

Decalogue of Recommendations

On the basis of the discussion in the *Green Paper* and its conclusions, a number of recommendations may be suggested for evaluation by both legislators and political bodies with powers to promote a process of adapting local governments to the reality of the second decade of the 21st century.

The recommendations are:

1. **Any reform or modernisation process of the provincial councils has to act on the three key pillars** on which provincial public administration is based: **the powers, the form of government (electoral system and institutional organisation) and funding. Mitigating the process of erosion undergone by the provinces** in Spain, as a consequence of the fragile protection provided by the institutional guarantee and their diverse status in the different autonomous systems, **requires greater definition of these pillars in basic legislation**, as well as greater receptiveness by jurisprudence of the central role of the provinces in a coordinated intermunicipal system.

2. **Intermunicipality**, notwithstanding the powers available to the autonomous communities to adapt it to their specific territorial conditions, **is an issue with inevitable implications for the organisation of the state**, as depending on the degree of strength of this intermunicipal system, its local autonomy will be protect to a differing degree. **The province, as determined by the Constitution, must be the central part of the basic intermunicipal**

institutional architecture, with the sole exception of the islands.

3. The current **municipal fragmentation**, as well as the exercise of certain powers or the provision of certain services for reasons of scale, **directly places the province as the most appropriate step in intermediate government**, due to tradition, experience and management capacity, **to coordinate intermunicipality. Institutional solutions emerging from other intermediate local governments** (complementary or alternative to the province) **have not**, to date, **produced satisfactory results**, a fact which further justifies the existence of the province (together with the islands) as a core element of intermunicipality.

4. **With the aim of strengthening the institutional and democratic legitimacy of the provincial councils** (and possibly adapt them to the provisions of the European Charter of Local Self-Government), and to give such institutions greater representation and visibility, **a process of reflection on the reform of the provincial council electoral system should be initiated, looking at these three solutions: a) reforming the current system of indirect representation; b) implementing a system of direct representation; and c) incorporating a mixed system.** Improving the democratic quality of the institution and its good governance also requires transparency, strengthening the statute of opposition and establishing codes of good government in the provincial institutions.

5. The form of government of the provincial councils is based on traditional parameters: it is identical to that of the general-system municipalities. **Elements need to be incorporated into the provincial institutional organisation that strengthen the role of the plenary council as the organ of control and oversight and approval of regulations, while the configuration of the provincial government also needs to be strengthened, with its own executive powers coordinated around the figure of the president and governing body.**

6. Also, **the provincial councils**, in order to fully develop their institutional duties, **must strengthen their legitimacy through efficiency, by gradually implementing an organisational paradigm change** based on the following premises:

- a) Promoting a results-oriented management culture linked to measuring the impact of policies.
- b) Simplifying and rationalising its administrative structures.
- c) Implementing continuous improvement in the management processes with the support and development of ICTs.
- d) Commitment to an administration that provides quality services.
- e) Optimising the management of economic resources to achieve greater transparency and efficiency in terms of the control and cost of services.
- f) Introducing a professionalised structure for directors.
- g) Innovating and designing local public policies.
- h) Investing in people as the most important asset that organisations have. In particular, recruiting experts and establishing professional career

systems in the framework of a performance evaluation culture.

- i) Promoting the knowledge society and network management.

7. **The province must move forward in strengthening its own powers**, with the aim of reinforcing its institutional legitimacy and developing its role as a territorial political power. **The recognition of the provincial council's powers must be aimed towards improving the efficiency of the local government system as a whole.** To this end, **material or substantive powers may be attributed to the provinces, while also maintaining and improving the functional powers** they currently exercise. Furthermore, the powers they already exercise should be recognised, whether these are their own or exercised through a delegation system (in cases where the powers are those of the autonomous community). This strengthening of the provincial councils' powers must be made effective, either through the reform of basic legislation or by a readjustment of local powers on the part of the autonomous legislator in accordance with the subsidiarity principle (as included in some of the statutes).

8. **The relatively marginal position of the province compared to the municipality may also be observed in the field of funding, possibly due to the reduced powers that are currently given to these public territorial governments. However,** the provinces are investment agents and an important source of funding for municipalities through the services they provide. Furthermore, **they spend considerable amounts on the production of social and economic assets. Thus, funding for the provincial councils must be matched to the powers they currently exercise, and a provincial funding system must be established that is less dependent on transfers and more closely linked to the powers granted to them**, with the aim of improving their autonomy and providing sufficient funding. **The qualitative improvement of the provincial funding system must take place within**

the framework of the future legal reform of local funding and obviously in parallel with the new definition of the institution and powers of the provincial governments in new basic local government legislation.

9. **The provincial councils and other intermediate local governments must play a leading role in the drawing up of future basic local government legislation**, with the aim of specifying in these regulations the reinforcement of the provincial level as the hub of intermunicipality, and as local government with its own powers. **The core character of the province in the intermunicipal architecture must contribute to overcoming the current confusion regarding**

this institutional space, with the largely disorganised multiplication of intermediate local government levels and local bodies of the same character.

10. **In brief, a wide consensus is required (possibly even through a state pact) between the different political parties represented in the constitutional state parliament, whose purpose is to establish the foundations of a rational and efficient intermediate local government planning process and which revolves around the provincial councils and Balearic and Canary Island councils, as the keys to implementing the principle of local autonomy and thus safeguarding municipal autonomy or the capacity to prioritise policies required by our town councils.** Providing better public services in terms of efficiency must lie behind all of these political decisions. Reorganising the local government space and, specifically, intermediate local governments is a structural reform required to strengthen the quality of our institutions and provide better services to the public.