



**Course:** Security management

**Theme:** The place and role of public administration in safety management

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## **Introduction**

The Czech Republic's security is based on the principle of safeguarding the security of the individual and protecting his life, health and property. The successful practice of this principle relies on the safeguarding of the security of state institutions, including their full operational capability, and the development of processes and tools intended to strengthen the security and protection of the population.

### **1. Legislation framework and essential terms**

- Constitutional Law n. 110/1998 Coll., *on Security of the Czech Republic*,
- Act No. 222/1999 Coll., *on Securing defence of the Czech Republic*,
- Act No. 240/2000 Coll., *on Crisis management*,
- Act No. 239/2000 Coll., *on Integrated Rescue system, as amended*
- Act No. 241/2000 Sb., *on Emergency Economic Measures and on amendment of some associated Acts, as amended*

## Structure of public administration

**Public administration** is defined as the administration of public affairs within a society that is organized in a state. Public administration is a social phenomenon that is linked with the realization of the executive power of the state, including the specific position of the self-government.

### State power tripartition:

- legislative power
- executive power
- judiciary.

Public administration is also defined by utilizing the term power, particularly the so-called public power. Generally, power is a capacity to force the certain way of behaving on somebody and in case of violating this command also to enforce such behaving and eventually to punish such violation of the command.

The so-called public power is the power that is in hands of the so-called subjects of the public power – primary, in disposition of the state, secondly, in disposition of subjects that are approbated by the state. That is why the public power is divided by theorists into the state power and the residual public power.

### PUBLIC POWER

STATE POWER - exercised by the "state mechanism"

RESIDUAL PUBLIC POWER ("DECENTRALIZED STATE POWER")  
- by "non-state subjects" approved by the state

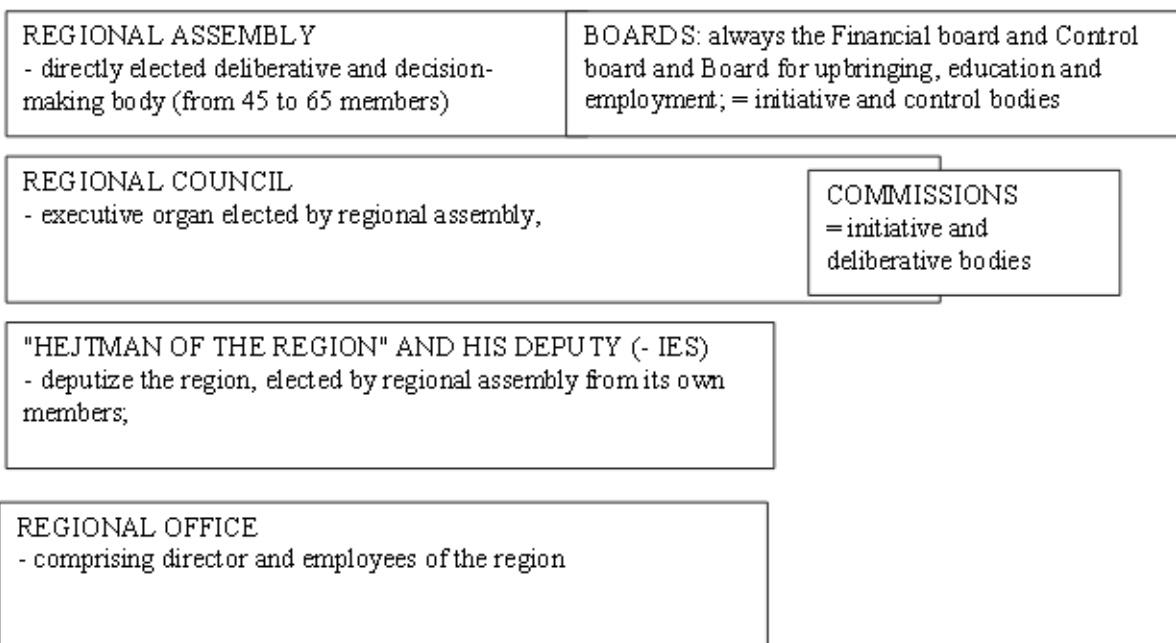
**Public administration** – The Czech theory of public administration distinguishes the following components of public administration:

- State administration
- Self-government

There have been the following **levels of public administration** in the Czech Republic:

- Territorial (municipal – municipalities, regional – regions)
- Central - according to the goals of the reform the most the “*deconcentrates*” should be replaced by the new regions and their tasks, however the practice is different.

## Organizational structure of regions



## Organizational structure of municipalities

**MUNICIPAL (or TOWN) ASSEMBLY**  
- directly elected deliberative and decision-making body (from 5 to 55 members)

**BOARDS:** always the Financial board and Control board  
= initiative and control bodies

**MUNICIPAL (OR TOWN) COUNCIL**  
- executive organ elected by municipal assembly, not elected in municipalities where the municipal assembly has less than 15 members (in that case, municipal assembly fulfill its tasks); 5 - 11 members

**COMMISSIONS**  
= initiative and deliberative bodies

**MAYOR and DEPUTY MAYORS**  
- deputize the municipality, elected by municipal assembly from its own members;

**MUNICIPAL SECRETARY**  
- appointed by the mayor in municipalities with municipalities with "commissioned" municipal office and in municipalities with enlarged sphere of activity, the agreement of the director of regional committee is required

**MUNICIPAL OFFICE**  
- comprising the mayor, the mayor's deputies, the municipal secretary and employees of the municipality that are included into municipal office

**State administration** is a specific kind of the management of a society that is exercised in the name of state. It is a one form of activities of the state and is extrapolated from the essence, status and goals of the state. It is a form of activity of the state related mainly to the executive part of the state power tripartite.

**Self-government** is the public administration that is exercised by public law subjects other than the state (public law corporations). Self-government includes the area of public administration that is approved by law to specific public law corporations to which this area of public administration is directly linked. Self-government is derived from the relatively autonomous (relatively because of the financial dependence on the state budget, the degree of centralization of public administration etc.) status of public law corporations. This "part" of public administration is also a specific kind of the



management of a society, however, in this case exercised in the name of self-governmental public law corporation (that is why the self-government is related of the mentioned “decentralized state power”. Side by side with the state administration it realizes the administration of public affairs. Self-government is a part of public administration that is part of public administration that is specified by its focusing on itself.

**The state administration** system is vertically hierarchically organized on the principle of superiority and inferiority.

- The decision to proceed monocratic (but there are also collective bodies).
- The establishment of state administration prevails appointment, the choice is exceptional.
- The autonomy of decision-making is limited.
- Review of a decision is possible in terms of factual accuracy and compliance with the law.

**Self-government** is not organized hierarchically and vertically => between higher and lower government there is no relationship of superiority and inferiority.

- The intervention of higher authorities is possible only on the basis of a special law.
- Self-government is based on the principle of collegial decision-making (but e.g. Mayor is monocratic body).
- The authorities are elected; others are appointed and subordinate or accountable to the elected ones.

## 2. Rights and competence of central authority of the public administration

**Government** (The Government is the supreme body of executive power):

- evaluate potential risk sources and threat in the frame of security of the Czech Republic and make measure to eliminate or elimination of these risks,
- approve strategic concept of state defence,
- control process of state defence planning,

....while ensuring preparedness of the Czech Republic for crisis situations, their solution and protection of critical infrastructure

- imposes the tasks upon crisis management authorities, manages and controls their performance,
- determines the Ministry or other central administrative authority to coordinate preparation for solution of concrete crisis situations in case belonging to coordinating function is not specified by special legal regulation),
- establishes the Central Crisis Staff as its own working body for crisis situations solution,

The government is also entitled to

- Approve the structure of the army, the concept of its construction and the total number of soldiers
- Identify objects important for national defense,
- Decide on the proposal of the Minister of the Interior of the Czech Republic to use ACR for rescue operations,
- Propose to the President calling occupation soldiers in the emergency service
- Assign tasks to the intelligence services, coordinate and supervise their activities.

## The Ministry of Defence

....is a central authority of the state administration for:

- ensuring the defence of the Czech Republic,
- it controls the Armed Forces of the Czech Republic,
- administers the military training areas.

As an authority for **ensuring the nation's defence**, it contributes to the:

- formation of a strategy for the military defence policy of the country,
- prepares concepts for operations planning of the state territory's defence,
- suggests necessary defence arrangements to the government, to the Defence Council of Czech Republic, and to the President of the Czech Republic.
- In addition to other duties related to the defence of the country it calls up citizens of the Czech Republic to military service.
- It organizes co-ordination with the armed forces of other countries within the framework of European security structures.

## The Ministry of Interior

...is a central authority of the state administration for internal affairs, in particular for:

- public order,
- civil protection and integrated rescue system,
- civil emergency planning,
- crisis management



## Process Population protection concept

The scope of competencies of the Ministry of the Interior is defined by Section 12 of Act No. 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended.

## Municipality

- A municipality is a basic territorial self-governing community of citizens;
- it forms a territorial unit which is defined by the borders of the territory of the municipality.

(Act No.128/2000 Coll. on Municipalities)

## Municipal office

The municipal office:

- a) within the scope of its independent competence:
  1. shall fulfil the tasks bestowed on it by the municipal council or municipal board;
  2. shall assist in the activities of committees and commissions;
- a) shall carry out delegated competence.

Municipal office is a body of a municipality. In the city is called the Municipal office, a statutory city has the City office.

The following cities shall be statutory cities: Kladno, České Budějovice, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, Pardubice, Jihlava, Brno, Zlín, Olomouc, Ostrava, Opava, Havířov, Most, Teplice, Karviná and Mladá Boleslav.

The territory of statutory cities may be divided into city districts or city boroughs with their own bodies of self-government

## Municipalities with extended competence

Municipalities with extended competence (so-called municipalities III. level) are an intermediate of delegated competence of state administration and regional- and municipal office.

**Municipalities with extended competence** have some extra competence, not only for itself (administrative district) but also pro other municipalities in local surroundings. (Act No. 128/2000 Coll., on Municipalities).

CRISIS MANAGEMENT at the level of municipalities with extended competence is **performance of state administration** in delegated competence.

## Mayor of Municipality with Extended Powers

- Mayor of the Municipality with extended powers ensures preparedness of Municipal administrative district for crisis situations solution; other authorities of the Municipality with extended powers participate in this preparedness.
- manages and controls preparatory measures, activities aimed at crisis situation solution and mitigation of its consequences executed by territorial administrative authorities within the administrative district of the Municipality with extended powers, municipal authorities, legal and natural entities within the administrative district of the Municipality with extended powers. For this purpose
  - a. establishes and manages the Security Council of the Municipality with extended powers within the area of the administrative district of the Municipality with extended powers,
  - b. organizes preparation of the administrative district of the Municipality with extended powers and participates in their solution,
  - c. approves the contingency plan of the Municipality with extended powers after discussion in the Security Council of the Municipality with extended powers,
  - d. requires the data from the Regional Fire Rescue Service

### **Authorities of Municipality with Extended Powers**

Authorities of the Municipality with extended powers in order to ensure preparedness of the administrative district of the Municipality with extended powers to deal with crisis situation solution

- a) provide interoperability with the Fire Rescue Service of the Region at the time of processing the regional contingency plan and the contingency plan of the Municipality with extended powers,
- b) fulfil the tasks according to the contingency plan of the Municipality with extended powers,
- c) keep the register of temporary changes of residence and submits stored data to the Fire Rescue Service of the Region,
- d) keep the data register of temporary changes of residence of persons during the state of danger and transfers the registered data to the Fire Rescue Service of the Region,
- e) keep the overview of potential sources of risks and in the scope of prevention according to special legal regulations removes deficiencies which could lead to creation of the crisis situation.

### **3. Planning and control document**

The basis planning document for ensuring state defence is Defence Plan of the Czech Republic. This document come out of Security strategy and Defence strategy of the Czech Republic.

#### **Defence Plan of the Czech Republic**

- Act No. 222/1999 Coll., on *Securing defence of the Czech Republic*,

...obligations of state authorities, local government units and legal entities and individuals to ensure the defense of the Czech Republic against external attack,

- definition of relevant terms,
- principles of management and organization of national defense of the state,
- other
- Ordinance No. 51/2004 Coll., on state defence planning

**The Defence plan** composes of documents that set out the measures and procedures:

- to secure the national defense,
- to meet the security requirements in contractual obligations of collective defense, including a share of the Armed Forces on:
  - activities of international organizations in favor of peace,
  - participation in peace operations,
  - sharing in the rescue operations and
  - humanitarian missions.

### Defence plan updating

- Ordinance No. 51/2004 Coll., on state defence planning

Defence plan is updated 4 years after approval of the Plan of Defense

### Partial Defence Plans

Process (§ 3 Ordinance No. 51/2004 Coll., on state defence planning):

- ministries (§ 1 Act No. 2/1969 Sb. *on Establishment of Ministries and other Central Bodies of the State Administration of the Czech Republic, as a subsequently amended*),



- other institutions of Central Government of the Czech Republic (§ 2 Act No. 2/1969 Sb.),
- Czech National Bank
- Regional office.

### **Separate part of Defence plan - Crisis plan of Ministry of Defence**

### **Conclusion**

The task of the Government and local government units is to ensure public safety, defense of the sovereignty and territorial integrity of the country and preservation of democratic law state within the proper range.

Security of the Czech Republic is based on the principle of ensuring the safety of individuals, the protection of life, health and property. In order to maintain this principle it is essential to ensure the safety of state institutions, including their full functionality and to develop processes and tools to strengthen safety and security of the population.

### **Literature:**

1. Act No. 240/2000 Coll., on Crises Management and on amendments of certain acts (Crisis Act) as amended by Act N. 320/2002 Coll., Act N. 127/2005 Coll., Act N. 112/2006 Coll., Act N. 267/2006 Coll., Act N. 110/2007 Coll., Act N. 306/2008 Coll., Act N. 153/2010 Coll. and Act N. 430/2010 Coll.
2. The Security Strategy of the Czech Republic. Ministry of Foreign Affairs of the Czech Republic. Prague, 2011. ISBN 978-80-7441-007-9.
3. The Defence Strategy of the Czech Republic. Ministry of Defence of the Czech Republic – Communication and Promotion Department, 2012. ISBN 978-80-7278-606-0.
4. ŠPAČEK, D. Public Administration Reform. Faculty of economics and administration of the Masaryk university.

### Self-assessment tasks:

#### 1. To study

- Constitutional Law No. 110/1998 Coll., *on Security of the Czech Republic*,
- Act No. 222/1999 Coll., *on Securing defence of the Czech Republic*,
- Act No. 128/2000 Coll., *on Municipalities*.