

Local Leader and the Labour Law Position in the Context of the Smart City Concept through the Optics of the EU

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Abstract: The article discusses the implementation of the global concepts of smart city or smart municipality at the local level, focusing on the importance of mayor as a leader and his competencies in this context. The status of elected representatives of self-government in the branch of labour law is legislatively only marginally regulated, with insufficient terminological and functional interconnection between special legislation and labour law. The aim of the authors is to point out the relationship between the current legislation on prelegal relations between the mayor and his leadership duties and powers and to identify barriers in the implementation of the concept of smart cities in the Slovak Republic.

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The objective of the scientific study is determined based directly on current needs and emerging practical issues. Understanding and applying these correctly has a fundamental impact on the possibilities of rules in local government. Methodologically, our research relies on the basic methods of scientific abstraction in the context of the analysis of *de lege lata* legislation with a thorough application of the methods of legal logic. The authors draw attention to the partial questions of the labour status and educational census of the Mayor of the Municipality in the context of smart city concept and propose solutions.

Keywords: *knowledge management, local self-government, (municipality) mayor, Slovak Republic, smart cities*

1. Introduction

Local self-government has an indispensable role in the care of the overall development of the administered territory and the needs of the inhabitants living in its territory. In securing processes of development, local self-government must be sufficiently adaptable and able to respond flexibly to the stimuli of the constantly changing external environment. The key to solving this problem is the constant support of the innovation potential in the management of local governments. The aim of public administration, and thus also of self-governing authorities, is to increase the citizens' quality of life, while respecting the principles of sustainable development and, at the same time, to improve the efficiency and quality of the public services provided. A citizen is particularly interested in improving the quality of life in his city, region, or county.

Management in the field of self-government has a number of specifics that do not need to be followed in other sectors of the national economy (Mihálik *et al.*, 2019). The quality of a municipality's management and knowledge of the principles of strategic management is a basic condition for its successful development (Jankelová *et al.*, 2021). It leads to the management of the municipality to be able to ensure the elaboration of strategic documents in the municipality, to understand the issues of various terms and concepts from development strategies and development programs, strategic planning, or strategic programming, and specially to know other very effective methods of strategic management, which can subsequently be implemented in the municipality.

Self-government is a separate type of organizing activity of the state, which is performed by an entity different from the state but at the same time approved by the state. As part of public administration, territorial self-government is an expression of the effort to implement tasks to ensure the interests of the territorial community relatively independently and without direct interference from the state and state bodies (Jesenko, 2015). The very concept of self-government in its conceptual and content definition counts on the implementation by itself, meaning by all concerned, or at least by the majority of managed entities (Krunková, 2014). The mayor, as an elected official of the local government, represents the manager who is expected to be willing and professionally able to work for the development of the municipality, as well as the needs and interests of its inhabitants (Palúš *et al.*, 2010).

In the article, we focus our attention on an elected local government official—on a municipality mayor and his responsibilities and competences mainly in the context of the concept of smart cities. We proceed from the fact that the indicators that influence the process of developing a smart city in order to be able to establish sustainable policies and work plans so that they can consistently prepare themselves for a smart city are mainly governance, economy, living, mobility, environment, people, branding, and demography (e.g., Srebalová & Vojtech, 2021). In this context and from the point of view of the mayor's managerial competencies, we seek to highlight the fact that his two-track position, from the perspective of labour law, is the peculiarity of the legal regime of the Slovak Republic. Also, in relation to the local government, we highlight the approaches of the European Union, who does not try to rigidly interfere with the functioning of local governments.

Our goal, using a critical analysis, is to point out the relationship between the current legislation of prelegal relations of the mayor and his leadership duties and powers in the implementation of the concept of smart cities in the Slovak Republic. This research fills the gap in the current scientific discussion by analysing smart city leadership challenges with a particular focus on mayor's competencies. The primary goal of the article is to examine and evaluate the scope of competencies in a case study of the Slovak Republic, to complement the related legislation and application practice in the research area, and to specify comparative differences. Identification of shortcomings, taking critical positions, and proposing possible solutions to improve the current situation is an integral part of the study. A partial goal of the article is also to define and confirm the importance of the principle of transparency in the exercise of self-government and the importance of increasing civic

participation. The research focuses on the constitutional basis, analysis of the latest theoretical knowledge, and other sources of information, primarily resources at the level of scientific studies (WoS, Scopus), supplemented by an analysis of the relevant legislation in force and the policy settings of the EC. We support the analysis performed by graphical processing of secondary data from the survey carried out by the Ministry of Economy of the Slovak Republic (2017) aimed at clarifying awareness and insight into problems with the implementation of smart city solutions among city officials. The survey was conducted in the form of a questionnaire sent to a selected group of mayors. The questions were formulated in such a way that it was possible to assess the attitude of the city government to the issue. Based on the results of this survey, a qualitative survey was conducted in 2021 in the form of semi-structured interviews, which confirmed the results. Using the abstraction method, we define general and essential information concerning the proposed solutions.

2. Theoretical background

Modern public administration is a reflection of the maturity of the modern democratic political system and must go hand in hand with a dynamic development of society, technologies, digitalization, and computerization. Growing competition among cities and looming social challenges (particularly those due to demographic change and immigration) have resulted in a new, even more complex and challenging, environment that includes more actors (Disoska, 2016; Hajduová *et al.*, 2021) and demands more active, multidimensional role fulfilment by local leaders (Budd & Sancino, 2016). A state, through public administration, must serve its addressee, a citizen, and provide a dignified life for all members of the society. Existing global trends clearly require changes in the way a state is governed reflecting the need for new quality approaches to better respond to the demands of citizens (Beeri *et al.*, 2019), regional demands as well as those of the whole state. The significant role and responsibility for the fulfilment of this goal have, in addition to the employees who are “the important assets” for the implementation of executive power in the state, also elected representatives and officials who are, from the point of view of employment law, top managers with management tools responsible for governance. According to Heinelt *et al.* (2018, p. 209), the “shadow of the future”, increasing complexity and competition call for innovative urban political leadership. As

already Hambleton and Sweeting (2014, p. 318) put it, innovation in urban leadership requires operation at many geographical levels and interaction among “three realms of civic leadership, reflecting different sources of legitimacy”: (1) political leadership, which is the work of people elected by the citizenry; (2) professional leadership, which refers to the work of public servants and third sector organizations that manage public services and promote community well-being; and (3) community and business leadership, which refers to the work of civic-minded people and business leaders.

Aspects of municipal policy management in the context of shaping local politics have become the object of interest for scholars all over the world and lead to many interesting conclusions (Mucha *et al.*, 2019; Sancino & Castellani, 2016; Kováčová, 2018; Vernarský, 2019; Kováčová & Kováčová, 2019). Many studies examine the necessary managerial competencies of a municipal leader, discussed mainly in relation to improving the services provided to citizens, to increase their satisfaction, in relation to technological, environmental, legislative, or demographic pressures, but less toward their own employees and their employment relationship (Heinelt *et al.*, 2018; Hambleton, 2015; Chochia & Kerikmäe, 2018; Klimovský & Nemec, 2021). An interesting study by Ricard *et al.* (2017) identified the transformational style of leadership as the most important style in the environment of municipalities as it focuses more on employee motivation and employee participation in decision-making. In scientific literature, we also encounter the emphasis on the need for such skills for municipal managers, to be able to respond to the challenges of Industry 4.0 (e.g., Oberer & Erkollar, 2018), often in the context of ‘smart cities’ and ‘smart administration’ and their characteristics (Hammons & Myers, 2019). Huovila *et al.* (2019) and other authors point out that rapid digitalization and technological development fuel smart city solutions that try to help cities optimize their efficiency and quality in service provision with the help of ICT, new technologies, and participatory approaches.

Table 1. Core competencies of a smart city leader.

Core competency	Competency description
Global, conceptual and strategic thinking	Sets objectives and priorities and implements plans consistent with the organization's long-term interests in a global environment, capitalizes on opportunities, and manages risks.
Integrated problem solving	Defines and evaluates problems; Weighs importance and precision of information; Proposes and evaluates alternative solutions.
Critical and analytical thinking	Applies fair reasoning; Comprehends the complexity of an issue and breaks it down into manageable pieces; Comprehends the implications of data/information; Assesses situations and makes impartial, well-reasoned decisions.
Creativity / Vision	Provides new insights into situations; Supports new ideas and innovations; Designs and implements new or cutting-edge processes.
Ethics: honesty, sincerity, openness to the exchange of knowledge	Behaves in an honest, fair, and ethical manner; Shows consistency in words and actions; Considers and responds appropriately to the needs and feelings of different people in different situations.
Partnership / participation focus	Establishes networks and expands alliances; cooperates across boundaries to build strategic relationships and achieve common goals.
Ability to respond quickly to changing situations	Comprehends local, national, and international policies and trends that affect the organization and shape stakeholders' views.
Modern technology skills	Develops specific expertise required.
Willingness to change, adapt and develop	Seeks opportunities; Communicates needs and settings of changes with stakeholders.

Source: Authors' own adapted from McCauley, 2006.

3. Local government through the filter of the European Union

The European Union makes no attempt to enforce unifying standards in connection with the regional and territorial organization of individual member countries of the European Union or to rigidly intervene in the structure and functioning of local governments. Only in the context of historical conditioning of the territorial organization of individual Member States of the European Union, as well as in the organizational structure of local authorities, we can see resistance to unification and uniformity.

The sphere of public administration is not the subject of common legal regulation in the European Union (*acquis communautaire*); however, there are several general principles which the European countries recognize and which could be observed within the legal regulation of the sphere of public administration in Europe. This was the purpose of adopting the important document for local self-government, the European Charter of Local Self-Government. The government of the Slovak Republic fully approved it in 2007 by ratifying the last articles of the Charter. The European Charter of Local Self-Government (hereafter referred to as 'Charter') is the document which lays down the principles of local self-government which determine the importance of local authorities as the foundation of any democratic system and indicates the willingness to follow the principles included. Objectively, it aims to serve as a means of achieving greater unity among signatory countries, not only for protection, but also for the more effective implementation of the ideals and principles that are their common heritage (Kisala, 2021; Peráček, 2021b). In addition to this established aim, the Charter also contains several principles necessary for the proper functioning of the local government. We highlight that the Charter leaves the possibility of an adjustment of the principles at the level of national legislation, while it emphasizes that, if it is possible, the adjustment can be oriented into the supranational level. Within the framework of adjustment of local self-government, the Charter is a substantial and essential document which contributes to the deepening of democratization and reliable ensuring of a functioning local self-government in the European political space.

Thus, local self-government is a democratic foundation of organization and management of public affairs under the conditions of modern democracies based on the principles of decentralization and subsidiarity. "Despite ongoing reforms, expressed in particular by the decentralization and deconcentrating

of competences in the application of the principle of subsidiarity, it is possible to perceive an increase in the degree of public administration interference in social relations in modern democracy” (Molitoris, 2016).

A specific feature of local self-government is that it is a sign of interest among the community to participate in self-governing, self-regulation, or self-decision making. It is the kind of administration where one subject—the inhabitants of a unit of local self-government—is, at the same time, in a double position. First, they are the object towards which the administration is directed and, second, they are in the position of a subject of this administration and are allowed to participate in its exercise. According to Palúš *et al.* (2016), self-government is constituted independently and at both levels by the Constitution, which does not rule out, and even expects, their mutual cooperation in ensuring self-governing functions.

According to Article 3 of the Charter, “local self-government denotes the right and ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population”. In connection to the given Article of the Charter, we will hereinafter direct our attention to the labour law position of public office holders in the self-government of municipalities within the legal environment of the Slovak Republic as an EU Member State.

4. Building a smart city

Self-government is currently facing significant changes associated with the pursuit of sustainable growth based on a low-carbon economy. Intelligent or “smart” technologies create for the local government a broad range of opportunities for its development and solution of environmental, economic, and social changes.

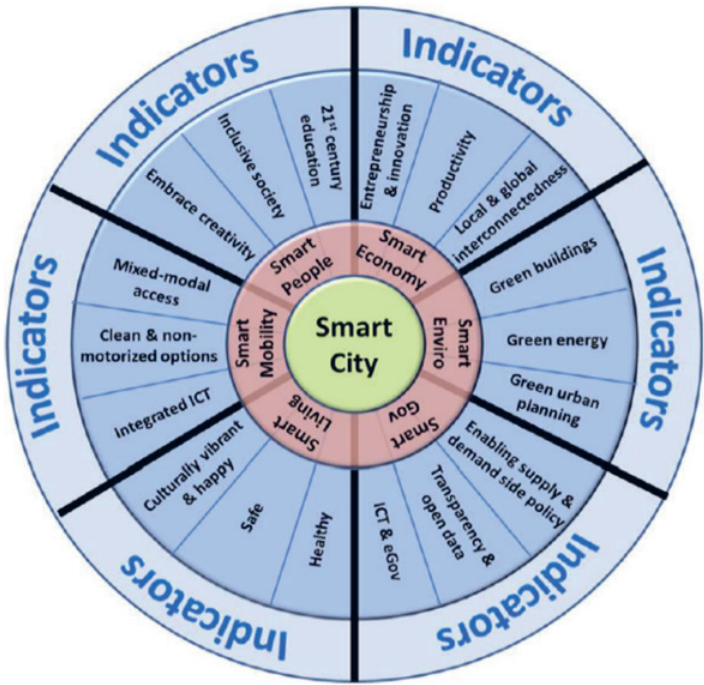
Growing urbanization at global and European level is increasingly linked to the expansion of smart cities, as most citizens and producers will focus their economic, social and personal interests in this environment. Although, according to Ningrum (2021), “the smart city was originally a solution used to deal with the environmental crisis that occurred in the twentieth century. Smart city concepts derive from the use of technology and knowledge to improve society’s efficiency and competitiveness.” However, the smart city

uses information and communication technologies to improve its functionality, long-term sustainability, and increase the living standards of its citizens. It is important for the creation of a smart city to collect, share and analyse data on its functioning, so that solutions can subsequently be implemented that contribute to improvements and long-term sustainability in important areas such as urban mobility, energy, waste management, telecommunications, health and healthcare, social services, education, culture, community development, climate change mitigation, public safety, and more. The European Commission has developed already in 2010 a set of documents for Member States tracing, directly or indirectly, recommendations for the transformation of the European city—mainly Cohesion Policy 2014–2020 of the European Community, Digital Agenda for Europe, and European Urban Agenda, which face the issue of the future development of European cities from different points of view, which are, respectively, social cohesion, ICT and urban dimension. Each of them pays particular attention to urban and territorial dimension, identified by the name of smart city (Gargiulo *et al.*, 2013). There are also some important EU initiatives that directly support smart cities, such as the EU Smart Cities Information System and the Smart Cities and Communities European Innovation Partnership, later transformed into a platform The Smart Cities Marketplace (2021), The European Innovation Partnership on Smart Cities and Communities (EIP-SCC), or several initiatives under the Horizon 2020 programme.

Many definitions have been proposed to define smart cities. All have in common the integration of sustainable development. Boyd Cohen (2012 in Laurini, 2020) has given a sophisticated definition of a smart city with a circular diagram (Fig. 1) and this diagram has been inspired by the work of many others.

According to Hammons and Myers (2019), smart city is an urban area that uses technological or nontechnological services or products that enhance the social and ethical well-being of its citizens; provide quality, performance and interactivity of urban services to reduce costs and resource consumption; and increase contact between citizens and government. A smart city requires that such services or products be designed, developed, promoted, and managed to ensure and safeguard the following eight fundamentals, such as the social and physical well-being of citizens, employment opportunities and local economies, interpersonal connectivity, and others (Picatoste *et al.*, 2017).

Figure 1. Wheel of a smart city according to Boyd Cohen (2012).



Source: Boyd Cohen, 2012 in Laurini, 2020.

Embracing a long-term vision is undoubtedly more important for any city that wants to become “smart” than an immediate focus on technology. Some mayors hope that smart city technology will finally give them more control and influence, and thus realize, at last, the promises of new public management. On the other hand, well-chosen technologies make it possible to hear the voices of citizens better and, as a result, realize the potentials of governance.

Laurini (2020) points out that “the concepts of a smart city cannot be understood without examining their links with the knowledge society” as capital is shared not only with experts but also with citizens, within the target of sustainable development. Lytras *et al.* (2021) add that a wide variety of stakeholders are involved in the making and functioning of smart cities and the resultant dynamics of interaction is vast. To ensure the resilience and sustainability of smart cities, as well as the well-being of their citizens, it is fundamental that information management is seen as a dual-purpose process aimed not only at organizing activities that collect, store,

and distribute information, but also at making that information available and usable to stakeholders from smart cities. Some authors (e.g., Gassmann *et al.*, 2019; Khan & Labonté, 2021; Jankelová *et al.*, 2021) point out that the literature does not pay much attention to the organizational aspect during the transition from a regular city to a smart city. Some note, in accordance with Bolívar and Meijer (2016), that without the mayor and the rest of the management, change is hard to imagine. The system cannot work without the main character actively supporting the transition, and governance in smart cities must support policies to strengthen innovative systems. Dameri and Benevolo (2016) even refer to mayor as a “winning trigger” to manage the optimal implementation of the project. According to Skvarciany *et al.* (2021), the position of mayor can thus be understood as that of a leader who is not only able to pass on the idea of a smart city to the inhabitants but is also skilled in maintaining relationships with stakeholders not only with private companies but also with local universities and research institutions as facilitators of possible social changes and, thus, strategize smart cities.

5. Municipal self-government and the mayor as actors in community management. The case study of the Slovak Republic

The concept of smart cities represents a comprehensive approach to the functioning of the urban region, which intervenes in various social areas such as culture, infrastructure, environment, energy, social services, and more. In each of these areas, it pursues several objectives, which are interconnected and together form a system based on the principles of sustainable development. The entities of public administration, the private sector, and civil society enter the whole system, without which the set goals would not be met.

The term ‘smart city’ is used to refer to a self-governing unit that uses information and communication technologies to increase operational efficiency, share information with the public and improve the quality of public administration services and the well-being of citizens (Desdemoustier *et al.*, 2019).

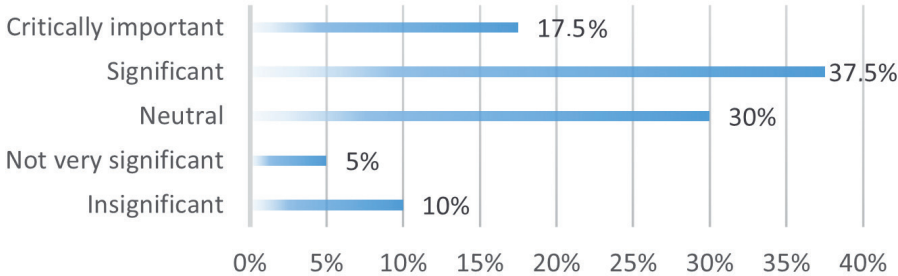
It is this multidisciplinary of the smart cities’ concept that does not allow for a monothematic and uniform legal regulation of this concept. Individual areas (environment, transport, energy, etc.) are regulated by

separate legislation, which represents a large number of specific pieces of legislation.

In this context, the mayor as a leader of the municipality is exposed and confronted with a tangle of special legislation, which in the concept of smart cities can be perceived as a weakening and risk factor, causing demotivation and reluctance of municipal and city leaders to consider implementing this concept.

According to the Government of the Slovak Republic (2017), it is the self-government bodies of the city—the mayor and members of city councils—that must be the driving force to enable activities related to smart city. The importance of adequate leadership in the context of the concept of smart cities will be shown in research conducted by the Ministry of Economy of the Slovak Republic, which shows that the lack of information from local government representatives will be a significant negative factor affecting innovative activities in Slovakia in the subject of smart cities (Fig. 2) because effective leadership is all about communicating effectively (Mucha *et al.*, 2019).

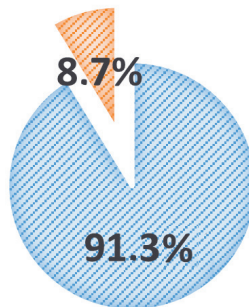
Figure 2. Insufficient information from local government representatives as a negative factor that affects innovative activities in Slovakia in the subject of smart city.



Source: Processed according to the results of the Ministry of Economy of the Slovak Republic, 2017.

Together with the previous one, an important factor is that almost all Slovak cities would welcome the opportunity to learn about examples of good practice from Slovakia or abroad—we see that more than 91% of the surveyed city and municipal representatives would welcome this opportunity (Fig. 3).

Figure 3. The interest of the vice-mayors of Slovak cities in the opportunity to learn about specific smart city solutions from Slovakia or abroad.



Source: Processed according to the results of the Ministry of Economy of the Slovak Republic, 2017.

This means that the mayor must be the element that ensures and leads the whole office to make the necessary widely supported decisions to implement good governance, develop a legitimate vision of urban development, taking into account the interests of all stakeholders, especially citizens, facilitating and supporting experiments, especially those initiated by citizens to become equal partners of technology societies in implementing appropriate technologies. The importance of citizen participation is also emphasized by Klimovský *et al.* (2016) or Nováčková and Peráček (2021). Also, all big concepts such as e-democracy, public participation, participatory democracy are something that should be defined by citizens and not by governments or research institutions.

In the conditions of Slovak constitutionalism, the function of the mayor of a municipality is built on a monocratic principle, in contrast to the council, which is a collective decision-making body. Here the constitutional regulation of the position of municipal bodies in the Slovak Republic is based on the distinction between the representative body which is the municipal council, and the distinction between the executive body which is the mayor of the municipality (Jesenko, 2015). This is regulated and emphasized by Article 13 of Act no. 369/1990 Coll. on general municipal administration. According to para. 1 of this provision, the representative of the municipality and the highest executive body of the municipality is the mayor. The duties of the mayor are then regulated in Article 13(4) of the said Act.

The subjects of labour relations mean the subjects who, according to the labour law standards, can be the holders of rights and duties in labour law

relations (Peráček, 2021a). The subjects of labour law relations include an employee and an employer. The special feature of the legal position of the municipality mayor from a labour law perspective is their ‘two-for-one position’. In labour law relations, they stand for the contracting party that represents the employer, whereas they can also be in the legal position of the employee for the purposes designated by law (Act no. 253/1994 Coll. on the legal status and salary conditions of mayors, as amended; hereinafter referred to as the ‘Act on the legal status and salary of mayors’).

We assume that the tasks which result from this position and specifically in the context of the concept of smart city are so serious in nature that the legal regulation is not sufficient. The influence of the implementation of the concepts of intelligent cities and knowledge-based cities, flexible forms of employment, new technologies, and a series of legal (European and international) regulations are by nature in the future.

In addition to the professional capacities of the leader, the development activities related to smart cities are also affected by the personnel capacities of the employees of the offices. In this context, there are obvious differences between municipalities in the capacity to set up “project development teams” to ensure the preparation, implementation, and evaluation of partial project activities. The mayor of the municipality in the position of employer must decide on the priorities, the number, and structure of employees with the knowledge of financial limits in ensuring the management of the municipality. This barrier is another of the weakening factors for the use of the concept of smart cities in Slovakia.

According to Article 13 of the Act on municipal administration, the municipality mayor is the municipality official and the highest executive body of the municipality. The *terminus technicus* ‘official’ is the term that is hard to define in the legal sphere. We assume that if the concept ‘representative’ is a synonym of the concept ‘official’, then it means a subject that represents a certain social unit, that is, a municipality. However, even this explanation does not contain exact terminological certainty from the perspective of labour law in connection with the employer’s (a municipality mayor’s) competences towards municipality employees. According to Tekeli (2016, p. 51), “the mayor represents the municipality towards the public in external administrative and legal relations, in private and legal relations, and in protocol relations”. If he/she is, at the same time, the highest executive body of the municipality, there is a question of which other municipality body (from the two possible ones, the mayor and the council) is also the

executive body of the municipality. The Act on municipal administration recognizes the running of an executive body—for example, a municipal board is the executive body of the municipal council, but it is not the executive body of the municipality. Based on the above-mentioned, we consider the identification of the mayor of the municipality as the highest executive body a terminological “futility” and this should be sufficient to define the position of the mayor of the municipality as the executive body of the municipality.

We assume that the tasks arising from this position and in the context of the concept of smart cities are so serious that the legislation is insufficient. According to Article 13(1) of Act no. 369/1990 Coll. on municipal administration, the legislator does not explicitly stipulate a requirement for the education of the mayor (mayor). Also Act no. 180/2014 Coll. on the conditions for the exercise of the right to vote and on the amendment of certain laws does not stipulate in Article 165 the explicit condition of the educational census for the performance of the function of mayor (mayor of cities). Application practice shows the need for orientation in the legislation supporting the concept of smart cities, which places high demands on expertise. However, from a legislative point of view, the Constitutional Court of the Slovak Republic in the decision PL. ÚS 18/2014 stated, *inter alia*, that the introduction of the educational census is a violation of the generality of suffrage and therefore it is not possible to condition the performance of the mayor's level.

The municipality mayor as a statutory body of the municipality signals, on behalf of the municipality, that he/she binds the legal entity, i.e. the municipality, by his/her action. If the municipality mayor signs an employment contract with a municipality employee, he/she declares the municipality's will towards the public. Based on the fundamental institutes of the civil code, the will as a significant sign of a legal act is a want, an interest of the subject to enter the legal relation, and thus to invoke specific legal effects. The manifestation of will means the presentation in connection to the addressee. In the case of labour relations, it is the mayor's manifestation of will, while this manifestation of will and the establishment of an employment relationship with a specific natural person means the obligation of the municipality as a unit, as a legal entity. The mayor manifests through this manifestation of will without participation of the municipality council the will of the municipality since he is in the position of an employer and this competence for him is *ex lege*. There are some disputable situations in the application, when the mayor establishes the employment relationship with “friends, someone he knows and so on”, thus natural persons who can

be morally, professionally, and ethically unacceptable for the municipality as a unit. He/she is not limited by another municipality body in this legal act. In this connection, it is necessary to state that basic labour law relations include, in addition to the employment relationship, the agreements on work performed outside an employment relationship. The different situation occurs when the will is manifested by another municipality body, i.e. a municipality council. In labour law relations, it includes, for example, the case of election of the municipality chief controller by the municipality council, which represents the municipality's will towards the public, and the municipality's mayor is to manifest the will and to establish the employment contract with the elected chief controller. After being elected, the chief controller has the right to establish an employment contract with the municipality. In the given situation, if the municipality mayor denies establishing an employment contract with the elected municipality chief controller, despite the fact that this obligation is imposed by the law on him/her, we realize again that, as for many other legal regulations of the Slovak Republic legislation, the legal obligation is not accompanied by the sanction for failure to observe this obligation.

The creation and implementation of smart city projects require the participation of all groups of the population. Participatory administration of the city puts pressure on the development processes to be sustainable even when the management changes, which should reflect the program of economic and social development of the city following the Act on the support of regional development no. 539/2008 Coll. as amended by Act no. 309/2014 Coll. One of the most important political rights of the municipality's inhabitants is the right to participate in the administration of the municipality. From the perspective of national legislation, the constitutional basis of citizen participation in the administration of public affairs is defined directly in Act no. 460/1992 Coll. The Constitution of the Slovak Republic (hereinafter referred to as the Constitution), specifically in Article 30(1). The Institute of Direct Democracy, in cooperation with the relevant provisions on territorial self-government, is regulated in the Constitution and Act no. 369/1990 Coll. on municipal administration, as amended, where, in addition to rights, they are identified by relevant obligations such as protecting municipal property and participating in municipal costs, contributing to the protection and improvement of the environment, maintaining order in the municipality and providing assistance in natural disasters, and the like. The problematic aspect arises from the fact that the right to participate in self-government is linked to permanent residence and not to the citizenship of the Slovak Republic.

6. Conclusions

Smart city concepts introduce innovations and new approaches in almost all areas of daily lives of the population in urban areas. If the concepts are properly implemented and make use of the available opportunities that regional, interregional, national, and transnational strategies contribute to the subject of smart cities, a smart city can also represent a significant investment and development stimulus for the Slovak business environment. A successful implementation of smart city projects should be preceded by a clear specification.

Public administration is currently undergoing a process of transformation that relates to all of its components and spheres. The tools for management and education are not efficient, and the flexibility is applied in a minimalist manner. Therefore we encourage the modern professional management of self-governments by mayors (irrespective of political superiority) with a team of experts who are the crucial element for managing public affairs at a local level owing to their education and personal skills.

In the article, we have shown that the Constitutional Court of the Slovak Republic makes it impossible to perform the function of mayor of a municipality with an explicitly set level of education. In this context, we propose the provision of Article 13(10) of the Act on municipal administration, in which it is vaguely stated that the mayor deepens the knowledge necessary for the performance of the function of mayor (he is not obliged to constantly deepen his qualifications), the methods and forms of deepening have not been specified. The mayor of the municipality according to Article 2(3) of Act no. 253/1994 Coll. on the legal status and salary conditions of the mayors of municipalities and the mayors of cities is considered an employee in an employment relationship for the purposes of creating and using the social funds and for the purposes of providing meals and contributions to meals. Also in Article 2(2) of the Act in question, he is entitled to leave to the extent pursuant to a special regulation or to the extent pursuant to a collective agreement. In this context, we propose to consider whether, even for the purposes of deepening qualifications, the mayor of the municipality should not be considered an employee in an employment relationship and thus refer to the legal regulation of Act no. 311/2001 Coll. of the Labour Code (Art. 154 (3) of the Labour Code), where the employee is obliged to constantly deepen his/her qualification for the performance of work. This would intensify the requirement to deepen the qualifications of the municipal self-government leader.

Current legal regulation of the position of elected public officials from the perspective of labour law is not solved on a systematic basis, it is fragmented, and causes many application problems. The employment status of the mayor of the municipality is addressed in several separate legal regulations. For example, the law on general municipal administration regulates the competencies of the mayor, incompatibility of office, etc. The Act on the legal status and salary conditions regulates labour law claims arising from the performance of a function, e.g., entitlement to leave, severance pay, etc. Article 215 of the Labour Code regulates the institute of compensation for the performance of public office. The right to reimbursement of expenses in connection with the performance of the function, travel allowances, is regulated in Act no. 283/2002 Coll. on travel allowances, as amended. Act no. 461/2003 Coll. on social insurance, as amended, regulates the conditions of social insurance. In the Act on the legal status and salary conditions, we propose a more significant specification of employment rights, which would unify the legislation regulating the rights of the mayors of municipalities and cities (damages, severance pay, holidays, travel allowances, etc.).

However, the topic of smart cities is not only a priority for Slovakia but also for the entire European Union. In terms of content, it covers four of the five objectives presented by the European Commission (EC) for the new programming period. For example, for the sustainable development of cities alone, six percent of its entire allocation should go to the European Regional Development Fund.

If public administration is to fulfil the purpose for which it has been established, it must reflect the challenges raised by the society. We hope that the nature of legal relations in the management of local government will continue to change towards a positive status, to adapt to the real conditions on the job market, and especially to innovate.

This article aimed to contribute to a discussion that cannot suspend or resign from further improvements and innovations. From the above findings, it follows that a wide range of stakeholders are involved in the creation and operation of smart cities and the resulting dynamics of interaction is huge. From this point of view, agile dual purpose information management is a key factor determining the emergence and sustainability of smart cities through knowledge-generating activities, which is undoubtedly the main task of relevant smart cities management, mainly in the person of mayor. Given that this is a topic that is constantly evolving, we believe this discussion will continue to bring innovative solutions in the field of smart city management.

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References

- Beeri, I.; Uster, A. & Vigoda-Gadot, E.** (2019), 'Does performance management relate to good governance? A study of its relationship with citizens' satisfaction with and trust in Israeli local government,' *Public Performance & Management Review*, vol. 42, no. 2, pp. 241–279.
<https://doi.org/10.1080/15309576.2018.1436074>
- Bolívar, M. P. R. & Meijer, A. J.** (2016), 'Smart governance: Using a literature review and empirical analysis to build a research model,' *Social Science Computer Review*, vol. 34, no. 6, pp. 683–684. <https://doi.org/10.1177/0894439315611088>
- Budd, L. & Sancino, A.** (2016), 'A Framework for city leadership in multilevel governance settings: The comparative contexts of Italy and the UK,' *Regional Studies, Regional Science*, vol. 3, no. 1, pp. 129–145. <https://doi.org/10.1080/21681376.2015.1125306>
- Chochia, A. & Kerikmäe, T.** (2018), 'Digital single market as an element in EU-Georgian cooperation,' *The Baltic Journal of European Studies*, vol. 8, no. 2, pp. 3–6. <https://doi.org/10.1515/bjes-2018-0012>
- Dameri, R. P. & Benevolo, C.** (2016), 'Governing smart cities: An empirical analysis,' *Social Science Computer Review*, vol. 34, no. 6, pp. 693–707. <https://doi.org/10.1177/0894439315611093>
- Desdemoustier, J.; Crutzen, N. & Giffinger, R.** (2019), 'Municipalities' understanding of the Smart City concept: An exploratory analysis in Belgium,' *Technological Forecasting and Social Change*, vol. 142, pp. 129–141.
<https://doi.org/10.1016/j.techfore.2018.10.029>
- Disoska, E. M.** (2016), 'Re-shaping the model of economic growth of the CEE countries,' *The Baltic Journal of European Studies*, vol. 6, no. 2, pp. 137–159.
<https://doi.org/10.1515/bjes-2016-0016>
- Európska charta miestnej samosprávy (2013), European Charter for Local Self-Government [Homepage]. Retrieved from <http://http://www.minv.sk/?europska-charta-miestnej-samospravy> [accessed 20 Nov 2021]
- Gargiulo, C.; Pinto, V. & Zucaro, F.** (2013), 'EU Smart City Governance,' *TEMA Journal of Land Use, Mobility and Environment*, vol. 6, pp. 356–370.

- Gassmann, O.; Böhm, J. & Palmié, M.** (2019), *Smart Cities: Introducing Digital Innovation to Cities*, Bingley: Emerald Publishing Limited. <https://doi.org/10.1108/9781787696136>
- Hajduová, Z.; Peráček, T.; Coroničová Hurajová, J. & Bruothová, M.** (2021), 'Determinants of innovativeness of Slovak SMEs,' *Problems and Perspectives in Management*, vol. 19, no. 1, pp. 198–208. [https://doi.org/10.21511/ppm.19\(1\).2021.17](https://doi.org/10.21511/ppm.19(1).2021.17)
- Hambleton, R.** (2015), 'Place-based leadership: A new perspective on urban regeneration,' *Journal of Urban Regeneration and Renewal*, vol. 9, no. 1, pp. 10–24.
- Hambleton, R. & Sweeting, D.** (2014), 'Innovation in urban political leadership. Reflections on the introduction of a directly-elected mayor in Bristol, UK,' *Public Money & Management*, vol. 34, no. 5, pp. 315–323. <https://doi.org/10.1080/09540962.2014.945793>
- Hammons, R. & Myers, J.** (2019), 'Smart cities,' *IEEE Internet of Things Magazine*, vol. 2, no. 2, pp. 8–9. <https://doi.org/10.1109/MIOT.2019.8892761>
- Huovila, A.; Bosch, P. & Airaksinen, M.** (2019), 'Comparative analysis of standardized indicators for Smart sustainable cities: What indicators and standards to use and when?' *Cities*, vol. 89, pp. 141–153. <https://doi.org/10.1016/j.cities.2019.01.029>
- Jankelová, N.; Joniaková, Z.; Čajková, A. & Romanová, A.** (2021), 'Vodcovské zručnosti v komunálnej politike' [Leadership competencies in communal policy], *Politické Vedy* [Political sciences], vol. 24, no. 1, pp. 181–204. <https://doi.org/10.24040/politickevedy.2021.24.1.181-204>
- Jesenko, M.** (2015), 'Normotvorba obcí vo veciach ochrany verejného poriadku v obci' [Establishing norms in municipalities in matters of protection of public order in the municipality], in *Územná samospráva a tvorba práva* [Territorial self-government and law-making], Košice: UPJŠ v Košiciach, pp. 5–21.
- Khan, J. & Labonté, O.** (2021), 'The need for smart city frameworks,' *Economic Development Journal*, Summer 2021, pp. 33–38.
- Kisala, M.** (2021), 'The Polish experience in the development of smart cities,' *TalTech Journal of European Studies*, vol. 11, no. 2, pp. 48–64. <https://doi.org/10.2478/bjes-2021-0014>
- Klimovský, D. & Nemec, J.** (2021), 'Local self-government in Slovakia,' in *Local Self-Government in Europe*, Maribor: Institute for Local Self-Government Maribor, pp. 355–382.
- Klimovský, D.; Pinterič, U. & Šaparnienė, D.** (2016), 'Human limitations to introduction of smart cities: Comparative analysis from two CEE cities,' *Transylvanian Review of Administrative Sciences*, vol. 47E, pp. 80–96.

- Kováčová, E.** (2018), 'The mayor of a municipality—competences, qualifications, current status in the Slovak Republic,' *Przegląd politologiczny* [Political science review], vol. 23, no. 3, pp. 119–133. <https://doi.org/10.14746/pp.2018.23.3.9>
- Kováčová, S. & Kováčová, N.** (2019), 'Možnosti posilnenia legitimacy zvolených kandidátov na post starostu obce v podmienkach SR' [Possibilities of strengthening the legitimacy of elected candidates for the office of mayor in the Slovak Republic], *e-Polis.cz*, pp. 1–4.
- Krunková, A.** (2014), 'Priama demokracia ako suplementárny prostriedok v normotvorne obcí' [Direct democracy as a supplementary means in the normative formation of municipalities], in *Teória a prax komunálnej normotvorby* [Theory and practice of municipal standard-setting], Košice: UPJŠ v Košiciach.
- Laurini, R.** (2020), 'A primer of knowledge management for smart city governance,' *Land Use Policy*, vol. 111, art. 104832. <https://doi.org/10.1016/j.landusepol.2020.104832>
- Lytras, M. D.; Visvizi, A.; Sarirete, A.; Torres-Ruiz, M. & Daim, T. U.** (2021), *IEEE Access Special Section Editorial: Future Generation Smart Cities Research—Part II: Services, Applications, Case Studies, and Policymaking Considerations For Well-Being*, in *IEEE Access*, vol. 9, pp. 27298–27303. <https://doi.org/10.1109/ACCESS.2021.3057809>
- McCauley, C. D.** (2006), *Developmental Assignments: Creating Learning Experiences without Changing Jobs*, Greensboro, NC: Center for Creative Leadership Press.
- Mihálik, J.; Horváth, P. & Švikruha, M.** (2019), 'Give me liberty or give me money: the fiscal decentralization and autonomy of regional governance in Slovakia,' *European Journal of Government and Economics (EJGE)*, vol. 8, no. 1, pp. 96–109. <https://doi.org/10.17979/ejge.2019.8.1.4573>
- Molitoris, P.** (2016), *Konsenzuálne prostriedky alternatívneho riešenia sporov v správnom konaní* [Consensual means of alternative dispute resolution in administrative proceedings], Košice: UPJŠ v Košiciach.
- Mucha, B.; Brestovanská, P. & Peráček, T.** (2019), 'Selected legislative aspects of cybernetic security in the Slovak Republic,' *Lecture Notes on Data Engineering and Communications Technologies*, vol. 23, pp. 273–282. https://doi.org/10.1007/978-3-319-98557-2_25
- Mucha, B.; Peráček, T. & Brestovanská, P.** (2019), 'Strategy of environmental policy of the Slovak republic until 2030—an effective tool for combating waste?' *International Multidisciplinary Scientific GeoConference Surveying Geology and Mining Ecology Management, SGEM*, vol. 19, no. 5.4, pp. 541–548. <https://doi.org/10.5593/sgem2019/5.4/S23.071>
- Ningrum, T. P.** (2021), 'Smart city: The main assist factor for smart cities,' *International Journal of Innovation in Enterprise System*, vol. 5, no. 1, pp. 46–54. <https://doi.org/10.25124/ijies.v5i01.109>

- Nováčková, D. & Peráček, T.** (2021), 'The Common European Investment Policy and its perspectives in the context of the *Achmea* case law,' *TalTech Journal of European Studies*, vol. 11, no. 1, pp. 153–169.
<https://doi.org/10.2478/bjes-2021-0010>
- Oberer, B. & Erkollar, A.** (2018), 'Leadership 4.0: Digital leaders in the age of Industry 4.0,' *International Journal of Organizational Leadership*, vol. 7, no. 4, pp. 404–412. <https://doi.org/10.33844/ijol.2018.60332>
- Palúš, I. et al.** (2016), *Ústavné právo Slovenskej republiky* [Constitutional Law of the Slovak Republic], Košice: UPJŠ v Košiciach.
- Peráček, T.** (2021a), 'Flexibility of creating and changing employment in the options of the Slovak Labor Code,' *Problems and Perspectives in Management*, vol. 19, no. 3, pp. 373–382. [http://doi.org/10.21511/ppm.19\(3\).2021.30](http://doi.org/10.21511/ppm.19(3).2021.30)
- Peráček, T.** (2021b), 'Impact of European legislation and case-law on elimination of discrimination in employment relations in EU,' *Online Journal Modelling the New Europe*, vol. 36, pp. 65–82. <https://doi.org/10.24193/OJMNE.2021.36.04>
- Peráček, T.** (2022), 'Slovak self-governments' legislative aspects of the possibilities in dealing with nuclear and other extraordinary events,' *Lex Localis*, vol. 20, no. 3, pp. 545–563. <https://doi.org/10.4335/20.3.545-563>
- Picatoste, J.; Pérez-Ortiz, L.; Ruesga-Benito, S. M. & Novo-Corti, I.** (2017), 'Smart cities for wellbeing: youth employment and their skills on computers,' *Journal of Science and Technology Policy Management*, vol. 9, no. 2, pp. 227–241. <https://doi.org/10.1108/JSTPM-04-2017-0014>
- Ricard, L. M.; Klijn, E. H.; Lewis, J. M. & Ysa, T.** (2017), 'Assessing public leadership styles for innovation: a comparison of Copenhagen, Rotterdam and Barcelona,' *Public Management Review*, vol. 19, no. 2, pp. 134–156.
<https://doi.org/10.1080/14719037.2016.1148192>
- Sancino, A. & Castellani, L.** (2016), 'New development: Directly elected mayors in Italy—creating a strong leader doesn't always mean creating strong leadership,' *Public Money & Management*, vol. 36, no. 2, pp. 153–156.
<https://doi.org/10.1080/09540962.2016.1118945>
- Skvarciany, V.; Jurevičienė, D.; Zitkienė, R.; Lapinskaitė, I. & Dudė, U.** (2021), 'A different approach to the evaluation of smart cities' indicators,' *TalTech Journal of European Studies*, vol. 11, no. 2, pp. 130–147.
<https://doi.org/10.2478/bjes-2021-0018>
- Srebalová, M. & Vojtech, F.** (2021), 'SME Development in the Visegrad area,' *Eurasian Studies in Business and Economics*, vol. 17, pp. 269–281.
https://doi.org/10.1007/978-3-030-65147-3_19
- Tekeli, J.** (2016), *Kompetenčné právo v obecnej samospráve* [Competence law in municipal self-government], Bratislava: Wolters Kluwer.

Vernarský, M. (2019), 'Current state's attitude towards municipal self-government in Slovakia,' *Slovak Journal of Political Sciences*, vol. 19, no. 2, pp. 49–74. Retrieved from <http://sjps.fsvucm.sk/index.php/sjps/article/view/99> [accessed 20 Nov 2021]