

Act No. 128/2000 Sb., on Municipalities (the Municipal Order) – status as at 1 November 2018

Selected provisions concerning the remuneration of members of councils of territorial self-governing units

DIVISION 1

Municipal Council

Section 67

A municipal council shall consist of members of the municipal council whose number for each term of office shall be determined by the municipal council in accordance with this Act not later than 85 days before the date of elections to the municipal councils;

Section 68

(1) When determining the number of members of the municipal council, the municipal council shall consider, in particular, the number of inhabitants and the area of the territorial district. The number of members shall be determined in such manner that the municipal council in a municipality, city, city district, city borough of

up to 500 inhabitants	shall consist of	5 to 15 members
over 500 and up to 3,000 inhabitants		7 to 15 members
over 3,000 and up to 10,000 inhabitants		11 to 25 members
over 10,000 and up to 50,000 inhabitants		15 to 35 members
over 50,000 and up to 150,000 inhabitants		25 to 45 members
over 150,000 inhabitants		35 to 55 members.

(2) The number of members of the municipal council which is to be elected shall be published on the official notice board^{3b)} of the municipal office no later than 2 days after the number is determined. In addition, the number of members of the municipal council may be published in the manner usual in the location.

(3) The number of inhabitants of a municipality as at 1 January of the year in which the elections are to take place shall be decisive in determining the number of members of the municipal council.

(4) Unless specified otherwise by the municipal council, the number of members of the municipal council to be elected shall correspond to the number of members of the municipal council in the term of office currently ending.

(5) In the event of a merger of municipalities or spin-off of a part of a municipality, the number of members of the municipal council to be elected shall be determined by the Ministry of Interior. Where a city borough or a city district is established in a territorially divided statutory city, the number of members of the city borough council or the city district council to be elected shall be determined by the magistrate under the delegated powers. In determining the number of members of the municipal council and of the city borough or city district council, paragraph 1 shall apply accordingly.

Section 69

(1) The mandate of a member of a municipal council shall commence upon his/her election; the election is made when the polls are closed.

(2) A member of the municipal council shall take the following oath at the beginning of the first meeting of the municipal council in which he/she participates after being elected: 'I declare loyalty to the Czech Republic. I solemnly and sincerely swear that I shall exercise the duties of my office conscientiously, in the interests of the municipality (city) and its citizens, and that I shall abide by the Constitution and the laws of the Czech Republic.'

(3) A member of the municipal council takes the oath before the municipal council by pronouncing the words: 'I swear'. The act of taking the oath shall be confirmed by the member of the municipal council with his/her signature.

(4) A member of the municipal council shall execute his/her mandate in person and in accordance with his/her oath and shall not be bound by any orders.

Section 70

(1) The office of a member of a municipal council is a public office.

(2) The rights of a member of a municipal council arising from his/her employment or similar legal relationship may not be reduced due to the performance and discharge of the duties of his/her office.

Section 71

(1) The duties of the office of a member of a municipal council shall be exercised by

a) members of a municipal council elected to perform an office which was designated by the municipal council as the office for which members of the municipal council shall be released (hereinafter referred to as 'released member of the municipal council'),

b) other members of the municipal council (hereinafter referred to as 'non-released members of the municipal council').

(2) The non-released members of the municipal council shall be granted time off work by their employer with compensatory wages (salary) for the performance of their office; the extent of the time required for performing the office shall be determined by the municipality. The wage or salary compensation, including the relevant social security premiums and contributions to the government employment policy and public health insurance premiums according to other statutory provisions⁵⁰⁾, shall be paid by the municipality to the employer.

(3) The non-released members of the municipal council who are private entrepreneurs or other self-employed persons shall receive a lump sum from the municipality as a compensation for earnings lost in connection with the performance of duties of their office. The hourly lump sum amount and the maximum amount that can be provided as a compensation for lost earnings in connection with the performance of the duties of their office in aggregate for a calendar month shall be determined by the municipal council.

(4) The municipality is not allowed to provide a member of the municipal council with a gift in connection with the performance of the office of a member of the municipal council, even after his/her leaving the office.

Section 72

(1) A released member of the municipal council shall receive remuneration from the municipality for the performance of duties of the office. The remuneration shall be provided from the date on which the member is elected to the office which has been designated by the municipal council as the office for which the members of the municipal council will be released, but not before the date on which the office is designated as such by the municipal council.

(2) A non-released member of the municipal council may receive remuneration from the municipality for performing the office. In such case, the remuneration shall be provided from the date stipulated by the municipal council, but not before the date of adoption by the municipal council of the resolution awarding the remuneration.

(3) In the resolution pursuant to paragraph 2, the municipal council shall determine the monthly amount of remuneration to be provided to the non-released members of the municipal council, in whole Czech crowns, taking into account the individual tasks assigned to each non-released member of the municipal council and, in a predetermined manner, their participation in the meetings of the municipal bodies of which they are members. The resolution pursuant to paragraph 2 shall cease to be effective upon expiration of the term of office of the municipal council that determined the remuneration.

(4) A non-released member of the municipal council who holds the office of mayor will receive from the municipality a remuneration ranging from 0.3 to 0.6 times the amount of remuneration that would be due to a released member of the municipal council holding the office of mayor. If the municipal council has not determined a remuneration for a non-released member of the municipal council who holds the office of mayor, he/she shall be entitled, from the date on which he/she was elected, to a remuneration equal to 0.3 times the amount of the remuneration which would be due to the released member of the municipal council holding the office of mayor.

(5) The remuneration is provided to a member of the municipal council on a monthly basis. If a member of the municipal council has only performed the office for a certain part of a month, the remuneration shall amount to one-thirtieth of the monthly remuneration multiplied by the number of calendar days for which he/she performed the office in the given month.

(6) If a released member of the municipal council does not perform his/her office due to temporary incapacity for work, ordered quarantine, pregnancy or motherhood, care of a child up to the age of 4 or care of a household member, the member of the municipal council shall not be entitled to receive the remuneration, unless this Act provides otherwise.

(7) A released member of the municipal council shall be entitled to a remuneration equal to 60% of one-thirtieth of the remuneration for each calendar day from the fourth to the fourteenth calendar day of his/her temporary incapacity for work or from the first to the fourteenth calendar day of quarantine. For the purposes of determining the amount of the reduced remuneration pursuant to the first sentence, one-thirtieth of the remuneration shall be adjusted in a manner similar to the adjustment of the daily assessment base for the assessment of sickness benefit under sickness insurance.⁵¹⁾

(8) The remuneration set forth in paragraph 7 shall be reduced by 50%, if the sickness benefits are reduced to the same extent in accordance with the sickness insurance legislation. The reduced remuneration per calendar day determined pursuant to paragraph 7 and pursuant to the first sentence shall be rounded up to whole crowns.

Section 73

(1) The implementing legal regulation shall determine the following according to the size categories of municipalities

- a) the monthly amount of remuneration provided to the released members of the municipal council,
- b) the maximum monthly amount of remuneration provided to the non-retired members of the municipal council.

(2) The municipality size categories pursuant to paragraph 1 are set out in the Annex to this Act.

(3) The remuneration of a released member of the municipal council who holds the office of head of the municipal council of a statutory city falling to the municipality size category of more than 200,000 inhabitants shall be determined so as to amount to at least 2.5 times the remuneration of a released member of the municipal council who holds the office of mayor in a municipality falling to the municipality size category of up to 300 inhabitants and, at the same time, to not exceed the remuneration of a released member of the municipal council who holds the office of head of the regional council in a region falling to the regional size category of up to 500,000 inhabitants.

(4) The amount of remuneration of a member of the municipal council shall be based on the number of inhabitants of the municipality⁵²⁾, who were registered as permanent residents in the municipality on 1 January of the calendar year in which the

elections to the municipal council took place.

(5) If the number of inhabitants of the municipality changes by more than 20% over the term of office of the municipality council, so that the classification of the municipality according to the municipality size categories pursuant to the Annex to this Act changes, from 1 January of the following calendar year

a) the released member of the municipal council shall be entitled to a remuneration corresponding to the size category of the municipality,

b) the non-released member of the municipal council shall be entitled to the remuneration received so far, unless it exceeds the maximum amount of remuneration for the relevant municipality size category; otherwise the non-released member shall be entitled to the maximum remuneration.

(6) The remuneration shall be rounded up to whole crowns.

Section 74

(1) The municipal council may increase the remuneration of the non-released member of the municipal council who is authorized to perform the marriage ceremony⁵³⁾ by up to CZK 2,000 above the maximum amount of the remuneration set for the performance of his/her office pursuant to this Act and the implementing legal regulation, taking into account the time required and frequency of the ceremonies. The municipal council may increase the remuneration of the non-released member of the municipal council entrusted with municipal police management⁵⁴⁾ by up to CZK 2,000 above the maximum amount of the remuneration set for the performance of his/her office pursuant to this Act and the implementing legal regulation, taking into account the time required for such activity.

(2) In the event of concurrent performance of duties of multiple offices, the non-released member of the municipal council shall be entitled to the remunerated for the office for which the highest remuneration is due.

(3) In the event of concurrent performance of duties of multiple offices, the non-released member of the municipal council may receive remuneration of up to the aggregate remuneration for three different offices. The aggregate amount may only include remuneration for the performance of the following offices: a member of the municipal board, chairperson or member of the municipal council committee, chairperson or member of the municipal board committee or chairperson or member of a special municipal body. If the municipal council does not decide to grant the remuneration according to the first sentence, the non-released member of the municipal council shall be entitled to the remuneration for the office for which the highest remuneration approved by the municipal council is due.

Section 75

(1) The vice-mayor who has continuously replaced the mayor in full scope of the office pursuant to [Section 104 para. 1, third sentence](#) for a period exceeding 4 weeks due to the mayor's absence or when the mayor did not perform the office, shall, from the first day of the replacement, be entitled to the remuneration that would be due to the mayor in the same period, if it is higher.

(2) A member of the municipal council who has been authorized by the municipal council to exercise the powers of the mayor pursuant to [Section 103 para. 6](#), shall be entitled to the remuneration that would be due to the mayor in the same period, if it is higher.

(3) A member of the municipal council who continues to exercise the powers of mayor or vice-mayor pursuant to [Section 107](#) shall be entitled to the current remuneration until the election of a new mayor or vice-mayor. A member of the municipal board exercising its powers pursuant to [Section 102a](#) shall be entitled to the current remuneration until the election of a new municipal board or a new mayor, if the board is not elected.

(4) A member of the municipal council who is the chairperson or member of a special municipal body or the municipal board committee entrusted with the exercise of delegated powers pursuant to [Section 103 para. 4 letter c\)](#), shall, after the end of the office term until his/her removal from the office, be entitled to the current remuneration for the performance of the office of the chairperson or member of a special municipal body or the municipal board committee.

(5) A member of the municipal council who is a member of the municipal board committee entrusted with the exercise of delegated powers shall, after the end of the office term, be entitled to a remuneration for the performance of the office over the period of exercise of the powers of the current municipal board pursuant to [Section 102a](#).

Section 76

(1) The municipality may provide an extraordinary remuneration to a member of the municipal council for the performance of extraordinary or particularly important tasks of the municipality.

(2) The aggregate amount of extraordinary remunerations provided to a released member of the municipal council in a calendar year shall not exceed twice the amount of the highest remuneration due to the member in the given calendar year for the performance of duties of his/her offices for one month.

(3) The aggregate amount of extraordinary remunerations provided to a non-released member of the municipal council in a calendar year shall not exceed twice the amount of the maximum remuneration stipulated by the Act and the implementing regulation for the performance of his/her office or offices in aggregate for one month.

(4) A proposal to grant an extraordinary remuneration to a member of the municipal council shall make a separate item on the proposed agenda of the planned meeting of the municipal council.

(5) A proposal to provide an extraordinary remuneration to a member of the municipal council shall be justified and discussed as a separate item of the agenda of the meeting of the municipal council. The reason for granting the extraordinary remuneration must be included in the resolution of the municipal council granting the extraordinary remuneration.

Section 77

(1) The municipality shall grant a severance pay to a non-released member of the municipal council who holds the office of mayor or vice-mayor, and to a released member of the municipal council, whose mandate of a member of the municipal council has expired, provided that they were entitled to a remuneration as at the date of expiration of their mandate of a member of the municipal council. Instances of non-payment of the remuneration on the decisive day for the reasons set out in [Section 72 para. 6](#) shall not be taken into account.

(2) The municipality shall grant a severance pay to a non-released member of the municipal council who holds the office of mayor or vice-mayor, and to a released member of the municipal council, who were dismissed from or resigned to their office during their term of office, provided that they were entitled to a remuneration as at the date of dismissal or resignation. Instances of non-payment of remuneration on the relevant day for the reasons set out in [Section 72 para. 6](#) shall not be taken into account.

(3) Upon termination of mandate of a member of the municipal council on the day of election to the municipal council, a member of the municipal council shall not be entitled to the severance pay pursuant to paragraph 1, if he/she has been re-elected to the office of a released member of the municipal council or a non-released member of the municipal council holding the office of mayor or vice-mayor, for which he/she is entitled to a remuneration, for the new term of office. The second or subsequent occupation of an office during the term of office shall not be considered a re-election to the office pursuant to the first sentence.

(4) A member of the municipal council shall not be entitled to the severance pay pursuant to paragraph 2 if he/she was re-elected to the office of a released member of the municipal council or a non-released member of the municipal council holding the office of mayor or vice-mayor at the next meeting of the municipal council at the latest.

(5) A member of the municipal council shall not be entitled to the severance pay if, during the performance of his/her office, he/she was convicted by final judgment of conviction for an intentional criminal offence or criminal negligence committed in connection with the performance of the office of a member of the municipal council, or his/her criminal prosecution for the above criminal offence was temporarily suspended or settlement was approved and the criminal prosecution was suspended.

(6) If an entitlement to a severance pay of a member of the municipal council arose at the time when he/she was subject to criminal prosecution for an intentional criminal offence or criminal negligence committed in connection with the performance of the office of a member of the municipal council, the severance pay shall not be paid. If a member of the municipal council was convicted by final judgment of conviction for the offense referred to in the first sentence, or his/her criminal prosecution was temporarily suspended, or settlement was approved and the criminal prosecution was suspended, the entitlement to the severance pay is deemed to not have arisen; otherwise, the severance pay shall be paid.

(7) A severance pay pursuant to paragraph 2 may only be granted to a member of the municipal council once in the term of office.

Section 78

(1) The severance pay shall be set at the amount of the remuneration that was due to the member of the municipal council for one month as at the date of termination of the mandate of a member of the municipal council or as at the date of his/her dismissal from or resignation to the office, increased by a multiple of the amount and the number of full completed consecutive years of the office, however no more than three completed years of performance of the office. The decisive period pursuant to the first sentence shall also include the period in which the member of the municipal council pursuant to [Section 77 para. 3](#) or [4](#), until re-elected to the office, did not perform the office of a released member of the municipal council or a non-released member of the municipal council holding the office of mayor or vice-mayor.

(2) The severance pay is due and payable if the conditions set out in paragraph 3 have been met and is paid as a single amount on the earliest payday.

(3) A member of the municipal council shall submit a declaration of honour to the extent that there are no obstacles to the payment of the severance pay stipulated [Section 77 para. 5](#) and [6](#).

Section 79

The maturity and payment of the remuneration and other benefits provided to members of the municipal council in connection with the performance of duties of their office, including the relevant withholdings, liability of a member of the municipal council for damage caused to the municipality in connection with the performance of the office, and the steps taken by the municipality in ascertaining average earnings, upon a waiver of the entitlement to a remuneration or other benefits and in the event of death of a member of the municipal council, shall be governed by the [Labour Code](#). For these purposes, the municipality shall be considered an employer and the members of the municipal council shall be considered employees.

Section 80

(1) A member of the municipal council may receive the following contributions from the municipality's cash fund or budget

a) a contribution to cover the costs of extra grooming requirements in the case of mayor, vice-mayor or a member of the

municipal council authorized to perform the marriage ceremony⁵³⁾,

b) a contribution to cover the costs of extra grooming requirements in connection with the representation of the municipality in public civil ceremonies,

c) a contribution to support education in connection with the performance of the office of a member of the municipal council,

d) a meal allowance in the case of a released member of the municipal council,

e) a contribution to pension insurance with state contribution, supplementary pension savings scheme or life insurance in the case of a released member of the municipal council,

f) a bonus on significant life anniversary,

g) a contribution to the insurance of risks connected with the performance of the office of a member of the municipal council,

h) a contribution to support health, cultural and sports activities in the case of a released member of the municipal council,

i) a contribution to recreational activities in the case of a released member of the municipal council.

(2) The contributions pursuant to paragraph 1 may be granted to members of the municipal council under similar conditions and in the same amount as to the municipality employees.

Section 81

(1) Members of the municipal council shall, in connection with the performance of their office, be entitled to reimbursements of travel costs in the amount and under the terms and conditions stipulated by the legal regulations applicable to municipality employees⁵⁵⁾ and, within their limits, according to the rules governing reimbursements of travel costs to members of the municipal council as determined by the municipal council.

(2) The municipal council may stipulate that for the purposes of reimbursement of travel costs, the place of the municipal council member's permanent residence shall be considered his/her regular place of work.

(3) Unless provided otherwise by the municipal council in the rules governing the reimbursement of travel costs to members of the municipal council, the conditions which may affect the provision and amount of reimbursements of travel costs, particularly the time and place of commencement and termination of the journey, the place of performance of the required tasks, the mode of transport and the accommodation, shall be determined in writing by the mayor prior to the commencement of the business trip of a member of the municipal council.

(4) If the municipal council so determines, a member of the municipal council shall be entitled to a compensation for the wear and tear of his/her own equipment or other objects necessary for the performance of the office of a member of the municipal council. This does not apply to the use of a motor vehicle; reimbursements for the use of a motor vehicle shall be governed by paragraphs 1 through 3 above.

Section 81a

(1) A released member of the municipal council shall be entitled to annual leave of 5 weeks per calendar year, with a maximum of 25 days of the annual leave falling on Monday to Friday, unless they are public holidays⁵⁶⁾.

(2) If the released member of the municipal council has not performed the office for the entire calendar year, he/she shall be entitled to a proportion of the annual leave, i.e. one twelfth of the annual leave for each commenced calendar month.

(3) The remuneration shall not be suspended for the duration of the annual leave.

(4) The municipality shall also grant the released member of the municipal council the unclaimed portion of the annual leave entitlement provided by his/her employer and not used by the member before being released for the performance of a public office.

(5) If a released member of the municipal council has not used the annual leave entitlement or part thereof during the relevant calendar year, the entitlement shall be rolled over to the immediately following calendar year and recorded as the unclaimed leave from the preceding calendar year and shall be used in the first place. The entitlement cannot be transferred to the subsequent calendar year.

(6) If a released member of the municipal council who is employed under employment contract or another similar contract as at the date of termination of the performance of his/her office has not used the proportion of annual leave entitlement pursuant to paragraph 2 for the calendar year in which his /her release for the performance of his/her office ended, the municipality may, upon his/her request, provide him/her with a compensation for the unclaimed annual leave entitlement or part thereof. The releasing employer shall provide the remaining part of the annual leave for the relevant calendar year that was not used or compensated. Unclaimed leave entitlement from the previous calendar year shall be neither transferred nor compensated.

(7) If a released member of the municipal council who is not employed under employment contract or another similar contract as at the date of termination of the performance of his/her office has not used the proportion of annual leave entitlement pursuant to paragraph 2 for the calendar year in which his /her release for the performance of his/her office ended, the municipality will provide him/her with a compensation for the unclaimed annual leave entitlement. Unclaimed leave entitlement from the previous calendar year shall not be compensated.

(8) The compensation for unclaimed annual leave pursuant to paragraphs 6 and 7 shall be determined as a multiple of the number of calendar days for which it is provided and one-thirtieth of the remuneration due to the released member of the municipal council as at the day of termination of the office.

(9) If a released member of the municipal council exceeded the annual leave entitlement pursuant to paragraphs 1 through 5, the remuneration for each day of the annual leave used in excess of the statutory entitlement shall be considered overpayment of the remuneration.

(10) The municipal office shall maintain records of the annual leave used by the released members of the municipal council. A member of the municipal council shall notify the municipal office through the mayor in advance of drawing the annual leave.

Section 82

In the performance of their office, members of a municipal council have the right:

- a) to submit proposals for discussion to the municipal council, municipal board, committees and commissions;
- b) to submit enquiries, comments, suggestions, and incentives to the municipal board and its members, the chairpersons of committees, statutory bodies of legal entities established by the municipality, and the managers of institutions receiving contributions from the central government budget and of organisational units which have been established or set up by the municipality; written replies shall be received within 30 days;
- c) to request from municipality employees assigned to the municipal office, and from employees of legal entities established or set up by the municipality, information on matters related to the performance of their office; this information shall be provided within 30 days.

Section 83

(1) A member of a municipal council shall be obligated to attend meetings of the municipal council, or meetings of other bodies of the municipality of which he/she is a member, to fulfil the tasks imposed upon him/her by these bodies, to promote the interests of the citizens of the municipality, and to act and behave in such manner that the reputation of his/her office is not compromised.

(2) Where circumstances suggest that the participation of a member of a municipal council in discussions and decision-making in a certain matter in the bodies of the municipality might constitute an advantage or injury for the member concerned or for a person close to him/her, for a natural person or legal entity represented by this member pursuant to the law or power of attorney (conflict of interests), the member concerned shall be obligated to communicate this fact before the start of the meeting of the municipal body which is to discuss the matter.

DIVISION 2

Powers of the Municipal Council

Section 84

(1) A municipal council shall make decisions in matters falling under the independent competence of the municipality ([Section 35 para. 1](#)).

(2) A municipal council reserves the right:

...

- k) to determine the offices for which members of the municipal council will be released;
- l) to establish and abolish committees, to elect their chairpersons and other members, and to recall them from their office;
- m) to elect the mayor, vice-mayors and other members of the municipal board from among the members of the municipal board and to recall them from their office; to set the number of members of the municipal board;
- n) to set the amount of remuneration for non-released members of the municipal council;
- o) to determine the fixed amount of compensation of income lost in connection with the performance of the duties of the office pursuant to [Section 71 para. 3](#), to decide about extraordinary remuneration pursuant to [Section 76](#), about the contributions to members of the municipal council pursuant to [Section 80](#), and about the compensation for unclaimed annual leave to be provided to released members of the municipal council pursuant to [Section 81a para. 6](#);
- p) to approve the employment contract between the municipality and a member of the municipal council;
- ...
- u) to set the rules for the provision of reimbursements of travel costs to members of the municipal council;
- v) to make decisions on monetary considerations provided to natural persons who are not members of the municipal council for

their performance of the office of members of committees, commissions and special bodies of the municipality;