

Bottom-up development of inter-municipal cooperation in Central Bohemia Region, Czechia

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Abstract:

We can find a number of cases of analysis of administrative reforms in the literature that led to the amalgamation of municipalities into larger entities or the formation of municipalities, including also merge other self-governing or administrative units at regional level. The reasons were political and economic. The aspects that were pursued - usually cost reduction plus efficiency gains (economies of scale) and the final achievements or effects are subject of research.

However, it is necessary to distinguish situations, where first stage administrative reforms (taken place in the past – 70s or 80s in 20th century) resulted into administrative consolidation of the smallest municipalities, and the second or third stages of the reform – creation units with thousands or tens of thousands of inhabitants. However, in number of countries attempts of amalgamation failed. Reform was not implemented (e.g. France) or after a change of the system (political regime) the merged units have broken down (e.g. Czechia, Slovakia). In line with political culture and the degree of decentralisation, any consideration of municipalisation is barred. The consequence is a very strong position of local and regional authorities in Czechia, whose autonomous position vis-à-vis state and government interference is unusually broad in the European context. State interference into action of self-government is possible only in order to protect legality.

Municipalities with less than 1000 inhabitants dominate the Czech settlement structure (total number of communities is 6258). Localism and aspect of local democracy (democratic effect) play crucial role. Contrary to the findings in the case of Switzerland, there is no willingness to merge. Although a small amount of own revenues constitutes a real fiscal burden for them, the state's subsidy policy (in the case of the ESI funds, it can be as much as 95% of eligible expenditure) and guaranteed inflow of current incomes through the shared tax system create a pleasant cushion in many cases.

The article focuses on analyses of the reasons that lead municipalities to participate in inter-municipal cooperation and the achieved effects of cooperation. For this purpose, a sample of voluntary unions of municipalities (VUMs) were subject to a questionnaire investigation and controlled interviews which answered questions about their current operation. In addition to the strategic development of a functional micro-region, they also play a role in providing specific public services to the citizens of the associated municipalities and providing administrative support to their members. Based on the results of the investigation, an umbrella organisation with a national ambition was established.

Due to the formation of the regional association - Association of Voluntary Unions of Municipalities of the Central Bohemian Region, which is unique in the context of the Czech Republic, it is possible to promote the interests of micro-regions vis-à-vis both the region (kraj) and the state. The author initiated the establishment of this Union.

Keywords: inter-municipal cooperation; voluntary unions of municipalities

Points for Practitioners:

The article contains - besides the results of analysing the work of several voluntary unions of municipalities - an example of the creation of a roof organisation, defending the interests of voluntary unions of municipalities. It is an example of bottom-up approach, which emerge in one region and which is able to generate following spillover effects, including transferring knowledge to other regions of the Czech Republic and potentially also other parts of Central Europe.

1. Introduction

1.1. Background

The issue of inter-municipal cooperation - benefits, costs and side effects, is addressed by many authors. Allers and de Greef (2017) discuss the efficiency of inter-municipal cooperation during providing welfare provision, garbage collection and tax collection, using Dutch panel data for 2005–2013. Soukopová and Vaceková (2017) examine cost reductions in waste collection resulting from inter-municipal cooperation in the Czech Republic's

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South Moravian Region. Blaeschke and Haug (2017) analyse the effects of inter-municipal cooperation on public service production, especially the potential differences in relative efficiency between cooperating and non-cooperating municipalities or between different forms of cooperation. Bel and Gradus (2017) try to compare efficiency of providing public services by privatised entities, contracting-out and inter-municipal cooperation. Gendźwił and Lackowska (2018) debates democratic legitimacy of municipal unions, current trend in inter-municipal cooperation in France describes Hertzog (2018) and current state of play in the Netherlands characterized Klok, Boogers, Denters, and Sanders (2018). Strebel (2019) contrary describes possibilities of merge in Switzerland. Christian Bergholz (2018) examines whether regional spillovers have an impact on the emergence of inter-municipal cooperation.

However, the results of the research are not clear-cut. This may be due to a different system of functioning of the public administration, specificities in the case of thematic cooperation based on technical or technological solutions, a different territorial level of integration (size of the territory served, size of the population).

Regulation of inter-municipal cooperation in the Czech Republic

There are 205 ORP municipalities (or type III municipalities) compared to 6258 self-governing communities/municipalities in the Czech Republic. The administrative district of the ORP was designed to correspond to a functional microregion, but play role only in the exercise of the delegated power, i.e. the state agenda. The nature of the settlement - 1144 municipalities, and the enormous number of small ones in the Central Bohemia Region create a collaborative environment. Small municipalities in particular have insufficient capacities (both staff and financial) to ensure development priorities and meet the expectations of their citizens.

In general, the situation is limiting ability of small municipalities to provide selected public services. The result is the creation of administrative circuits for services whose consumption the state requires (typically primary education) or set up of common organisation based on intermunicipal cooperation. Bottom-up approaches is generally possible, the vitality is conditional on achieving economic or other effects for the participating municipalities (ensuring the lack of services, economies of scale, capacity building for joint development projects, strengthening identity).

Inter-municipal cooperation is regulated in the Czechia by Act No. 128/2000 Coll., on municipalities, as amended, in the third and fourth sections of Title 2, entitled 'Cooperation between municipalities' and 'Cooperation with municipalities from other states', specifically in the provisions of §§ 46 to 55. From the entry into force of the Municipalities Act, i.e. from 1. 8. 2001, the legislation has so far been subject to only partial amendments, the most extensive of which was linked to the reconstitution of civil law in 2013.

The rules on inter-municipal cooperation under the municipal system are thus more or less stable in their basic characteristics in the environment of the Czech Republic and are already relatively long-term in nature.

In the context of the Municipalities Act the inter-municipal cooperation is designed only for the exercise of autonomous competence. Legislation on inter-municipal cooperation is based on the principle of voluntarism, whereby the actors are free to decide whether to carry it out. It is their right, not their duty. Overall, it is a very liberal rule, according to which municipalities, in cooperation with other municipalities, have extensive decision-making power in the form and content of such cooperation, while the authorities of the state have minimal influence (formal registration in a register kept by the regional authorities and supervision of legality).

This is matched by a low number of strictly mandatory provisions, which concern only the prohibition of selected private-law forms of cooperation between municipalities (§ 47) and certain aspects of the formation and organisation of voluntary unions of municipalities, which we discuss below.

The legislation of the inter-municipal cooperation in the municipal system is very brief and its core is the institute of the voluntary union of municipalities (the VUM), which is governed by the provisions of §§ 49 to 53. The VUM is a concretisation of the above liberal concept of inter-municipal cooperation, which the state enters only when necessary and to the extent necessary. Municipalities, regardless of their size, administrative district or county boundaries, can thus be brought together.

In practice, the internal structure and operation is similar to the activities of the municipality. The highest body of VUM is council (sometimes assembly or other name may be used) representing all participating municipalities. This council have responsibility for all important matters – priorities of strategic development, funding, set up of other bodies of VUM, set up of other organisation, cooperation with other entities etc. The

assets of each member municipality, entrusted to the VUM, remain in the ownership of a particular municipality. The voluntary union can only dispose of these assets in the terms of the decisions of the municipality which placed the assets into the VUM.

2. Methodology

Prior to the formation of the Association of Voluntary Unions of Municipalities of the Central Bohemia Region, an analysis of already existing cooperation took place. The aim was to identify topics of common interest, barriers of current cooperation and potential for development in future.

The current fragmented settlement structure with a large number of small municipalities calls for their association into bundles and the level of ORP appears to be the best solution, both from the point of view of efficiency and from the point of view of the existence of institutional and knowledge background represented by the type III municipality (it means ORP municipality). In terms of the potential for the future development of inter-municipal cooperation, the operation of multi-purpose VUMs represent an appropriate group for future evolution of inter-municipal cooperation. Therefore sample of VUMs meeting the following parameters was selected for research purposes:

- volume operating in a functional micro-region (i.e. in ORP district);
- volume with active participation of most municipalities of the micro-region/ ORP district including the municipality of type III;
- multi-purpose nature of the volume;
- the activities of the volume refer to the general development of the micro-region and are thus activities of a general nature;
- volume with proven experience and history of activity;
- volume involved in the project of the Center of Common Services (not a necessary condition)
- geographical location including:
 - ✓ the character of the town of ORP and its position in the settlement structure (statutory town, etc.);
 - ✓ type of rural space (peripheral, influenced by suburbanization, etc.);
 - ✓ socio-economic maturity of the region (laggard or structurally affected territories, dynamically developing);
 - ✓ socio-cultural characteristics (regional identity).

The VUM mostly from Central Bohemia region plus other parts of state were selected, namely: The VUM ORP Příbram, The VUM Šternberk Microregion, The VUM of Sedlčansko, The VUM of region Dobříšsko and Novoknínsko, The VUM Milevsko, The VUM microregion Bystřicko, The VUM microregion of Dačicko, The VUM Litoměřice and The VUM microregion Ivančicko, or The VUM Chomutovsko.

In the first phase, the statutes of each VUM and agreements of incorporation into VUMs were analysed. There is possible to find out the objectives, thematic activities, conditions of membership, description bodies of the VUM and their roles or form of management (chairman of VUM is responsible also for current management vs. dual system with professional manager for day to day activities).

In the second phase of the research was to 10 multiobjective VUMs sent a questionnaire with 11 questions, of which 3 were closed (selection of possible answers) and 8 were open. These issues covered 4 thematic areas - (1) volume activity; (2) decision-making and management; (3) financing; (4) the environment of the micro-region.

The last phase included meetings with VUM representatives and the implementation of managed talks. The tasks included supplementing and explaining information from questionnaires as well as identifying other aspects of the volumes' activities. Specifically, it was about staffing the activities of the VUMs, economy and the way of communication with other actors in the territory. A number of interesting examples of good practice emerged from the interviews.

3. Context of the Creation and Development of the Examined VUMs

The history of the VUMs is varied. Some of them were created to provide only specific service (e.g. waste management solutions), other were initiated by network projects co-financed by the European Social Fund, others were created in the context of evolution of intermunicipal cooperation developments where previous informal cooperation has been insufficient.

The first project promoted inter-municipal cooperation was initiated by the Czech Union of Cities and Municipalities (SMO CR) in 2014-2016. It was major boost for the activity of the VUMs, some of which were

also spurred to start their activities. The following project of Center of Common Services (SMO CR 2016-2020) led to further activation of the VUMs and the focus of their activities also in the area of administration services. Therefore the research was focused on VUMs representing functional microregions that operate plus minus within the boundaries of the ORP district and at the same time bring together the majority of the municipalities of this administrative district. It is also an unforgettable fact that this micro-regional level is also being worked on in regional development policies. Due to their functionality and layout, ORP district are considered the cornerstone of the public administration system in the Czech Republic.

The subject of VUM's activities is relatively broadly defined in the statutes, but in practice VUM only engages in certain activities, depending on staffing capacities, financial demands and also demand from member and non-member municipalities.

For municipalities, the delegation of tasks and activities to the VUM brings number of advantages:

- time savings;
- saving of funds (the activity is carried out by VUM staff plus in the order of magnitude significantly lower than contracting of private providers);
- VUM representing more municipalities has a better bargaining position.

The list of activities in the statutes is quite extensive, yet rather demonstrative. Most often, voluntary unions focus on cooperation in areas directly related to the provision of public services at local level - education, social services, water supply, waste management. Cooperation in the field of culture is also declared across the board. The area of business support and service development is also interesting, but about one third of VUMs try to accentuate either business or services. The sphere of public security, environmental protection, sewerage and waste water treatment is also highly placed in preference, which again represents services whose direct consumers are citizens of the member municipalities.

Less frequently, cooperation is represented in the provision of services to other network industries (infrastructure building, self-provision of services) and in the provision of healthcare. These are activities which are not primarily provided by municipalities, do not fall within their remit, or the involvement of VUMs is triggered by a market failure. Rather marginally, activities enhancing the efficiency of administrative activities such as strategic development planning, preparation and management of development projects, administrative support of municipal activities, management of municipal assets, international cooperation or GDPR were represented.

Almost all of the monitored voluntary unions of municipalities (i.e. in 8 cases) may provide activities also for limited number of members, but they must follow the purpose of the VUM. One example from practice is to address the insufficient capacity of a primary school by joint funding (from the member municipalities without their own primary school) for the extension of an existing primary school.

Similarly high (7 cases) is the representation of the possibility of the union, in addition to its main activity, to develop an ancillary economic activity consisting of a business or other gainful activity; but this is only if its purpose is to promote the main activity of the union or to make economical use of the assets of the union.

The interviews and the questionnaire investigation show that many of the above activities are purely declaratory, i.e. they have not been carried out in the present or in the past. Rather, it represents the possibilities or ambitions of individual VUMs in terms of their possible evolution. Examples of areas of special concern are health, public security, joint purchase of energy, joint provision of telecommunications services, management of public lighting and local energy sources and, in part, social care.

What is concerning of the VUMs objectives, very often were same or similar. All VUMs want to promote the interests of the member municipalities, satisfy needs of citizens by improving the provision of public services and generally develop the territory of the whole micro-region. For some VUMs the social and economic development of the region has been particularly important. What is common to all monitored VUMs is that they bring together municipalities under framework of Center of Common Services. Most VUMs have been in operation for a long time. They can take advantage of a number of already successfully realized projects and, of course, the offer of services.

For better clarity, the VUMs can be divided into several thematic headings:

Strategic development of the micro-region

What is concerning strategic planning, there are in practice large differences between VUMs due to the (non-)existence of demand from municipalities. Some VUMs process municipal development programmes for most municipalities in their territory, which can make easier for municipalities to receive selected subsidies. The staff of the VUM who are the processors of these strategy papers make full use of their "know how" and excellent knowledge of the territory. Coordination of local planning activities by municipalities forming a micro-region also presents potential. In connection with the implementation of this activity, VUMs also conclude cooperation with other volumes in the Czech Republic and abroad, aiming at sharing examples of good practice, adopting effective ways of providing services, etc.

Coordination and joint action in the provision of selected services - telecommunications, waste management, public greenery, etc.

Waste management is a theme that has, in several cases, initiated the creation of the VUM itself, currently receiving a further boost especially in the context of the imminent end of landfilling. At the same time, municipalities themselves are keen to act together on this issue because their individual negotiating position towards private entities is disadvantageous. Another motivation is to set up a clearer and more transparent waste management system and to reduce the costs of its operation. The VUM can help in this, both through its coordinating role and by jointly representing more municipalities in negotiating the terms of the service (not only waste collection, but also the setting of conditions from mobile operators).

Provision of direct services to the population — education and social care, or health services

Although activities from this area have been rare in volume activities, they have great potential for the future. Community planning has managed to expand the range of social services in some micro-regions, but the situation is more problematic elsewhere due to non-functioning cooperation between Type III municipalities, CLLD and VUM.

Supporting the development of social, cultural and leisure activities

Unions of municipalities support civic activity of communities of individual municipalities, working with organizations, associations, associations that develop it. They help organise events (festivals, sports matches, etc.) by providing its property (spaces, stages, sound technology, etc.) on favourable terms and also by disseminating information about planned activities.

Promoting the development of tourism

With their activities, the VUMs aim to promote tourism, both through their own promotional activities and by stimulating local actors and exploiting local development assumptions - assets (endogenous development). Among the specific activities, mention can be made of the "festival of microregions" used to promote the volume, the creation of various calendars of events of the volume as well as of member municipalities, the creation of promotional video, etc.

Caring for the free landscape and preventing the consequences of climate change

The issue of drought and climate change has begun to be addressed in response to current challenges and challenges. The first available grant degrees for the processing of specialist studies for micro-regions have appeared. On the basis of these studies, VUM member municipalities will then be able to submit applications for subsidies for the implementation of drought measures in the countryside.

Supporting the implementation of administrative tasks and support activities for member municipalities and cities

Many of these services are consistently identified as important, such as the operation of CSS and GDPR. Together with these services, the bundles are often engaged in consultancy activities, whether in public procurement or subsidies and the preparation of various projects. Positive feedback from both member and non-member municipalities (which may also use this service) is directed towards training sessions and training seminars for mayors, representatives and office staff. They particularly appreciate the availability of not having to travel to large (county) cities.

The questionnaire investigation showed that VUM representatives perceived the following types of activities as the most important:

- the operation of Center of Common Services and the provision of GDPR;

- promoting the cooperation, VUM;
- exchange of experience;
- educational events;
- development of tourism, etc.

2. Establishment and operation of the Association of Voluntary Unions of Municipalities of the Central Bohemia Region

The Association of Voluntary Unions of Municipalities of the Central Czech Region was formed in October 2020 to promote and develop inter-municipal cooperation, to defend the interests of voluntary associations of municipalities and to actively cooperate with institutions with regional and regional competence. Its founding members are six functional voluntary unions of municipalities: The VUM of Sedlčansko, The VUM microregion of Čáslavsko, The VUM CHOPOS, The VUM microregion of Hořovicko, The VUM ORP Příbram and The VUM microregion Voticko. One of the aims of the Association is to expand the membership with additional voluntary unions of municipalities in the Central Bohemian Region, possibly to establish partnerships with voluntary unions in the Republic, which will help to share information, experience and good practice.

The association is a voluntary non-governmental non-profit registered association established under Act No. 89/2012 Coll., the Civil Code, as amended. The association is a legal entity under Czech law in which multi-purpose voluntary unions of municipalities have been conspired.

Member of the association may be only one multi-purpose VUM dealing, inter alia, administrative support for communities/municipalities in the administrative district ORP. Number of members participating VUM must be 20 communities/municipalities or at least 3/5 of all municipalities from the concrete administrative district of ORP if there are fewer than 30 municipalities in this administrative district.

The basic purpose of the association is a socially useful activity, which contributes to improving the quality of life and the environment in a general manner, while respecting the partnership and inter-municipal cooperation in all territories of municipalities with the extended scope of the Central Bohemia Region.

Other purposes:

- promoting the development of inter-municipal cooperation, raising awareness of the benefits of inter-municipal cooperation between regional and local development actors;
- active involvement in the implementation of strategies and concepts developed at the general, i.e. micro-regional and regional level, including the development strategies of the Central Bohemia Region,
- cooperation with regional and national institutions whose development activities are also directed to the territory of the Central Czech Region,
- activities which, for objective reasons, do not concern all members of association;
- ancillary economic activity consisting of entrepreneurship or other gainful employment; but only if its purpose is to promote the main activity of the association or to make economical use of the association's assets;
- the association organises lectures, training, courses, exchange of experience and sharing examples of good practice for its members, and organises educational events;
- provide consulting, professional and practical activities for its members;
- performs its own publishing activities.

3 Existing Outputs and Results of Association

The Association's organizational background was created. The leadership has been chosen and the administrative capacity so far relies on the VUM Voticko staff.

The association was incorporated into ecosystem of interest groups operating in the territory of the Central Bohemia Region, such as the SMO CR, the regional organization of the Association of Local Authorities (a competing umbrella organization vis-à-vis the SMO CR defending the interests of small communities), the Association for rural development etc. The Association participates in the meetings of these partners with representatives of the Central Bohemia region, especially the Governor. The Association communicates with the official apparatus of the region (departments) but also the advisory body of the Regional Council (collective executive body of Central Bohemia region) - the Commissions for cooperation with towns and municipalities.

The Association established cooperation with like-minded unions in other regions and initiated the creation of a national network. Cooperation with these unions is also possible in the form of partnerships. However, the prevailing view is that the regional organisational arrangement is the most advantageous for the VUM, so the Association has shared the know-how to create this structure.

The Association also has national ambitions. It comments on the concept papers of the Ministry of the Interior and proposals to regulate inter-municipal cooperation. Association also formulated its position in "Declaration of Voluntary Unions of Municipalities, Promotion of Strategic Inter-municipal Cooperation in Functional Microregions".

The most important statements are:

“We recognise the limits of the current rules on inter-municipal cooperation. Despite a number of attempts, most recently the proposal of a community of municipalities, the strategic form of cooperation of municipalities in functional micro-regions has not been legislated.”

“We are ready - in cooperation with the Ministry of the Interior - to participate in the search for a public form of cooperation between municipalities that will make it possible to create effectively functioning entities in functional micro-regions.”

“Developing strategic forms of inter-municipal cooperation requires aligning community initiative from the bottom up with top down government policy enforcement. Active access and communication by ministries in negotiations with union representatives is a condition for the above objectives to be met.”

“Ensuring the financial stability of strategically focused unions operating in micro-regions must be the subject of an agreement between municipalities and the state and the county. In this respect, we are ready to actively engage in the search for solutions to ensure sustainable financing of the capacities of these units.”

The representatives of the Association are involved in the work of the expert working group of the Ministry of the Interior aimed at promoting inter-municipal cooperation in metropolitan areas. On the basis of initiative of Association, the creation of a new working group on inter-municipal cooperation in functional micro-regions (ORP districts) is currently being prepared.

4. Conclusions

By adopting Act No. 51/2020 Coll., on the territorial administrative breakdown of the state, the Czech state recognised the importance of functional micro-regions for the performance of public administration. However, the potential of public administration in that territory is limited to the exercise of the delegated powers only. However, the use of these units for the purpose of providing public services and coordinating development is not standardised. It is through strategic inter-municipal cooperation that this gap can be filled.

Various government materials present support for the development of inter-municipal cooperation in functional micro-regions. First of all, the concept of Client-oriented public administration 2030, specific objective 2.4 To streamline cooperation of municipalities and Regional Development Strategy of the Czech Republic 21+, type measure 50: Develop cooperation between municipalities in the exercise of public administration in a separate remit, the Rural Development Concept and others. Setting up systemic cooperation in these territories has long been recommended to the Czech Republic by the OECD in its studies, i.e. Economic Survey of the Czech Republic, 2020.

But the fulfillment of these objectives in the context of extreme settlement segmentation (more than 6200 municipalities, most of them are small communities), is possible only in close cooperation with VUM representatives, who will defend their interests in negotiations with the central authorities. It is clear, that there is a rivalry between the traditional territorial actors which has so far made it impossible to achieve the desired results. Direct communication with the bottom-up initiative could change this state.

Association-affiliated VUMs are ready to play this role. And they to plan be partner not only for the state but also for self-governing regions achieving integrated and balanced development of the territory.

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