

**Paulina Glejt-Uziębło<sup>1</sup>**

**Krzysztof Sidorkiewicz<sup>2</sup>**

## **Civic Budget in Elbląg. Selected Legal and Political Science Issues**

**Keywords:** civic budget, participatory budgeting, social participation, public consultations, Elbląg mechanisms of social participation, civic budget in Elbląg

**Słowa kluczowe:** budżet obywatelski, partycypacja społeczna, konsultacje społeczne, elbląskie mechanizmy partycypacji społecznej, budżet obywatelski w Elblągu

### **Abstract**

The study is devoted to the presentation of the functioning of the civic budget in Elbląg from the normative and practical perspective. The authors focus on selected legal and political science issues, i.e. the initiative to submit proposals of tasks to be financed from the civic budget, the territorial and subjective scope of submitted projects and selected aspects of how this form of public consultations works in practice. The results of the research lead to the conclusion that, despite the fact that eight editions of the civic budget have already been carried out, the city has not developed an ideal model of its functioning. The biggest problems seem to be manifested in the legislative inconsistency and the weakening interest of residents.

### **Streszczenie**

## **Budżet obywatelski w Elblągu. Wybrane zagadnienia prawne i politologiczne**

Opracowanie skupia się na przedstawieniu funkcjonowania elbląskiego budżetu obywatelskiego w płaszczyźnie normatywnej i praktycznej. Autorzy skupili się na wybranych

---

<sup>1</sup> ORCID ID: 0000-0001-6482-5253, MA, Department of Administrative Law, Faculty of Law and Administration, University of Gdansk. E-mail: paulina.glejt-uzieblo@ug.edu.pl.

<sup>2</sup> ORCID ID: 0000-0002-6130-2526, Assoc. Prof., Institute of Economics of the State University of Applied Sciences in Elbląg. E-mail: k.sidorkiewicz@pwsz.elblag.pl.

zagadnieniach prawnych i politologicznych, t.j.: przysługującej inicjatywie zgłaszania zadań, zakresie terytorialnym i przedmiotowym zgłaszanych projektów, a także wybranych aspektach praktyki działania tej formy konsultacji społecznych. Rezultat dokonanych badań prowadzi do wniosku, że mimo przeprowadzonych w Elblągu 8 edycji budżetu obywatelskiego, miasto nie wypracowało idealnego modelu jego funkcjonowania, a największe problemy zdają się przejawiać w niespójności legislacyjnej i słabnącym zainteresowaniu mieszkańców.

✱

The civic budget<sup>3</sup> in Poland was organized for the first time in Sopot in 2011<sup>4</sup>. The pilot initiative quickly became popular, which resulted in the implementation of similar mechanisms in other Polish cities, including Elbląg<sup>5</sup> (2012), Gdańsk (2013), and Gdynia (2013). The organization of the civic budget, which is as a form of social consultations<sup>6</sup>, was possible due to generally applicable normative basis provided in the Art. 5a of the Act of 8 March 1990 on Commune Self-Government<sup>7</sup>. It was the Act of 11 January 2018 on amending certain acts in order to increase the participation of citizens in the process of selecting, operating and controlling certain public bodies<sup>8</sup> that introduced

---

<sup>3</sup> The “civic budget” is a name for the instrument of participatory budgeting adopted in Polish law and political practice.

<sup>4</sup> More about the origins and history of the civic budget: J. Sułkowski, *Budżet partycypacyjny – źródło inspiracji i przemian dla demokracji uczestniczącej (na przykładzie budżetu Porto Alegre)*, [in:] *Aktualne problemy samorządu terytorialnego po 25 latach jego istnienia*, eds. R.P. Krawczyk, A. Borowicz, Łódź 2016, pp. 335–374; D. Sześciło, *Uwarunkowania prawne budżetu partycypacyjnego w Polsce*, “Finanse Komunalne” 2012, No. 12, pp. 15–19; J. Marszałek-Kawa, D. Plecka (eds.), *Dictionary of Political Knowledge*, Toruń 2019.

<sup>5</sup> More about the pilot civic budget in Elbląg: K. Sidorkiewicz, *Partycypacja mieszkańców na poziomie lokalnym – przykład Elbląga*, “Środkowoeuropejskie Studia Polityczne” 2016, No. 4, pp. 45–48.

<sup>6</sup> More about the forms of participation of residents in spending local government funds similar to the civic budget: D. Łukawiak, *Prawne formy bezpośredniego udziału mieszkańców w zarządzaniu finansami wspólnoty samorządowej*, “Zeszyty Naukowe Sądownictwa Administracyjnego” 2020, No. 1(88), pp. 64–80.

<sup>7</sup> Consolidated text: Dz.U. 2020, item 713.

<sup>8</sup> Dz.U. 2018, item 130.

separate regulation devoted to the civic budget. The amendment of the Act on Commune Self-Government introduced a new provision of Art. 5a para. 5 which imposed an obligation on local governments to establish a civic budget in those communes that are cities with the administrative rights of a county (Polish “powiat”), provided that the amount allocated to the civic budget must be at least 0.5% of the commune’s expenditure included in the last submitted report on budget implementation. Thus, from the hitherto optional tool of participation, the civic budget, in certain situations, has become an obligatory way of spending funds from the commune budget<sup>9</sup>. Also, Elbląg, as a city with county rights, is obliged to implement a civic budget. At this point, however, it should be noted that the Commune of Elbląg City conducted a pilot edition of the civic budget already in 2012, i.e. at a time when the use of the discussed participation mechanism was optional. Since then, its subsequent editions have been consistently held every year<sup>10</sup>.

The statutory regulations concerning the civic budget constitute only a general normative framework. According to Art. 5a par. 2 and par. 7 of the Act on Commune Self-Government, it is the commune council that determines, in a form of a resolution, the principles and procedure of conducting public consultations, as well as requirements to be met by citizens’ proposals submitted within the civic budget. In the case of Elbląg, each year a separate resolution on the manner of carrying out this participation mechanism is issued<sup>11</sup> which together with the schedule and the order of the Mayor of Elbląg

---

<sup>9</sup> The rationality of this solution has been assessed many times by the representatives of the doctrine and its presentation from the perspective of this study goes beyond the subject of research. More about the obligatory nature of this participation mechanism in: J. Kosowski, *Budżet obywatelski jako forma konsultacji społecznych w świetle nowelizacji ustaw samorządowych z 11 stycznia 2018 r.*, “Samorząd Terytorialny” 2018, No. 10, pp. 73–75; P. Glejt, P. Uziębło, *Kilka uwag o „nowych” instrumentach partycypacji mieszkańców na poziomie samorządowym*, [in:] *Dookoła Wojtek... Księga pamiątkowa poświęcona Doktorowi Arturowi Wojciechowi Preisnerowi*, eds. R. Balicki, M. Jabłoński, Wrocław 2018.

<sup>10</sup> As at the date of this study, the Commune of Elbląg City is after formal and substantive verification of the applications submitted under the 9th edition of the civic budget for 2020/2021, just before voting: <http://www.budzetobywatelski.elblag.eu/edycja-2020-2021> (6.10.2020).

<sup>11</sup> It should be pointed out that in the first edition of the civic budget in 2012, all necessary issues were regulated by the mayor’s order, which should be critically assessed as the form of a resolution is explicitly required by the Act on Commune Self-Government. More on the nature

of a strictly executive nature constitute a comprehensive normative regulation at the local level<sup>12</sup>.

The aim of this study is an attempt at presenting the current assessment of the normative layer of the civic budget. Due to the fact that the indicated research field is very extensive, the authors focus only on issues that are essential from the perspective of the functioning of the civic budget, i.e. the initiative to submit proposals of tasks to be financed, the territorial and selected aspects of how this form of public consultations works in practice.

The essence of the civic budget is to encourage the inclusion of residents in deciding about spending a specific part of the commune budget. The residents of Elbląg can participate in this process in two ways: by submitting proposals of tasks to be financed from the funds provided for the civic budget and by voting for selected proposals<sup>13</sup>. Each resident of Elbląg can take advantage of both these opportunities<sup>14</sup>. The literal wording of § 5 sec. 1 and § 10 sec. 3 of the Resolution No. XB/304/2020 allows to conclude that even a person who is incapable of taking the indicated actions due to his/her physical or mental development can do it. A similar solution has been implemented also in other cities, including Gdańsk and Gdynia. Also, the jurisprudence of administrative courts is of the opinion that the subjective restriction of the right to participate in public consultations violates their essence, and the introduction of an age census at the level of a resolution of the commune council would limit provisions of the Act on Com-

---

of the resolution on the organization and operation of the civic budget: R. Marchaj, *Charakter prawny uchwały rady gminy w sprawie budżetu obywatelskiego*, "Samorząd Terytorialny" 2017, No. 11, pp. 5–14.

<sup>12</sup> In several editions of the civic budget in Elbląg, the local regulation was more extensive, due to supervisory decisions issued by the Warmia and Mazury Voivode. Such a situation took place, among others in 2019 and 2020.

<sup>13</sup> § 1 sec. 2 of the Resolution No. XB/304/2020 of the City Council in Elbląg of 16 April 2020 on the Organization in the Commune of Elbląg City of Public Consultations in the Form of the Civic Budget (Official Journal of Laws: Dziennik Urzędowy Województwa Warmińsko-Mazurskiego – further: Dz.U.W.W.-M., 2 June 2020, item 2360); further: Resolution No. XB/304/2020.

<sup>14</sup> It results directly from § 5 sec. 1 and § 10 sec. 3 of the Resolution No. XB/304/2020. It is worth noting that in the first editions of the Elbląg civic budget, only people with active electoral rights could vote, which was then changed in 2017 when the age limit of 16 was introduced. Since 2019 all residents can vote.

mune Self-Government<sup>15</sup>. However, it is difficult to agree with this view, because since the relations between residents and authorities are to be based on consultations, the inability to communicate its position by one of the parties makes it impossible. Moreover, providing everyone with the possibility of submitting a proposal of tasks and voting for a selected project increases the likelihood of abuse by entities possessing the data necessary to log in. Even a declaration of consent for submitting a task proposal within the framework of the civic budget signed by the legal representative of a minor and his consent to the processing of personal data do not protect against such actions. The lack of indication of the minimum age of eligible persons makes both the indicated declaration and the participation of persons unable to be consulted illusory solutions which in fact violate the essence of social consultations<sup>16</sup>.

The way of defining the nature of tasks in the resolution on the Elbląg civic budget raises some terminological reservations. According to § 2 sec. 3 of the Resolution No. XB/304/2020, within the funds allocated to a given edition of the civic budget, part of the money is allocated to city-wide initiatives and the other part to initiatives in individual constituencies. However, § 4 sec. 1 of the same act stipulates that tasks carried out as part of the civic budget may be of a neighborhood or commune nature<sup>17</sup>. The provision of § 5 sec. 3 of the aforementioned resolution states that tasks may be either city-wide initiatives or constituency projects. The described legislative disorder contributes to the literal interpretation of the resolution that a city-wide task is the same as a city-wide initiative, and a neighborhood-related task is a constituency project. What draws attention here is the fact that as at the date of this study (6 October 2020), the Commune of Elbląg City has not been divided into auxiliary units – neither into neighborhoods nor into districts. Thus, the use of the term “neighborhood-related tasks” is imprecise in the sense that it is not known which area it should *de facto* refer to.

---

<sup>15</sup> The judgement of the Provincial Administrative Court in Wrocław of 16 September 2015, <http://orzeczenia.nsa.gov.pl/doc/64F6F97D8A> (6.10.2020).

<sup>16</sup> Similarly: P. Glejt-Uziębło, P. Uziębło, *Budżet obywatelski*, [in:] *Partycypacja w Trójmieście. O prawnej regulacji mechanizmów demokracji semibezpośredniej w Gdańsku, Gdyni i Sopocie*, Gdańsk 2018, p. 98 et seq., as well as the case law of administrative courts cited therein.

<sup>17</sup> § 4 sec. 1 of the Resolution No. XB/304/2020.

The lack of separate auxiliary units was probably the reason for adopting the model based on the division of Elbląg into constituencies in order to organize the civic budget. However, this solution deserves criticism for at least two reasons. First, the statutory regulation provided for in the Art. 5a par. 6 of the Act on Commune Self-Government states that funds spent within the framework of the civic budget may be divided into envelopes covering the entire commune and its parts consisting of auxiliary units or groups of auxiliary units. Therefore, using the *argumentum a contrario*, it should be assumed that communes that are not organizationally divided into auxiliary units cannot spend funds under the civic budget. Secondly, referring to the *ratio legis* of distinguishing two groups of proposals, it should be noted that city-wide tasks provide inhabitants with the opportunity to influence the development of the entire city, while the idea of district (neighborhood) tasks is to develop the immediate surroundings of the local community.

The division into constituencies serves a different purpose and does not take into account the elements important from the perspective of civic budget investments, such as: the character of urban development, the function performed (e.g. a villa, commercial, industrial districts), or the needs of residents (different tasks may be proposed in new housing estates in which many families with small children live and in districts where the majority of the inhabitants is elderly). Therefore, it seems that the further continuation of the civic budget in Elbląg requires the regulation of the city's division into auxiliary units<sup>18</sup>.

In addition, tasks, both of neighborhood (constituency) and commune (city-wide) nature, have been divided into three categories in § 4 of the Resolution No. XB/304/2020. The first group includes "investment tasks", which are defined as permanent undertakings such as building structures, roads or small architecture objects. The second group consists of "small projects", which are undertakings related to education, social integration, culture and sport. The third category includes "city-wide initiatives", which are actions in the entire

---

<sup>18</sup> At this point, it is worth noting that § 19 sec. 1 of the Statute of the City of Elbląg, constituting Appendix No. 1 to the Resolution No. XXXVI/790/2018 of the City Council in Elbląg of 13 September 2018 (Dz.U.W.W.-M. 2018, item 4486) provides for the possibility to introduce the division of Elbląg into auxiliary units, however, no additional resolution has been adopted on this matter so far.

city that can be used by all residents of Elbląg. While both the name and the definition of the latter raise no doubts as to the area where they can be implemented, the normative regulation does not explain whether “investment tasks” or “small projects” can be implemented only in constituencies, or also at the city level. Only the provisions regulating the elements of the application concerning the submission of a task proposal require to indicate whether it concerns the area of a particular constituency and thus it is an “investment task” or a “small project”, or it relates to a “city-wide initiative” including the entire area of Elbląg (§ 5 sec. 8 of the Resolution No. XB/304/2020). In this case, the legislative mess is of particular importance for the residents concerned, because provisions that are addressed to them directly, especially those regulating mechanisms encouraging residents to exercise power, should not raise any interpretation doubts.

Another issue worth discussing in the context of the currently adopted legal solutions concerning the civic budget in Elbląg is the limitation of the provisions of the Act on Commune Self-Government by an act of local law. This mainly concerns the subjective scope of tasks that can be proposed. The statutory provisions deliberately outline a wide catalog of tasks that may be subject to public consultations, which can be organized in the cases provided for by the Act and in other matters important for the commune, thus making the indicated criteria the only limitation in the selection of tasks. However, § 4 sec. 3 and sec. 4 of the Resolution No. XB/304/2020 introduce additional positive and negative conditions, the fulfillment of which is a formal requirement for admitting tasks to be voted on. While some of the positive premises do not violate the essence of statutory provisions from the point of view of the organization of the civic budget [e.g. the need to cover the areas of individual constituencies by submitted tasks (...) (...) (§ 4 sec. 3 (a) of the Resolution No. XB/304/2020) or a reservation that city-wide initiatives are to serve the inhabitants of the entire city (§ 4 sec. 3 (b) of the Regulation No. XB/304/2020)], the remaining positive conditions [the requirement that tasks should be possible to be implemented within one financial year (§ 4 sec. 3 (c) of the Resolution No. XB/304/2020), compliance with local spatial development plan, and in case of its absence – compliance with the findings of the study on the conditions and directions of spatial development (§ 4 sec. 3 (d) of the Resolution No. XB/304/2020), the location of tasks in the areas not planned for sale (§ 4

sec. 3 (e) of the Resolution No. XB/304/2020)] seem to be an unlawful limitation of the Act on Commune Self-Government. Similarly, negative premises which indicate that tasks which assume the preparation of project documentation only (§ 4 sec. 4 (a) of the Resolution No. XB/304/2020), assume the performance of only one of task elements (§ 4 sec. 4 (b) of the Resolution No. XB/304/2020), are inconsistent with the adopted city development strategies and plans (§ 4 sec. 4 (c) of the Resolution No. XB/304/2020) or are commercial in nature (§ 4 sec. 4 (d) of the Resolution No. XB/304/2020) also constitute the limitation of the statutory regulation. The presented problem was the subject of a supervisory decision of the Warmia and Mazury Voivode<sup>19</sup>, who clearly decided that the resolution specifying the rules and procedure for conducting consultations with residents cannot include provisions that would shape or limit the objective scope of proposed tasks contrary to statutory provisions. In regard to the civic budget, the legislator has explicitly determined the subject of public consultations and the local council cannot interfere in this sphere<sup>20</sup>.

It is also worthy of criticism that the remarks presented in the mentioned supervisory decision were not included in the Resolution No. XII/375/2020 of the Elbląg City Council of 25 June 2020 amending the Resolution on Conducting Public Consultations in the Elbląg City Commune in the Form of the Civic Budget<sup>21</sup>. Therefore, provisions formally contrary to generally applicable law are included in the Resolution No. XB/304/2020, although from a legal point of view they are not binding and therefore cannot be applied. From the perspective of inhabitants, the lack of unified legal regulations concerning the discussed participation mechanism should be assessed unambiguously negatively. The interested party may not even know about the existence of a supervisory decision resulting in repealing certain provisions of the resolution.

Another important issue, from the perspective of the proper regulation of the civic budget, is the determination of the minimum number of signatures required to support the task proposal. The statutory regulation obliges the commune council to include such information in the resolution on the rules

---

<sup>19</sup> Supervisory decision No. PN. 4131.204.2020 of the Warmia and Mazury Voivode of 2 June 2020 (Dz.U.W.W.-M. item 2361).

<sup>20</sup> Ibidem.

<sup>21</sup> Dz.U.W.W.-M. item 3002.



and procedure of the organization of the civic budget, setting the upper limit of signatures as 0.1% of the population of the area covered by the civic budget envelope. However, the City Council in Elbląg repeated in § 5 sec. 3 of the Resolution No. XB/304/2020 the statutory limit and delegated the determination of a specific number of signatures to the Mayor of the City of Elbląg. The Voivode of Warmia and Mazury considered such delegation of powers to the executive body of the commune as unacceptable and pointed out that the statutory regulation of the Art. 5a par. 7 (2) of the Act on Commune Self-Government grants exclusive competence in this respect to the commune council<sup>22</sup>. As a consequence of the supervisory decision, on 25 June 2020 the City Council in Elbląg adopted the Resolution No. XII/375/2020 amending the Resolution on Conducting Public Consultations in the Commune of Elbląg City in the form of the Civic Budget<sup>23</sup> and specified the number of signatures required to submit tasks for city-wide projects as 5 signatures, and tasks of a neighborhood nature as 2 signatures. There is no doubt that the indicated numbers of signatures fulfill the statutory requirement of less than 0.1% of all residents. However, attention should be paid to the fact that the aim of this universally binding norm was to avoid such regulations at the level of local law, which would require too many signatures and thus would block the submission of individual tasks<sup>24</sup>. In the case of Elbląg, however, we are dealing with the opposite threat. The requirement of 5 or 2 signatures is so small that it is difficult to talk about the residents' support for the proposed task. Additionally, the supervisory decision of the Warmia and Mazury Voivode repealed the provision of the Resolution No. XB/304/2020 according to which the applicant could not be a person supporting the task, which also was not unified in the amendment Resolution No. XII/375. As a result, in order to submit a constituency project, only one signature apart from the signature of the applicant is needed, e.g. the signature of his wife or child. It is difficult to agree that such a solution reflects the residents' support for the project<sup>25</sup>.

---

<sup>22</sup> Dz.U.W.W.-M. item 2361.

<sup>23</sup> Dz.U.W.W.-M. item 3002.

<sup>24</sup> A slightly more restrictive solution was adopted in 2018, when 10–15 signatures were required under constituency projects, and 25–30 signatures under the city-wide initiatives.

<sup>25</sup> Also D. Łukowiak expresses his opinion on the determination of the number of required signatures in: D. Łukowiak, *op.cit.*, p. 68.

In Elbląg, the funds spent on the civic budget were systematically increased. In 2010–2020, the amount of funds allocated to the civic budget in Elbląg has almost doubled from PLN 2 million to PLN 3.5 million. The recent increase was related to the mentioned statutory changes, which introduced in the Art. 5a para. 5 of the Act on Commune Self-Government a requirement that the amount of the civic budget in communes that are cities with the administrative rights of a county should be at least 0.5% of the commune's expenditure included in the last submitted report on budget implementation<sup>26</sup>.

In subsequent editions of the civic budget, the number of submitted applications was as follows: 1st edition – 777; 2<sup>nd</sup> edition – 246; 3rd edition – 471; 4th edition – 288; 5th edition – 223; 6th edition – 177; 7th edition – 112; 8th edition – 80; 9th edition – 112<sup>27</sup>. In the following years, the number of applications decreased systematically. In the first years of functioning of the civic budget, many residents of Elbląg took advantage of this possibility. At the beginning it was treated as an opportunity to change the place of residence and build a sense of influence on the surrounding reality. After some time, the residents of the city felt disappointed with this form of local participation, or rather with the practice associated with it. It is also related to the fact that constituencies in Elbląg are very large so smaller, typically neighborhood projects, such as an outdoor gym, have little chance of winning. The winning projects concerned such issues as building new parking lots, bicycle paths or the renovation of pavements. As a result, there was growing disaffection among the residents of Elbląg who found it very difficult to get their project to win. Over the years, there was more and more criticisms about the functioning of the civic budget in Elbląg, which negatively affected its popularity.

In the currently ongoing 2020/2021 edition of the civic budget, the number of applications has increased by 32 in comparison to the previous year. This could be the result of the implementation of a simplified procedure to submit the application. It can be also related to the intensified promotional campaign of the civic budget in the city, which has achieved the intended effect. Also, the fact that the project to renovate the Concert Shell in Bażantarnia won in

---

<sup>26</sup> Taking into account the amount of Elbląg's budget for 2020, the amount assigned to the civic budget may not be lower than PLN 3,504,065; <https://www.info.elblag.pl/28,60341,Radni-przyjeli-budzet-na-2020-rok-Przed-Elblagiem-rok-posuchy-inwestycyjnej-.html> (30.09.2020).

<sup>27</sup> <http://www.budzetobywatelski.elblag.eu> (27.09.2020).

the last edition in the category of city-wide projects could have contributed to the greater interest in the 9th edition of the civic budget in Elbląg. As many as 83% of all voters who voted for city-wide initiatives supported this project. It was of great importance, as the inhabitants of Elbląg tried unsuccessfully to renovate this place of cultural meetings for a long time. Therefore, there was a feeling that the inhabitants of the city were able to unite for the common good, and the civic budget significantly helped them to achieve this<sup>28</sup>.

Proportionally to the decrease in the number of submitted applications, the number of tasks presented to residents after passing the formal control also decreased and was as follows: 1st edition – 123; 2<sup>nd</sup> edition – 105; 3rd edition – 143; 4th edition – 138; 5th edition – 80; 6th edition – 100; 7th edition – 70; 8th edition – 55; 9th edition – 58<sup>29</sup>. In the current 2020/2021 edition that this trend has stopped. This is probably due to the greater number of applications submitted in this edition<sup>30</sup>.

In the final stage, the selection of tasks was decided by voting by the residents. In 2012–2019, the number of votes cast was as follows: 1st edition – 5,164; 2<sup>nd</sup> edition – 20,211; 3rd edition – 19,124; 4th edition – 23,372; 5th edition – 9,532; 6th edition – 42,042; 7th edition – 40,289; 8th edition – 27,475. In the current edition, voting has not taken place yet. There is no clear trend as regards the number of votes cast. After the initial increase in the 5th edition, there was a sharp drop in the number of votes cast and the number of voters. This may have been due to the fact that the ballots were no longer delivered directly to the homes of residents. In addition, schools and cooperatives were excluded from major investments. It is worth noting that the number of votes cast by people under 18 has been systematically growing (6th edition – 215 people, 7th edition – 445 people, 8th edition – 686 people<sup>31</sup>), which is largely the result of an information campaign and extensive promotion in schools. However, this number is still too small, which indicates that young people are currently reluctant to get involved in the matters of the city and the local

---

<sup>28</sup> Ibidem.

<sup>29</sup> Ibidem.

<sup>30</sup> *Budżet Obywatelski 2021 – wnioski ocenione, co dalej?*, <http://www.budzetobywatelski.elblag.eu/budzet-obywatelski-2021-wnioski-ocenione-co-dalej> (27.09.2020).

<sup>31</sup> [http://www.budzetobywatelski.elblag.eu/dokumenty-do-pobrania-archiwum\\_2](http://www.budzetobywatelski.elblag.eu/dokumenty-do-pobrania-archiwum_2) (27.09.2020).

community. This may be due to their low level of identification with the city and the fact that they do not associate their future with it.

There were also critical voices during the implementation of subsequent editions of the civic budget in Elbląg. One of the charges was the statement that the civic budget complements the implementation of commune investments, thus limiting the responsibility of local government bodies, and at the same time restricts the activities and ideas of activists, including those of an innovative nature<sup>32</sup>. Postulates were presented to increase the number of constituencies in order to introduce district projects in the future. Increasing the number of constituencies would in turn reduce the funds allocated to each district. The need for greater promotion of the idea of the civic budget also at the stage of submitting applications and voting was also indicated. Opinions on the participation of schools or libraries in the civic budget were divided. The repeated argument was that it was much easier for schools to reach residents. It was postulated to create mobile points in which residents could obtain information, submit an application and vote on the budget<sup>33</sup>.

These comments show that the civic budget undoubtedly has an influence on the development of civic society in Elbląg, for example by activating the city's residents of all ages. The Elbląg model, however, is not free from disadvantages both in the legislative and practical dimension. The normative aspect is inconsistent and full of legal inaccuracies, which undoubtedly violates the principles of legislative technique. In particular, in the context of participatory mechanisms, which are by their nature supposed to help citizens in exercising public authority, the adopted disorder deserves criticism. Especially that the analysis of the functioning of the civic budget in Elbląg shows the weakening interest of its residents. These considerations lead to the conclusion that, despite the fact that eight editions have already been carried out, the civic budget in Elbląg requires changes both in terms of legal regulation and the practice concerning its implementation, which should be manifested primarily in the continuous improvement and adaptation to the changing legal and social contexts. That is why it is worth pro-

---

<sup>32</sup> S. Malicki, *Absurdy elbląskiego budżetu obywatelskiego*, <https://www.portel.pl/spoleczenstwo/absurdy-elblaskiego-budzetu-obywatelskiego-opinia/119771> (3.10.2020).

<sup>33</sup> *Jak poprawić budżet obywatelski*, <https://www.portel.pl/spoleczenstwo/jak-poprawic-budzet-obywatelski/115139> (3.10.2020).

posing the introduction of mechanisms enabling its systematic evaluation, as well as solutions enabling the public evaluation of the implementation of projects selected in voting.

## Literature

- Glejt P., Uziębło P., *Kilka uwag o „nowych” instrumentach partycypacji mieszkańców na poziomie samorządowym*, [in:] *Dookoła Wojtek... Księga pamiątkowa poświęcona Doktorowi Arturowi Wojciechowi Preisnerowi*, eds. R. Balicki, M. Jabłoński, Wrocław 2018.
- Glejt-Uziębło P., Uziębło P., *Budżet obywatelski*, [in:] *Partycypacja w Trójmieście. O prawnej regulacji mechanizmów demokracji semibezpośredniej w Gdańsku, Gdyni i Sopocie*, Gdańsk 2018.
- Kosowski J., *Budżet obywatelski jako forma konsultacji społecznych w świetle nowelizacji ustaw samorządowych z 11 stycznia 2018 r.*, „Samorząd Terytorialny” 2018, No. 10.
- Łukawiak D., *Prawne formy bezpośredniego udziału mieszkańców w zarządzaniu finansami wspólnoty samorządowej*, „Zeszyty Naukowe Sądownictwa Administracyjnego” 2020, No. 1(88).
- Marchaj R., *Charakter prawny uchwały rady gminy w sprawie budżetu obywatelskiego*, „Samorząd Terytorialny” 2017, No. 11.
- Marszałek-Kawa J., Plecka D. (eds.), *Dictionary of Political Knowledge*, Toruń 2019.
- Sidorkiewicz K., *Partycypacja mieszkańców na poziomie lokalnym – przykład Elbląga*, „Środkowoeuropejskie Studia Polityczne” 2016, No. 4.
- Sułkowski J., *Budżet partycypacyjny – źródło inspiracji i przemian dla demokracji uczestniczącej (na przykładzie budżetu Porto Alegre)*, [in:] *Aktualne problemy samorządu terytorialnego po 25 latach jego istnienia*, eds. R.P. Krawczyk, A. Borowicz, Łódź 2016.
- Sześciłło D., *Uwarunkowania prawne budżetu partycypacyjnego w Polsce*, „Finanse Komunalne” 2012, No. 12.