

International Public Administration and Public Policy  
Scientific Conference  
DECENTRALIZATION POLICIES: RESHUFFLING THE SCENE  
May 7 – 10, 2015  
University of Zagreb  
Centre for Advanced Academic Studies (CAAS), Dubrovnik, Croatia  
Topic:

Decentralization and democratization – legitimacy and efficiency  
Presentation

MUNICIPAL REFORM IN MEXICO, A MASTER STRATEGY DEVELOPMENT AND GENUINE  
DEMOCRATIC DECENTRALIZATION

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**ABSTRACT:** The purpose of this is to raise the need to promote a municipal reform that largely is also a reform of Mexican society, four basic axes stand without which it would hardly be feasible: a) new territory, b) implementation of merit principle as a basic factor recruitment of cadres to the municipal public administration, c) reconsideration of the functions, powers and duties by the municipal government and d) have greater financial resources for sustainable reform. I conclude with brief final considerations and the relation of the source.

#### **FOREWORD**

The Mexican municipality is experiencing a intermittent crisis deepens at times, it is a constant in the history that includes the period of Spanish domination in Mexico (1521–1821) that the transition to independent Mexico failed to relieve; however their persistence over the time despite their congenital weakness is proof that has covered essential functions for community life with varying efficiency. Successive historical stages that has crossed municipal life, which extend for nearly two centuries of independence, has been a key player in building for the nation even under adverse conditions. Even the nineteenth century had a role in of work and provision of primary services: supply, mausoleums, clean, street lighting and police, among others, in addition to addressing issues such as rudimentary education, services that are covered with the limited material, technical and human resources at their provision, which were not too great, nor possessed the ad hoc profiles to serve a largely rural population.

During the formation and development of the country itself as an independent and free nation, is widely restricted the development of policy-makers, government and regional and local government, since the emphasis was on strengthening the federal government had to develop and strengthen civil unity of the nation, with this process subnational governments and the municipal administration were gradually subordinating the central government including in a despotic manner, as happened in the last quarter of the last century and first decade of the twentieth, when was palpable the irreversible rise of the political–administrative and economic

centralization; insomuch that came contingency rather be explained as a submission, so it was no coincidence that among some of the plans that wrapped the epic known as the Mexican Revolution (1910-1917), notably the Plan de Ayala raised the need for achieve what is known as the FREE CITY, term referring to the autonomy of the municipality, but essentially the desired freedom of the population, community and citizenship budding rid of the prevailing despotic governance in the Porfirian Era, in which through political bosses (the intermediate authorities) a high authoritarianism of those leading the municipality and the population was exercised. Mobilization and central part of the results of that revolutionary deed was legislation of the third federal constitution of Mexico where in the Article 115 referred to the town as follows:

"States shall, for its own functioning, how republican, representative, popular government, on the basis of their territorial division and its political and administrative organization, the free municipality, according to the following bases: I. Each municipality shall be administered by a city council directly elected, and there will be no intermediate authority between it and the Government of the State "(Political Constitution of the Mexican United States, 1917).

As it is visible, the aspiration to have a free municipality was achieved largely by not providing "no intermediate authority between it and the State Government"; however, the municipality will be spared the character of government, to settle in the article in question: "Every municipality shall be administered by a city council ...". Note that this character was given to the reform of Article 115 of the Constitution of 1999 where he settled, "Every municipality shall be governed by a city council directly elected ... and it took 82 years to finally the town well be administrator also government, this is further evidence of the minor and support the Mexican political system today has awarded the third order of government and administration: municipal one.

By a geographically speaking, the town was built on the basis of the territorial division of the country, as well as political and administrative organization of the states, which has represented a fundamental basis for land use planning, but also one of the major indicators the sub-organization that still prevails in the country since late in the second decade of this century, has a population of nearly 120 million, an area of two million square kilometers and only 2,445 municipalities, in contrast to include European countries like France, Italy and Spain.

Another key aspect that characterizes the Mexican municipality is linked to the professionalization of cadres to serve the municipal public administration, which he has not been adequately addressed, given that prevails predominantly political spoils system over the merit principle in the recruitment process, still continues to favor cronyism, cronyism, nepotism and cronyism. Similarly, the establishment of a model of civil or professional service career has not been possible to achieve it so far.

Regarding the resources available to the government and the municipal administration, predominate federal contributions that are transferred from the

respective governments, given that the generation of own resources are totally inadequate to meet the basic needs of those, which also explains the conventions and laws applicable tax coordination, where tax powers are reserved for the federal government and to a lesser extent to the states and even more limited for municipalities.

In this environment, government and municipal public administration cover functions and provide basic services. Among the legislative functions, the municipality has regulatory power in which stands the so-called "**Edict of Police and Good Government**" and the regulation of the services provided; in the executive and administrative functions, public works and utilities charge is located; also have the power to metropolitan land use and development in its jurisdictional area.

Historically, the political-administrative and economic centralization that was developed and consolidated in the country over the independent Mexico widely marginalized the municipality, limited its development and made the city of Mexico, seat of the federal powers, the axis that everything attracted to him, a sort of black hole so to speak. It was not until the last quarter of last century when deconcentration-decentralization policies that narrowly reversed the centralizing process is promoted; parallel to the accelerated loss of legitimacy of the regime, the questions he received from the international arena and primarily a result of the struggles of Mexican society since at least the early sixties, expressed in movements: teachers, medical and Mexican railroad and 68 year which claimed so many lives, political reform was promoted was so from 1977 was legislated in political-electoral processes and process of citizenship of these processes as well as other adjustments to the regime began as we will see below. With regard to the municipality, the reform has meant greater democratization, political change and greater social and civic participation; however this is still insufficient to achieve satisfactory levels and quality of democracy, and issues of decentralization; noteworthy that recent measures promoted by the federal government in the last two years and the states are reversed by centralizing the most productive tax authority to municipalities, property tax, and propose by the federal government control Police only by state governments and municipal police suppress.

In short, the purpose of this is to raise the urgent need to promote a municipal reform that largely is also a reform of Mexican society, four basic axes stand without which it would hardly be feasible; only briefly I stress that to achieve have the political will of important groups within civil society, public authorities, the three levels of government is a road to be traveled but not included in the paper. The four areas are: a) a territorial reorganization, b) implementation of the principle of merit as a basic factor recruitment of cadres to the municipal public administration, c) reconsideration of the functions, powers and duties by the municipal government and d) have more financial resources for reform feasible. I conclude with brief final considerations and the relation of the sources.

## **TERRITORIAL REORGANIZATION BASED ON A REDISTRICTING**

It is pertinent to recall that the municipality is the bases for the territorial division of the country, therefore, each of the 31 states divide their geographic space according to the number of municipalities that count. In this perspective is essential to take into account prevailing entities with few municipalities and some with an ample amount of these. In the first case we find the states of Baja California and Baja California Sur, each with only five municipalities. At the other end the state of Oaxaca has 570 municipalities, the state of Puebla with 217 and Veracruz with 212, the total number of municipalities in the country totaling the amount of 2,445 to which must be added the 16 delegations is located comprising the Federal District (DF).

Note that in the Mexican case, unlike other countries like Canada and Sweden, to mention two examples, the territorial reorganization based on a redistricting, has been the increasing number of municipalities, which has been the product of communal demands and historical claims of the population, as a result of growth in the economic, social and political orders that require the creation of new municipalities. In order to present an overview of the redistricting in Mexico, cases of Tlaxcala and Chiapas are presented, and short pointings for the State of Mexico and the state of Guerrero.

Tlaxcala.- the state currently has a structure, organization and unique local dynamics nationwide. According to the 2010 census, has 1'169,936 inhabitants, 60 municipalities, as many municipalities and 402 presidents of community, the ingredients have combined to achieve this scenario are, at least, a) amendments to the local constitution, b) mobilization and demands of their community, c) political will, d) historical conditions. The result of this cocktail is that perhaps is the federal entity with a higher degree of organization. In 2004 noted:

The municipal government of the state of Tlaxcala it is, undoubtedly, the most wins reforms at the national level, we can say that of the 31 states is the one that has more spheres of government, administration and management, therefore, it is the most organized entity. In the municipal area to have a sui generis organizational structure, government and municipal administration they increasingly effectively to the farthest corners of the population. (Moreno, 2004)

The redistricting that has been observed in the state of Tlaxcala dates from 1995, when the creation of 16 municipalities that were added to the 44 prevalent, was premised on the municipal reform of 1983 legislated for the government led by Tulio Hernández was approved; one of the significant aspects was that the municipal delegates in communities and towns appointed by local councils were elected hereinafter by communities in local and vote stands Flores Maldonado "the delegate served two simultaneous functions: to be representative of council of the community and at the same time being representative of the community at City Hall "(2005, p. 161).

In short, municipal reform in the state of Tlaxcala state policy reform was also required a territorial rearrangement to accommodate the new municipalities that

once approved the local legislature, which has projected an entity for innovative paths political administrative and social. Meanwhile Olmedo Carranza noted:

Tlaxcala has become the last fifteen years the most formidable and surprising political and social laboratory of Mexico and Latin America. Silent, peaceful, joyful manner, started a revolution in political organization. In 1985 the state of Tlaxcala was organized in forty-four municipalities. Ten years later, in 1995, was organized in 60 municipalities and 402 "auxiliary mayors" -today called community-presidencies, which are equivalent to small community municipalities within the county (Olmedo Carranza, 1999, 9).

A next case is the state of Chiapas, where has also promoted a redistricting based on the struggles and results of the Zapatista movement. Indeed the claims of indigenous peoples living in this region of southeastern Mexico whose history marginalization and exclusion they suffered for centuries; mobilization that achieved in the early nineties and the declaration of war that raised the Mexican State, forced it to negotiate an early ceasefire, leading to the brief armed movement will not last more than 10 days and subsequently to December 1994, achieved international solidarity in the strategy, demands and claims raised by this movement, which has been maintained to date and sustained in fact a war of low intensity, given the attacks they have suffered over 20 years .

Creating to a year after the outbreak of the Zapatista movement of the '38, autonomous municipalities clearly exalts the population requires an organization of government and administration and / or self-management that meets the most basic needs and public affairs that are common and demanding planning, coordination and execution of actions and shaping policies that address. In the particular case the territory occupied by the autonomous municipalities sparked a necessary territorial reorganization focused on Zapatista territory. It is worth noting that the emphasis is on the self, so that the leaders of the Zapatista movement did not participate in the Good Government are coordinating the specific activities of the autonomous municipalities. Rebolledo and Monjardín highlight interesting aspects:

Perhaps most surprising of municipalities in Chiapas rebels again is that they operate, while in three dimensions. These are instances of civil organization that are shaped therefore support bases of the Zapatista Army of National Liberation as peasants and indigenous members of other social organizations. Are a privileged space of resistance and reconstruction everyday meaning of life in the context of a low intensity war. Protected with silence, while resorting to speech and memory and have been key players in the construction of a new public discourse that realizes alternative forms of political activity and new relations between rulers and ruled. ([www.revistachiapas.org](http://www.revistachiapas.org), date of consultation, 28/03/15).

This is a brief overview of the most profound experience of local community organization, in this case indigenous people, who seek to solve their problems and local issues through a local area that it is just the municipal government, the government of the community and also suggests that the territory is also a historical, political and social construction.

Without limitation, it is noteworthy that other states that have promoted a lesser extent the creation of new municipalities are the State of Mexico where from 1994 to date have created four new municipalities: Valle de Chalco (1994), Luvianos (2002), San José del Rincón (2002) and Santa María Tonanitla (2003); meanwhile in the state of Chiapas, in addition to the autonomous municipalities, in 2011 the state legislature approved the creation of four additional municipalities: Belisario Domínguez, Emiliano Zapata, El Parral and Mezcalapa. Finally I include the state of Guerrero has promoted the creation of five municipalities: Marquelia (2002), Cochoapa el Grande (2003), Hueycantenango (2003), Juchitan (2005) and Lliatenco (2007). While the country have created multiple municipalities, I think, according to the prevailing needs and demands, is still a limited number.

Under profile from a brief territorial analysis, quantitative growth process of Mexican municipalities, according to our approach are scarce, given the complexity, plurality, diversity, dynamism and problems that characterize stands. There is already a number of municipalities that exceed a population of 100,000 and even more that exceed one million inhabitants and the same DF with 9 million inhabitants organized in only 16 delegations, pointing to an actual sub-organization at a national level; of course there are factors that are transformed or are real barriers to viable redistricting depth; however, to point to a flattering decentralization of a more equitable redistribution of powers and resources to the State between the three levels of essential governments consider a closer and more effective weighting needs, demands and priorities of the population to an approach by therefore, the decision on where it is essential to formulate and implement public policies, as a basic resource for a more comprehensive development and as a strategy to redistribute political and economic power and, more urgently, when you are demonstrating conclusively concentration power and wealth in few hands.

The research of French Thomas Piketty explains that concentration, and in some of its conclusions was: "The main destabilizing force is related to the fact that the private rate of return to capital  $r$  can be significant and lasting higher than the rate income growth and production  $g$  ... Once constituted, the capital plays alone, more rapidly growing production. Last devours the future. " –He concludes– (Piketty, 2014, 643).

It is necessary therefore start preparing and promoting real decentralization involving a larger number of highly trained actors in a comprehensive development which would also attaining greater equity.

In addition, the strengthening of municipal life leads to greater capacity for local, regional and national organization, a real population approach, needs and priorities, greater social and civic participation, so in shaping the development and consolidation of multilevel governance, a political-administrative and economic decentralization and the strengthening of federalism.

## THE PRINCIPLE OF MERIT AS A CRITERION FOR RECRUITMENT AT THE MUNICIPAL LEVEL

One of the essential foundations on which outline a municipal reform in Mexico is promoting the establishment of the principle of merit as the preferred procedure for entering boxes serving the municipal public administration, an issue that is present on the agenda and even legislation in several states; equally in the National Conference of Governors (CONAGO in spanish) which meets on a regular basis the need to promote the professionalization of tables for the administrations of the states and municipalities stands; however, in reality it is still predominantly dragging the spoils system at the municipal level. On this particular should make some approaches.

The merit system as a mechanism for entering the municipal public service in Mexico has been away and oblivious of the third order of government and administration. In the case of the federal government, it starts with great difficulty until 2003, which seems little credible y confirms I repeat that in our country, the political spoils system has been the rule rather than the exception, so it is difficult to we can talk about, effective, efficient, professionalized and transparent government, since the problem of professionalisation and the establishment of a civil or public service career, is not an issue focused on the town, but that afflicts the three levels of government.

It is noteworthy that a strong professionalism and called merit system there are fundamental links relevant argument. The Latin American Centre for Development Administration (CLAD in spanish), sits on the *Ibero-American Charter of Public Service* (Santa Cruz, Bolivia, 2003): "To achieve a better state, essential for developing countries instrument, professionalization public function is a necessary condition."(CLAD, 2003, p. 3) So professionalism, merit and career civil or public services are essential tools to strengthen the state and promote the integral development of society.

Unquestionably, therefore, the importance of the merit system and the professionalization of employees in the service of local authorities to assist in solving the set of problems and new demands facing daily municipal government and public administration. However, their deployment is a series of challenges each more complex and difficult, nevertheless in Mexico is essential to put to work, otherwise the conditions that have characterized municipal governments and public administrations continue marching for same path as they have for more than a century.

It is necessary to proceed with the establishment of a flexible model of professional career service that allows placing the merit as essential to the entry or stay in the municipal public service requirement, since although it is contemplated in most Municipal Organic Laws, his implementation and evaluation are ineffective due to prevailing political spoils system characterized, as already noted, by cronyism, corruption and inefficiency.

It is also essential that politicians, political parties and the state government and municipal understand and act accordingly, without high professionalism and establishment of a public service career in the state and municipal level, and continue stumbling steps in reverse and will continue, as before, the most dangerous country in Latin America that maintains an undeclared civil war, which most inefficiently managed to define and promote policies and strategies to overcome the crisis in the region as sequence and impact that generated in the American Union in 2008; which grows economically with the lowest rates, the country has a hijacked by interest groups and organized crime State.

**THE POWERS OF THE MUNICIPALITY IN PERSPECTIVE**

The Mexican municipality has functions, powers and duties only fundamental reform of Article 115 of the Constitution of 1983 endorsed the pre- and added new ones in line with emerging needs and processes; emphasized the role of the municipality as a major player to alleviate the severe crisis that existed in the country by the end of 1982 which lasted until well into the next presidential term headed by De la Madrid Hurtado; promote some strengthening of the municipality was a way to manage the crisis by socializing the problem and involve more actors to formulate and establish viable solutions, the aforementioned amendment is then accompanied the slogan *decentralization of national life*, perhaps there was a breakthrough centimeters that direction.

On the doctrinaire way, it seems important to note the set of pointings performed by the lawyer Jorge Fernández Ruiz, a leading researcher of the Institute of Legal Research (IIJ) of the National Autonomous University of Mexico (UNAM) which explains the differences and peculiarities between functions and activities the municipal level as follows (see table 1):

TABLE 1

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**POWERS AND ACTIVITIES OF THE MEXICAN MUNICIPALITY ACCORDING TO JORGE FERNÁNDEZ RUIZ**

| <b>ATRIBUTIONS</b>   |   |  |
|--|---|--|
| <b>PUBLIC FUNCTION</b>   | <b>PUBLIC SERVICE</b>   | <b>PUBLIC WORKS</b>  |
| <p>Understood as the exercise of authority, dominion, power, whose implementation serves the public interest.</p> <p>This allocation it is delegated, it is inherent in state sovereignty.</p> | <p>Understood as the technical activities to meet a need of a general nature.</p> <p>It can be paid directly by the state or municipality, or by individuals through the grant.</p> | <p>Understood as an object produced or processed by any agent, with a purpose of general interest, dedicated to public use, the performance of the public service, or the provision of a public service.</p> |

## ACTIVITIES

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To fulfill the above functions requires that the municipality perform the following activities

| ACTIVITIES IN THE EXERCISE OF PUBLIC FUNCTIONS  | ACTIVITIES IN THE PROVISION OF PUBLIC SERVICES   | ACTIVITIES FOR THE REALIZATION OF PUBLIC WORKS  | RESIDUAL SOCIOECONOMIC ACTIVITIES   |
|---|--|---|---|
| <p>They are divided into two: Activities in the exercise of legislative functions, which are based primarily on the authority to issue sides of police and government regulations, circulars and administrative rulings of general observance.</p> <p>Activities in the exercise of administrative function, are all those embodied in Article 115 of the Constitution such as: a) manage their assets; b) addressing public safety; c) administering his property freely ...</p> | <p>They are all activities that aim to satisfy the catalog of public services stipulated in Article 115 of the Constitution.</p> | <p>The construction and maintenance of streets, parks, gardens and facilities. And any infrastructure that is intended to public service.</p> | <p>They are divided into two: grouped as municipal waste socioeconomic activities of public interest, which without involving exercise of public service, public service delivery and execution of public works, are located in the highest levels of its objectives since they relate to public health , ecological balance and sustainable development of the municipality.</p> |

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Own elaboration based in Jorge Fernández Ruiz, Constitutional Reform December 1999 Article 115, IJJ-UNAM.

Another lawyer, Miguel Acosta Romero, highlights, firstly the difficulty to clarify the powers, functions and duties of the municipality, since no uniformity prevails in local laws; however the following list:

1. Faculty bill to the local legislature-those that refer exclusively to the municipal art according Acosta Romero and power to issue, according to the normative basis to be adopted by the legislatures of the states, police sides, good governance, regulations and administrative provisions of general observance within their respective jurisdictions.
2. Freely manage their finances and assets.
3. To manage the assets of the public and private domain.
4. Arrange the administration and services.

5. Powers relating to observe and enforce the provisions of political and governmental action both Federation and state, eg elections, censuses, national military service and materials work, health, education and so on.
6. Existence of two governing bodies: the council, collegial body with powers of general decision, and the mayor and his administrative body with enforcement powers.
7. The responsibility of municipal public activity is individualized in the municipal council president.
8. The municipal civil service is mainly administrative.
9. Existence of assets on a tax base and economic, federal and state support and contributions and other income that legislatures set their favor.
10. Increase provision of public services known as municipal, due to urbanization of communities.
11. Direct execution of municipal public works to economic and physical cooperation of beneficiaries directly.
12. Ability to legislate on such municipal standards.
13. Fiscal power delegated by the local legislature (Acosta Romero, 1999, 59-60).

To date the government and local government deployed a number of functions and provide a set of public services in accordance with established laws, with the size and complexity of their respective municipalities and the available resources generated in these and according to transfers from the federal government; however, are still fundamental tasks, others that are of greater complexity are difficult to achieve future scenario like that will highlight later. According to Article 115 of the Constitution in force, the municipality is responsible for the following functions and services: **a)** Drinking water, drainage, sewage treatment and disposal of wastewater, **b)** Public lighting, **c)** Clean, collection, transfer treatment and disposal of waste, **d)** Markets and supply centers, **e)** Pantheons, **f)** Rastro, **g)** Streets, parks and gardens and facilities, **h)** Public Safety, pursuant to Article 21 of the Constitution, Municipal and transit police patrols, **i)** Other local legislatures determined according to the territorial-economic partner of Municipalities and conditions as well as its administrative and financial capacity. Similarly: "Municipalities, in terms of federal and state laws, shall be entitled to: a) Develop, approve and administer zoning and municipal urban development plans; b) Participate in the creation and administration of their land reserves; c) To participate in the formulation of regional development plans, which shall be in accordance with the general plans of matter. When the Federation or States develop regional development projects should ensure the participation of municipalities; d) To authorize, control and monitor land use in the area of competence in their territorial jurisdictions; e) Participate in the tenure regularization of urban land; f) To grant permits for construction and licensing; g) Participate in the creation and management of areas of ecological reserves and the development and implementation of management programs in this field; h) Participate in the development and implementation of programs of public passenger transport when those affecting their territory; i) enter into agreements for the administration and custody of federal areas. With leading and in accordance with the purposes stated in the

third paragraph of Article 27 of this Constitution, shall issue regulations and administrative provisions as are necessary; (Political Constitution of the Mexican United States).

A way to highlight those functions that have a higher degree of complexity that tends were susceptible municipalization process that promotes real decentralization, municipal development and strengthening society and citizenship of the environment, it is appropriate to make a brief comparative analysis in this case from the following countries: Bolivia, Brazil, Chile and Colombia regarding their respective roles and responsibilities:

*Bolivia.*- municipal governments exercise their competence in all its territorial jurisdiction. In terms of planning, set the corresponding integral processes, taking into account the principles of coordination, competition and subsidiarity established in the regulations. As part of strategic planning, formulate the municipal development plan and plan of urban and land under basic, technical and administrative standards of the System of National Planning, ensuring the participatory nature of it ... in 1994 the Law of Popular Participation expanded the territorial jurisdiction of municipalities, extended all municipal powers, such as those for health, education, culture, sports, roads, irrigation and micro-irrigation, rural area of its territorial jurisdiction. (Serrate Paz, in Cienfuegos Salgado, 2008, 43).

*Brazil.*- Municipal responsibilities for the provision of public services, are constitutionally recognized. "In addition, the charter itself went beyond mere competence authority of local government in certain subjects, and established the requirement for local maintenance management and execution of local services such as public transport, education programs vital and health care, as well as land use planning and control applications, division and occupation of urban land, and the protection of historical and local cultural heritage (Cavalcante Costa, in *ibid.*, pp. 78-79).

Specifically competencies are to maintain, preserve and build public buildings, construct and maintain roads, bridges, viaducts, highways and roads, squares, parks and gardens. Should also signal roads, provide social services, maintain nurseries, maintain services consumer protection, provide free legal assistance ... in the field of education, the municipality must distribute educational materials, keep libraries and programs adult literacy and provide school transportation. In health care must taking orders for public health and exercise health surveillance activity. In the area of sanitation services must operate water supply and public sanitation and garbage collection ... (*Ibid.*, P 79).

*Chile:* The Chilean case provides relevant issues regarding the services provided by the municipality. Díaz García, citing Bernardo Navarrete inserted the following reference:

Indeed, after twelve years, since the 1992 elections, municipalities currently have 6 custodial and 13 functions shared with other agencies of the State Administration, handle 21 social benefits, are responsible for the education of 60% of Chilean children, and of primary health care for approximately 50% of the population, and the only public entity present in the 342 municipalities of the country. Are the main “stop” accesses to various public services and, consequently, are the main and most direct means of relationship between citizens and the state (Díaz García, in *ibid.*, P 129).

As a relevant factor, Díaz García, emphasizes three core by the municipality areas: urban planning and construction, health and education Municipalizing. Regarding the first area, base noting that "corresponds to the unit works approve construction projects, grant building permits of such works, supervise its execution until the time of receipt and received them and authorize their use" (Díaz García, *ibid.*, p. 131). With regard to the decentralization of health services and education is essential to note that in both cases the restructuring of the entire state fixture was necessary and in education services are promoted so that the municipality was in a position to provide services primary education and similar to private school. In both cases we can clearly see that decentralization of much health services and education came to the municipal level, unlike other countries where only reached the state as is the case of Mexico level.

*Colombia.*- This country has spurred tremendous effort at the municipal level in such a way that the skills and services by the local order are also of relevance, Ladino Gamba list those that correspond to the municipality:

a) Manage municipal affairs and providing public services determined by law, b) order the development of its territory and build projects required the municipal progress, c) promote community participation and social and cultural health of the people, d) plan economic, social and environmental development of its territory, in accordance with the law and in coordination with other entities, e) address the unmet needs of health, education, sanitation, drinking water, public services, housing, recreation and sport with special emphasis on children, women, the elderly and disabled sectors directly and in competition, complementarity and coordination with other local authorities and the nation, under the terms defined by law, f) ensure the proper management of natural resources and the environment, in accordance with the law, promote economic and social advancement of the inhabitants of the respective municipality, h) make every effort to forward by himself, grant other territorial entities, as they provide the necessary e, i) the other to bring the Constitution and the law.

In the same way municipalities can establish itself so empowered nation, departments and decentralized bodies in these administrative functions, services and execution of works (Ladino Gamba, in *ibid.*, p. 180)

In this brief comparative analysis of the complexity of functions and services provided by municipalities in selected countries including functions such as health, education, urban and rural infrastructure is highlighted. In Chile the decentralization of health services and education can be read as decentralization process, as I mentioned, other countries including Mexico, the most that was reached was at the state level; in the Colombian case is clearly based: "plan economic, social and environmental impact of its territory development in conformity with the law and in coordination with other entities" are tasks that require at least frame with high performance and the ad hoc profiles if they are to achieve satisfactory efficiency in deploying functions and service delivery. In Mexico it is far from that functions and services of this kind are provided by the third order of government, administration and management: the municipal and when to tell the investigator Edgardo Buscaglia, 75% of municipalities are penetrated by crime organized, so the task in Mexico to strengthen the municipal level is long and arduous, so it is necessary to undertake promptly and with the participation of many political and social actors.

#### **FISCAL DECENTRALIZATION IN MEXICO. AN UNDEFINISHED TASK**

In order to make a brief analysis of resources is essential lodge with the municipal level to assume functions, powers and duties increasingly complex and important together with citizens of their environment and jurisdictional area, it seems essential to refer to the need to promote fiscal decentralization, the reverse of what is being promoted by the state governments, let's look at some of its edges.

The decentralization of public administration in Mexico is a process that takes a few decades of development, which takes steps forward and then many in reverse, requiring extended, received a major boost during the administration headed by Miguel de la Madrid, a period in which downsizing of the state apparatus to make it more efficient of intent pace to promote the legitimacy of the political regime was stimulated; turn this decentralization policy was a palliative to address the huge fiscal crisis the country since 1982.

This led to them from increasing the responsibilities to state and municipal governments, so that the national government was the need to increase the transfers so that they could take care of those. However, the distribution of resources was a huge disparity, because while both orders of government increased their responsibilities, the distribution of shares and contributions to satisfactorily perform their functions leaned predominantly to state governments, resulting in a new centralism, this time focused on the states, while local governments remained stagnant, as shown in the following table:

TABLE 2. PERCENT SHARE OF EXPENDITURE BUDGET OF THE FEDERATION IN CLASSIFIED ACCORDING TO THE ORDER OF GOVERNMENT THAT EXERCISES

| <b>Concept</b>         | <b>2007</b> | <b>2008</b> | <b>2009</b> |
|------------------------|-------------|-------------|-------------|
| Federation             | 64.7        | 57.1        | 56.6        |
| Federated States       | 32.3        | 39.2        | 40.2        |
| Municipality           | 3.0         | 3.7         | 3.2         |
| Public Sector Spending | 100         | 100         | 100         |

Bibliographic source: CEFP, 2009-B: 29

On the other hand, according to the study conducted by the Center for the Study of Public Finance (CEFP), for 2009 the level of participation of the states in the total public sector expenditure reached 40%, while the municipalities showed no significant difference during the same period. Have limited financial resources has impacted negatively on the administrative operations of Mexican municipalities, since it involves limiting the ability to establish, among other programs professionalization of pictures, restrict basic infrastructure to communities: water, drainage, paving , lighting and safety equipment, to name a few.

As shown in table number two, in addition to the resources available to the Mexican municipality are scarce, its composition reveals some important facts that affect the weakness of government institutions

local law enforcement, since less than a third of the resources are very origin, through the collection of taxes, duties, products and uses, the two other two-thirds come from intergovernmental transfers, the application is largely conditioned for by the guidelines of the state or federal governments.

TABLE 3. ON TOTAL INCOME OF MEXICAN MUNICIPALITIES OF 2012 (PESOS)

| <b>Heading</b>                               | <b>Amount</b>  | <b>% (of the Total)</b> |
|--|----------------|-------------------------|
| <b>Taxation</b>                              | 33,245'183,410 | 11.43                   |
| <b>Duty</b>                                  | 14,879'159,047 | 5.11                    |
| <b>Aprovechamiento/ Explotation in taxes</b> | 10,129'047,889 | 3.48                    |
| <b>Contributions for improvements</b>        | 848'582,946    | 0.29                    |
| <b>Products</b>                              | 2,587'096,493  | 0.89                    |
| <b>Federal Participations</b>                | 97,416'919,537 | 33.48                   |

|                              |                 |       |
|------------------------------|-----------------|-------|
| <b>Federal Contributions</b> | 106,593'888,116 | 36.64 |
| <b>Another Taxes</b>         | 7,203'647,535   | 2.48  |
| <b>Financing</b>             | 13,301'543,605  | 4.57  |
| <b>Dnitial Availibility</b>  | 4,751'120,700   | 1.63  |
| <b>Total</b>                 | 290,956'189,278 | 100   |

Biographic source: Compiled with information from the State and Municipal Database System.

The table above represents the total amount of income of all municipalities; therefore their analysis allows us to have an overview, but enlightening financial position of local governments. It is noteworthy that only 11% of the municipal budget revenues from taxes integrate with, another 8.6% more and duties.

In briefly raised and a perspective panorama is essential to promote the increase of the fiscal powers of municipalities, and increase the holdings and transfers from the federal government, considering that according to conventions and laws fiscal coordination, the federal government takes in a large proportion whose resources such powers and in any case are generated throughout the country, the above is even more imperative if local governments tends to assume greater powers, activities and tasks.

## **FINAL REFLECTIONS**

I have no doubt that by the political regime prevails a historical debt to the town, with its community and its citizens, derived from oblivion and marginalization that has kept separate throughout Mexico. The hypercentralization that characterizes the country tilts the balance predominantly toward the federal government, so the Mexican province still accuses degrees high underdevelopment in different regions and entities, notably Guerrero, Oaxaca, Chiapas, Michoacan, Zacatecas, states that historically have Was ejectors workforce migrates mainly to the north country in search of opportunities that the country offers, and other regions where there are a multiplicity of communities and semi towns or where women, children population predominates and third age, evidence of the weakness or absence of policies and programs through the history of real strengthening of the Mexican province. Note that towards the late eighties Carlos Monsivais coined the phrase that everything is out of Mexico Cuautitlán, which meant that outside Mexico City, it was province.

In another development issues, I reiterate that Mexico is a sub organized at the municipal level, both quantitatively and in the scope of government and administration country; the number of prevalent municipalities is very low in urban and metropolitan areas beyond the 300,000 inhabitants. It is pertinent to mention that the country currently 59 metropolitan areas are recognized and, not to go

further in these areas or zones municipal territorial reorganization based perspective would be more appropriate, even in the metropolitan area of Mexico City more 21 million inhabitants, there are only 60 municipalities, 59 of the State of Mexico and one of the state of Hidalgo, plus the 16 municipalities of the Federal District, here also stressed the desirability and effectiveness that would result from municipalize to it; in this sense it is pena recuperar approaches that once poured my late friend Arnaldo Córdova:

Fear of people when it governs itself, it's the only explanation for the fear of very fair demand for municipalization District. Apart from the many articles I have published on the subject, I have taught literally dozens of conferences in all branches of the capital. Everywhere I have met with greater responsiveness of citizens to shop municipal life, in that they have a chance to solve their problems. In Tepito I got to listen to its people, in fact, already have self-government and are ready to be a municipality.

This is the perspective of promoting a nationwide redistricting tending to a more effective organization in the country, considering that strengthening the country's future necessarily coincide with the strengthening and development of the periphery, the center is already coming to an limit if not already exceeded. It requires a thorough municipal reform including the capital city.

Municipal reform needs to be prepared in the present has emerged as axes or prerequisites, which are not the only new territory, the professionalization of cadres serving government where

legislators, political parties, colleges, institutes of state government and the National Institute of Public Administration (INAP), experts and citizens have much to say, argue and provide; also an amendment to the legislation extending the groundwork for reform feasible and, of course, fiscal powers and the transfer of resources are also essential. In short, raise this issue in the paper seeks to continue to fuel the debate about a pending reform, municipal.

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