

# **An Empirical Study for the Establishment of Desirable Relation Between the Local Council and the Local Executive**

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## **I. Introduction**

The re-introduction of legislative bodies at two levels of local government in April and July 1991 through the local elections opened the new era of local autonomy. Local autonomy means the management of local affairs by local government, not the central authority, using local organs. Theoretically, there are several essential advantages of local autonomy : first, it will increase the extent of citizens' participation in local affairs ; second, it will produce effective public service because local governments are more responsive to local demands and more accountable to local inhabitants ; and third, it will function as a means of checking and balancing the central government.

In spite of much negative aspects of the initial stage of the two years' experience on local autonomy, our local autonomy system is now being settled in high speed, especially with the launching of Kim Young-sam Administration into the sea of democracy. In addition, the direct election of mayors, governors, and other chiefs of lower local levels such as county(Gun) or district(Gu), which is slated for June 1995, will bring us the new era of local autonomy.

Our Local Autonomy Act adopts the system of 'mayor-council form' which separates the local council from the local executive, and therefore, stimulates the proper checks and balances in power relationship between the two bodies. But if

there is a defect in the institutional or operational mechanism which can make the local government solve the problem by itself when the local council is in conflict with the local executive, the intervention of central government into local government will not but be essential. Such a solution of conflict is not desirable in view of the basic idea of local autonomy.

Therefore, it will become the best way that the local government has a perfect mechanism so that it may untie a complicate knot made by and between the local council and local executive. This is a fundamental core in the relationship between the two bodies.

Under the recognition of the above, this study aims at analyzing both cooperative and conflicting relations between the local council and local executive, and searching the available alternatives for the settlement of desirable relationship between the two bodies.

## **II. Theoretical Background for the Relationship between the Local Council and Local Executive**

The organizational type of local government has been developed variously by each state's historical tradition and local particularity. But in general it can be divided into two types—one is 'council-executive-integrated type', another 'council-executive-separated type.'

### **1. Council-Executive-Integrated Type**

This type is also called 'parliamentary system,' and means that the functions of both decision-making and implementing are all included in single authority, that is, local council.

As examples of council-executive-integrated type are there U.K.'s 'parliamentary system' and American 'commission form.'

The advantages of council-executive-integrated type are as follows: 1) because all powers and accountability in local administration are gathered in local council of citizens' representative body, this type is theoretically most suitable to realize democratic politics and administrative responsibility; 2) because there are little conflicts between the two bodies, the stability of local administration can be secured; 3) because many important positions of the executive body consists of local councilors, local administration can be performed fairly and prudently in pursuit of citizens' thought; 4) because there exists continuity in the process of policy-making and policy-implementation, the policy effects can be maximized.

But there are also disadvantages in the council-executive-integrated type: 1) because single organization(local council) has in fact all functions of policy-mak-

ing, policy-implementation and policy-assessment, the principle of checks and balances cannot be applied easily, and thus the power of local council can be abused; 2) because of the above reason, there are also negative aspects that political factors can excessively be intervened in local administration; 3) because local councilors are generally deficient in special knowledge and experiences necessary for good administration, the modern administrative specialism can be neglect; 4) because there aren't a head of hierarchy which can control and coordinate the local administration, the administrative comprehensiveness can be difficult to be kept up.

## **2. Council-Executive-Separated Type**

This type is very similar to the presidential government system in the state's power structure. The council-executive-separated type is that on the basis of the principle of division of powers, the local council to function the role of policy-making is independently separated from the chief executive to function the role of policy-implementation, in order to observe the rule of checks and balances.

The council-executive-separated type can be divided into 'election-of-chief-executive form' and 'appointment-of-chief-executive form,' according to the method of constituting the chief executive, and the former is again divided into 'direct election form' and 'indirect election form.' This study will focus on the direct election form which is attached to our local autonomy.

As a best example of the direct election form is there the 'mayor-council form' of U.S. Mayor-council form can be variously classified into 'weak mayor-council form,' 'strong mayor-council form,' and 'strong mayor-general manager form' (or, in other words, 'mayor-administrator form'), on the basis of inter-relationship and power structure between the local council and local executive.

The advantages of (strong) mayor-council form are as follows: 1) because both local councilors and chief executive are directly elected by citizens, the popular control over local administration is effectuated; 2) because mayor's term of office is guaranteed by law, mayor can act to the best of his ability with strong impulse on his affairs; 3) because local council is separated from the local executive, it can be possible to prevent corruption and abuse of power from spreading, through the principle of checks and balances; 4) mayor, as a representative of citizen, can bridge the gap between citizen and him, and therefore drive very strong leadership and also accomplish the citizen-oriented administration.

However, (strong) mayor-council form has also the following disadvantages: 1) first of all, if the elected mayor does not belong to the ruling party of local council, the disturbance and paralysis of local administration can be resulted in because of the strain and conflict between mayor and council; 2) mayor directly

elected may be inadequate to be a good administrator, even though he is a good politician; 3) because it is very possible that mayor is overinterested in acquiring the citizen's popularity, it cannot be excluded that he may negatively change the policy priority or give a special gift to a certain person or group.

### III. Empirical Analysis on the Relation Between the Local Council and Local Executive

#### 1. Research Design and Analytic Method

##### 1) Structured Questionnaire, Sampling and Collection of Data

This research used a survey to get real information for the desirable relation between the local council and local executive. The survey was performed by means of the structured questionnaire. The questionnaire was structured to analyze the relation between the two bodies, in either legal-institutional or operational-behavioral views. Answers of each questionnaire item were mainly made by the method of Likert's scale. And the questionnaire was classified into two forms—one, the local councilors-use, another, the local public officials-use.

The survey covered both upper and lower local self-governments of the country to raise the generalization of empirical findings. As upper local self-governments were 14 ones except Cheju island adopted. And among lower levels, the governments belonging to the median position in population size were chosen. The period of survey was from 15th June to 16th July.

The questionnaires were distributed and returned by men or mail. The results of questionnaires' distribution and return are shown in table 3-1.

##### 2) Method of Data Analysis

The collected data were mainly analyzed by the method of frequency analysis.

<Table 3-1> The result of questionnaires' distribution and return (inside of parenthesis is ratio of return)

	local councilors	public officials	total
upper level	442 / 179 (40.5%)	442 / 230 (52.0%)	884 / 409 (46.3%)
lower level	395 / 250 (63.3%)	395 / 237 (60.0%)	790 / 487 (61.6%)
total	837 / 429 (51.3%)	837 / 467 (55.8%)	1674 / 896 (53.5%)

The specific methods of analyses are as follows.

- ① Basically, the degree of local councilors' and public officials' recognition on each questionnaire item is simultaneously analyzed.
- ② The differences of recognition between local councilors and public officials on the pre-planned items are compared and analyzed.
- ③ And the differences of recognition on the same item between upper and lower local councilors, or between upper and lower local public officials, are also compared and analyzed.

**2. Result and Interpretation of Data Analysis**

**1) Characteristics of Survey Group**

It is necessary to understand how the survey group is characterized before analyzing the questionnaire concretely, because the result of analysis may be different according to the properties of survey group.

The characteristics of samples are appeared in table 3-2 and 3-3.

<Table 3-2> Characteristics of Survey Group I (Local Councilors)

		item	sample	ratio			item	sample	ratio
sex	male		358	83.4	occupation	agricultural	77	17.9	
	female		1	0.2		unemployed	18	4.2	
	no answer		70	16.3		etc.	22	5.1	
				no answer		17	4.0		
age	under 30		1	0.2	resident yrs	under 3 yrs	0	0.0	
	30s		15	3.5		3~5 yrs	8	1.9	
	40s		90	21.0		6~8 yrs	33	7.7	
	50s		204	47.6		9~11 yrs	62	14.5	
	60 and over		48	11.2		12 yrs & over	259	60.4	
no answer		71	16.6	no answer		67	15.6		
school career	middle & under		42	9.8	monthly income	under 1 million	45	10.5	
	high		157	36.6		1~1.5 million	94	21.9	
	university		127	29.6		1.5~2 million	68	15.9	
	graduate school		26	6.1		2~3 million	89	20.7	
no answer		77	17.9	over 3 million		106	24.7		
				no answer		27	6.3		
occ	individual		234	54.5	total		429		
	spesial		29	6.8					
	partisan		32	7.5					

<Table 3-3> Characteristics of Survey Group I (Public Officials)

item		sample	ratio	item		sample	ratio	
sex	male	426	91.2	de	3th	2	0.4	
	female	37	7.9		2th	11	2.4	
	no answer	4	0.9					
age	under 30	38	8.1	jog	under 5 yrs	34	7.3	
	30s	108	23.1	congevity	5!10 yrs	45	9.6	
	40s	159	34.0		11~15 yrs	66	14.1	
	50s	159	34.0		16~20 yrs	90	19.3	
	60 and over	3	0.6		21~25 yrs	93	19.9	
					26 yrs & over	89	19.1	
					no answer	50	10.7	
scschool	middle & under	4	0.9	monthly	under 1 million	88	18.8	
	career				income	1~1.5 million	200	42.8
	high	212	45.4			1.5~2 million	97	20.8
	university	205	43.9			2~3 million	25	5.4
	graduate school	39	8.4			over 3 million	6	1.3
no answer	7	1.5	no answer	51		10.9		
gra	6th & under	247	52.9	total		467		
	5th	167	35.8					
	4th	40	8.6					

**2) Result of Analysis in the Legal-Institutional Aspect**

(a) local councilors' consciousness of the power of local council

As to the question 'How strong do you think is the power of local council under the past Local Autonomy Act?,' local councilors' answers are generally 'dissatisfied'-oriented('very dissatisfied' 9.6%, 'dissatisfied' 35.2%, or 'so so' 36.4%).

While, local councilors' responses to the power of local council under the new Local Autonomy Act are 'satisfied' (59.4%) and 'very satisfied' (10.0%). But the ratio of 'so so' is also 25.2%. One tantalizing fact is that some councilors of lower level answer 'no knowing' (1.2%) or 'no answer' (4.0%). It maybe reveal them not to examine or study the revised Act.

(b) local councilors' consciousness of the power of chief executive As to the question 'To what extent do you think the chief executive have influence upon the local council under the past Local Autonomy Act?,' local councilors answer with 'strong'-oriented('very strong' 18.2%, 'strong' (37.5%) or 'so so' (33.1%). And as to the power of chief executive under the new Local Autonomy Act, they say it becomes 'very stronger' (6.5%) or 'stronger' (35.2%) than before, or 'same' (31.0%) as before.

While among the local councilors who answer 'stronger,' the ratio of upper ones

<Table 3-4> Local Councilors' Consciousness of the Power of Local Council

		very satisfied	satisfied	so so	dissatisfied	very dissatisfied	no answer
past Local Auton- omy Act	upper level	5 2.8	25 14.0	73 40.8	55 30.7	21 11.7	0 0.0
	lower level	7 2.8	29 11.6	83 33.2	96 38.4	20 8.0	15 6.0
	total	12 2.8	54 12.6	156 36.4	151 35.2	41 9.6	15 3.5
		very satisfied	satisfied	so so	dissatisfied	no knowing	no answer
new Local Auton- omy Act	upper level	16 8.9	101 56.4	56 31.3	6 3.4	0 0.0	0 0.0
	lower level	27 10.8	154 61.6	52 20.8	4 1.6	3 1.2	10 4.0
	total	43 10.0	255 59.4	108 25.2	10 2.3	3 0.7	10 2.3

<Table 3-5> Local Councilors' Consciousness of the Power of Executive

		very strong	strong	so so	weak	very weak	no answer
past Act	upper level	34 19.0	67 37.4	60 33.5	10 5.6	3 1.7	5 2/8
	lower level	44 17.6	94 37.6	82 32.8	26 10.4	1 0.4	3 1.2
	total	78 18.2	161 37.5	142 33.1	36 8.4	4 0.9	8 1.9
		very stronger	stronger	same	weaker	no knowing	no answer
new Act	upper level	12 40.2	72 14.5	26 9.5	17 2.8	5 26.3	47
	lower level	16 6.4	79 31.6	107 42.8	39 15.6	4 1.6	5 2.0
	total	28 6.5	151 35.2	133 31.0	56 13.1	9 2.1	52 12.1

&lt;Table 3-6&gt; View on the Necessity of Power of Audit and Power of Investigation

	local councilors			public officials		
	upper	lower	total	upper	lower	total
both are necessary	127 70.9	208 83.2	335 78.1	110 47.8	104 43.9	214 45.8
only power of audit is necessary	18 10.1	20 8.0	38 8.9	70 30.4	70 29.5	140 30.0
only power of investigation is necessary	5 2.8	5 2.0	10 2.3	30 13.0	50 21.1	80 17.1
no knowing	1 0.6	8 3.2	9 2.1	18 7.8	7 3.0	25 1.7
no answer	28 15.6	9 3.6	37 8.6	2 0.9	6 2.5	8 1.7

is high(40.2%), among 'same,' lower ones, high (42.8%). This result demonstrates that there is a cognitive gap between upper and lower councilors about the power of chief executive.

(c) power of audit and power of investigation

As to the question 'Do you think both power of audit and power of investigation are necessary to efficiently check the executive?', the majority of local councilors answered 'yes' (78.1%: upper 70.9%, lower 83.2%). But the answer of public officials is different from that of local councilors. The ratio of answer that if there is only one among the two powers, that will be enough, is occupied by 47.1%, which outweighs the ratio of answer 'both is necessary' (45.8%). This fact means that public officials are negatively conscious of the influences of two powers upon the executive.

In advanced countries, local council is often given only the power of investigation under the system of 'election-of-chief-executive' form. However, our public officials give more weights on the answer 'only power of audit is necessary' (30.0%) than on 'only power of investigation is necessary' (17.1%). I think this finding says that our public officials don't understand in detail the concept, scope and function of power of investigation used in advanced countries, and also that power of investigation is not activated under our current system.

(d) power to pass bylaws, and division of roles between central and local governments

As to the question 'To what extent do you satisfy with the legislative activity (bylaws-making)?,' local councilors' answer is 'dissatisfied'-oriented (32.2%) or 'so



**<Table 3-7> The Degree of Local Councilor' Satisfaction with Legislative Activity**

	very satisfied	satisfied	so so	dissatisfied	very dissatisfied	no answer
upper	8 4.5	39 21.8	74 41.3	50 27.9	8 4.5	0 0.0
lower	14 5.6	47 18.8	96 38.4	68 27.2	12 4.8	13 5.2
total	22 5.1	86 20.0	170 39.6	118 27.5	20 4.7	13 3.0

**<Table 3-8> Role-Division Between Central and Local Governments**

		very satisfied	satisfied	so so	dissatisfied	very dissatisfied	no answer
local councilors	upper level	4 2.2	12 6.7	65 36.3	61 34.1	30 16.8	7 3.9
	lower	4 1.6	21 8.4	79 31.6	118 47.2	16 6.4	12 4.8
	total	8 1.9	33 7.7	144 33.6	179 41.7	46 10.7	19 4.4
public officials	upper level	1 0.4	11 4.8	92 40.0	98 42.6	28 12.2	0 0.0
	lower	2 0.8	10 4.2	88 37.1	89 37.6	27 11.4	21 8.9
	total	3 0.6	21 4.5	180 38.5	187 40.0	55 11.8	21 4.5

so' (39.6%). In contrast to that, the ratio of answer 'satisfied' is only 25.1%.

The reasons why the legislative activity cannot be efficient are enumerated by local councilors as follows: first, contradiction to upper law (35.0%); second, intervention and rejection of central government or local executive (26.6%); third, deficiency of time and speciality of themselves' (23.3%).

To supplement the above findings, it is analyzed how both local councilors and public officials are conscious of the current state of role-division between the central and local governments. While the ratio of local councilors' answer 'satisfied' on the current state of role-division is only 9.6%, the ratio of 'dissatisfied' is approached to 52.4%, and 'so so,' 33.6%. Such a distribution of answer can similarly be applied to public officials—the ratio of 'satisfied' is only 5.1%, but the

&lt;Table 3-9&gt; Local Councilors' Degree of Satisfaction with the Supports of ABL

	very satisfied	satisfied	so so	dissatisfied	very dissatisfied	no answer
upper	13 7.3	55 30/7	84 46.9	21 11/7	6 3.4	0 0.0
lower	20 8.0	70 28.0	122 48.8	20 8.0	3 1.2	15 6.0
total	33 7.7	125 29.1	206 48.0	41 9.6	9 2.1	15 3.5

<Table 3-10> Which Side is ABL in favor of When Conflicting Between the Two Bodies?  
(Local Councilors' Answer)

	upper	lower	total
Stand in favor of local council	29 16.2	29 11.6	58 13.5
stand in favor of local executive	85 47.5	102 40.8	187 53.6
be neutral	49 27.4	99 39.6	148 34.5
no knowing	16 8.9	9 3.6	25 5.8
no answer	0 0.0	11 4.4	11 2.6

view of 'dissatisfied' is occupied by 51.8%. These results demonstrate that both local councilors and public officials have very critical views against the the central government's intervention in local affairs.

### 3) Result of Analysis in the Operational-Behavioral Aspect

#### (a) supporting activity of Administrative Board of Legislature

As to the question about local councilors' degree of satisfaction with the supporting activity of ABL, 36.8% of them answer positive-oriented, but 48.0% answer 'so so' and 11.7% show negative attitude. This findings imply strongly that many local councilors do not satisfied with ABL.

And this findings are much more supported by the result of next question 'which side do you think the ABL is in favor of when conflicting between the local council and local executive?' As to this question, while 13.5% of local coun-

**<Table 3-11> The Alternatives to Improve the Relation Between the Local Council and ABL**

	local councilors			public officials		
	upper	lower	total	upper	lower	total
The Speaker's own right on personnel of ABL	56 31.3	108 43.2	164 38.2	33 14.3	35 14.8	68 14.6
qualitative improvement of special committee	39 21.8	29 11.6	68 15.9	53 23.0	56 23.6	109 23.3
increase of personnel of ABL	63 35.2	62 24.8	125 29.1	33 14.3	43 18.1	76 16.3
reform of thought of ABL's personnel	9 5.0	8 3.2	17 4.0	6 2.6	15 6.3	21 4.5
change of local councilors' attitude toward ABL	12 6.7	21 8.4	33 7.7	93 40.4	82 34.6	175 37.5
no answer	0 0.0	22 8.8	22 5.1	12 5.2	6 2.5	18 3.9

cilors answer 'stand in favor of local council,' 43.6% of them respond with 'stand in favor of local executive.' Therefore, the alternatives to improve the relation between the local council and ABL are enumerated by both local councilors and public officials as shown in table 3-11. We can find it from table 3-11 there is a great gap of thought between the two.

(b) behavioral characteristics of local council and local executive

(b-1) public officials' assessment of local councilors' behavior

(b-1-1) local councilors' power-abused activities or unjustifiable asking toward local executive

As to the question 'Have you ever experienced suffering from the power-abused activities of local councilors, or being given unjustifiable asking from them?' 50.2% of lower public officials and 25.2% of upper ones answer 'yes.' This demonstrates that there are certainly problems in the traits of local councilors.

The unjustifiable askings are mainly constituted with the matters in relation to:

① urban planning or housing; ② permission; ③ personnel; ④ job-seeking; ⑤ tax and etc.

(b-1-2) traits of local councilors

As the desirable traits of local councilors, public officials hold the follows in order(choosing two kinds): ① speciality(94.2%); ② morality(55.2%); ③ sincerity (40.7%). But political experiences, wealth and belonging party are little considered.

**<Table 3-12> Local Chief Executive's Attitudes Neglecting the Local Council**

exampled item	local councilors	
	upper	lower
total	43	51
1) unscrupulous or imprudent answer	15	12
2) authoritarianism and neglecting attitude	7	9
3) ill-treatment of local council's decision-making	5	7
4) personnel management of ABL disregarding speciality and efficiency	5	7
5) lack of cooperation with local council	4	7
6) execution before or without agreement of local council	2	4
7) negative attitude toward the long-cherished regional project	4	1
8) unopened administrative information	1	2
9) overconformity or rule-tropism		1
10) individual contact with local councilor to solve the pending issue		1

And as to the question 'What do you think about the traits of local councilors belonged to your government?', many public officials answer negative-oriented (40.3%) or 'so so' (39.8%).

And also public officials prefer public official (73.9%), scholar(34.0%) and politician(21.8%), as desirable job-career of local councilors.

(b-2) local councilors' assessment of public officials' behavior

As to the question 'How do you assess the traits and abilities of public officials?', 28.5% of upper local councilors answer 'good' (22.9%) and 'excellent' (5.6%), but 50.8% answer 'so so,' or 19.6%, negative-oriented.

In the case of lower local councilors, 15.2% answer 'good' (13.2%) and 'excellent' (2.0%), but 54.0% answer 'so so,' or 24.8%, negative-oriented.

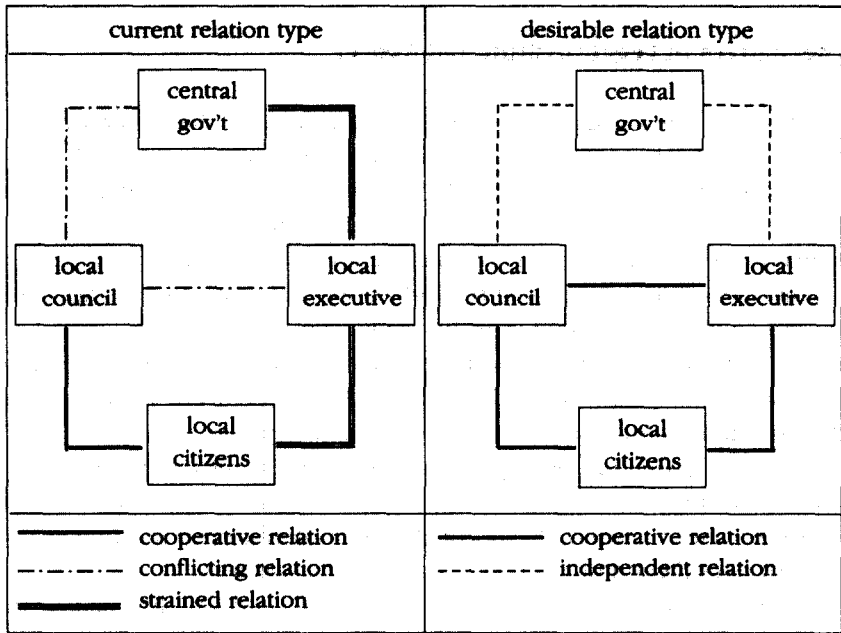
And local chief executive's attitudes neglecting the local council, chosen by local councilors, are exampled as shown table 3-12.

#### **IV. Alternatives for the Settlement of Desirable Relation Between the Local Council and Local Executive**

##### **1. Basic Framework for the Desirable Relation Between the Local Council and Local Executive**

The relationship between the local council and local executive is not made only by the dynamics and power structure between the both. The relations between central and local governments, and between citizens and local government have also influences upon the relation between the two bodies.

It may almost be correct to describe the current relation types between the con-



<Figure 4-1> Basic Framework for the Desirable Relation Between the Local Council and Local Executive

cerned parties as follows: ① the relations between central government and local council, and between local council and local executive are conflicting ones; ② the relations between central government and local executive, and between local executive and citizens are strained ones; ③ the relation between local council and citizens is cooperative one.

Therefore, we have to do our best to replace the current relation types with the desirable ones as follows.

① The relation between local council and local executive has to be developed to the cooperative one, through efficient legal-institutional and operational-behavioral devices.

② The intervention of central government into local self-government should be reduced so that the relations between central government, and local council-local executive may be settled as independent.

③ On the basis of the cooperative relation between local council and local executive, the relations between citizen, and local council-local executive must also be cooperative.

Figure 4-1 shows the above discussion simply and summarizingly.

## **2. Alternatives in Legal-Institutional Aspect**

The following measures are necessary to establish the desirable relation between the two bodies, in the aspects of law and institution.

Firstly, the scope of legislative field(that is, objects of bylaws-making) should be enlarged. For this the volume of local proper affairs must be expanded, and bylaws-making should be possible 'within the scope not to violate the law,' rather than 'within the scope of law.' And the right of central government's approval for the local council's legislation must be minimized.

Secondly, the powers of audit and investigation have to be coordinated to eliminate the inefficient waste of administration. Because current power of audit is considerably duplicated due to the complex audit system, it is usual that local executive is often paralyzed during the audit period. Therefore, the methods of ① mandate or transfer of the power of audit from central or upper governments to local or lower ones, if possible, and/or ② reconsideration of the power of audit as in the developed countries, are necessary to be examined.

Thirdly, the preconditions of the power of chief executive to make extraordinary actions are necessary to be strengthened, in order to prevent him from abusing the power and simultaneously exclude the possibility to weaken the functions of local council.

Forthly, it is desirable that the Speaker of local council has the right on personnel management of Administrative Board of Legislature(ABL), consulting with the chief executive on that matter.

## **3. Alternatives in Operational-Behavioral Aspect**

There can be considered various measures to improve the relation between the two bodies, especially in operational-behavioral aspect.

First, the systems and supporting functions of ABL should be strengthened, through increase of personnel, continuous training, qualitative improvement of special committee, and change of personnel's appointment procedure.

Second, the speciality of local councilors should be improved, and also the morality and traits of the chief executive as well as local councilors should be raised highly.

Third, local councilors' disfunctional views toward local executive must be corrected. Their power-abusing activities or unjustifiable asking to the public officials should be disappeared.

Forth, public officials' negative views toward local councilors should also be vanished. Imprudent and neglecting attitude for local councilors, lack of coopera-

tion with local council are all to be faded away.

## V. Conclusion

The re-start of local autonomy opened the new era of democracy. Even though there were a little negative aspects during the initial stage of two years' experiences, our country's local autonomy is now being established in very high speed.

Because our Local Autonomy Act adopts the system of so-called 'mayor-council form' which tries to seek the proper checks and balances in power structure between the two bodies, the settlement of desirable relation between the two always becomes a fundamental core.

To solve that, this study tried to analyze both cooperative and conflicting relations between the two bodies through the empirical findings, and suggest available alternatives for the establishment of desirable relation in the aspects of the legal-institutional and the operational-behavioral.

But the most important thing is the revolutionary change of thought of both local councilors and local public officials. Their negative views toward each other should be disappeared as soon as possible. To establish the desirable relation between the local council and local executive, they should keep in mind that they are companions or partners giving help to each other. When those efforts are continuously performed, our local autonomy can and will be certain to succeed.

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