOUNCEMENT OF PROJECTS FOR IMPLEMENTATION AND EVALUATION</b>	
Approval of the list of projects to be implemented and their publication	Not later than the first half of November
Evaluation of the participatory budget	In continuous mode