



## “Local City Governments on the Front Lines”: Selected Cities with Poviát Rights in the Silesian Voivodeship during the COVID-19 Pandemic

„Lokalne samorządy miejskie na pierwszej linii frontu”:  
Wybrane miasta na prawach powiatu  
w województwie śląskim podczas pandemii COVID-19

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### Abstrakt

In the first quarter of 2020, a new virus—SARS-Cov-2—appeared in almost all countries around the world. Its rapid spread caused a global crisis that also affected Poland. Central government focused on combating and preventing the COVID-19 pandemic. Among the manifestations of this struggle was equipping local government units with new legal instruments. The aim of this article is to analyze the most important legal tools at the disposal of local governments during the crisis. Additionally, the author looks at the activity of local governments in the context of disease control using the example of

### Abstract

W pierwszym kwartale 2020 roku nowy wirus – SARS-CoV-2 – pojawił się niemal we wszystkich krajach na świecie. Jego szybkie rozprzestrzenianie się spowodowało globalny kryzys, który dotknął także Polskę. Rząd centralny skupił się na zwalczaniu i zapobieganiu pandemii COVID-19. Jednym z przejawów tej walki było wyposażenie jednostek samorządu terytorialnego w nowe instrumenty prawne. Celem niniejszego artykułu jest analiza najważniejszych narzędzi prawnych, jakimi dysponowały samorządy podczas kryzysu. Dodatkowo autor przygląda się aktywności samorządów w kontekście zwalczania epidemii, na przy-

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actions taken by cities with poviats rights in the Silesian Voivodeship. The activities of non-governmental organizations and local communities are also emphasized. The author tries to identify problems other than the virus that local governments faced during the pandemic, such as presidential elections, finances and public transport. The analysis involved 12 cities with poviats rights: Katowice, Siemianowice Śląskie, Piekary Śląskie, Chorzów, Ruda Śląska, Bielsko-Biała, Świętochłowice, Gliwice, Bytom, Ruda Śląska, Sosnowiec, and Rybnik. The analysis covers the period from early March 2020 to late April 2020. It uses a comparative method, an analysis of legal acts and content analysis.

**Keywords:** local government, COVID-19, local authority, local community, pandemic

kładzie działań podjętych przez miasta na prawach powiatu w województwie śląskim. Podkreślona została także rola organizacji pozarządowych i lokalnych społeczności. Autor podejmuje próbę zidentyfikowania problemów, z jakimi mierzyły się samorządy podczas pandemii, poza samym wirusem. Należały do nich m.in. wybory prezydenckie, kwestie finansowe oraz funkcjonowanie transportu publicznego. Analiza obejmuje 12 miast na prawach powiatu: Katowice, Siemianowice Śląskie, Piekary Śląskie, Chorzów, Ruda Śląska, Bielsko-Biała, Świętochłowice, Gliwice, Bytom, Sosnowiec i Rybnik. Badaniem objęto okres od początku marca 2020 roku do końca kwietnia 2020 roku. Wykorzystano metodę porównawczą, analizę aktów prawnych oraz analizę treści.

**Słowa kluczowe:** samorząd terytorialny, COVID-19, władze lokalne, społeczność lokalna, pandemia

## Introduction

“There have been as many plagues as wars in history, yet always plagues and wars take people equally by surprise” (Camus, 1947; Knopf, 1977, p. 34). It is impossible to disagree with Albert Camus, one of the leading representatives of existentialism, that both phenomena usually appear when we least expect them. War and plagues evoke fear and anxiety because we cannot be sure what tomorrow will bring. However, what is the history of the various epidemics and pandemics which we have had to deal with?

In an interview for *Dziennik Gazeta Prawna* [Daily Legal Newspaper] (Kopczyński, 2020, pp. 35–36), Professor Michał Kopczyński answers this question. At the beginning, he indicates that the first spectacular plague appeared in the Neolithic, from 8,000 to 5,000 BC, which we can deduce from bones bearing the traces of environmental stresses. This discovery allows us to put forward a thesis that both pandemics and epidemics have been with us for a very long time.

If we wanted to present the largest epidemics and pandemics that affected humanity on a very simplified timeline, we would certainly point to the Athenian Plague, which broke out in 430 BCE. Right after this, we would put the

Antonine Plague, which ravaged the Roman Empire, with its outbreak dating back to 165 CE. Another one would be the Plague of Justinian in the Byzantine Empire that took place from 541 to 542 CE. The Black Death, which decimated the population in almost all of Europe in the fourteenth century, is best known to us and one of the largest in history. The last one that should be marked on our timescale is Spanish flu which appeared in the early twentieth century on the Iberian Peninsula and later spread to other countries. Of course, these were not the only epidemics and pandemics with which humanity had to contend. Smaller (such as the Great Plague of London, 1665–66) and larger plagues appeared in different parts of the globe, touching individual territories and sometimes spreading over entire continents. Long-term or short-term epidemics (according to the Polish Scientific Publishers [PWN] online encyclopedia, an epidemic is the occurrence of a certain disease in people at a specific time and in a given area in more than the average number of cases) and pandemics (according to the PWN online encyclopedia, a pandemic is the name given to an epidemic of a particularly large size, involving countries and even continents) have always produced similar reactions. Professor Kopczyński lists explanations of the causes of diseases. This is often a punishment for sins, and this explanation works in all ages. For example, the professor points to the times of Marcus Aurelius, when the epidemic was recognized to be the gods' revenge for all of them, including Christians, not making sacrifices (Kopczyński, 2020, pp. 35–36).

Another, previously mentioned, and the most common reaction to an epidemic or pandemic is, of course, fear and the accompanying desire to escape from the threat. Professor Kopczyński explains that even in the fourteenth century in larger European cities, the rulers and elite of particular regions were the first to flee, and power was transferred to the so-called plague mayors. This was also the case in Warsaw, where Łukasz Drewno held this office from 1624 to 1626 (Kopczyński, 2020, pp. 35–36).

Each pandemic or epidemic changes our lives diametrically. Regardless of the era and time, when we have to fight a plague, the situation forces us to change our lifestyle. In the current climate, with the world facing the fight against COVID-19, it is exactly the same. However, what do we really have to fight with?

## COVID-19

Coronaviruses. The plural is not a mistake here because the term "coronavirus" refers to a group of viruses, not a single one. Dr Navaneethakrishnan Suganthan, senior lecturer at Jaffna University (in the capital of Sri Lanka's

northern province), describes this group as large, enveloped, single-stranded RNA viruses, which are divided into four types: alpha, beta, delta, and gamma (Suganthan, 2021). These viruses were first discovered in 1960, so these are not and should not be a novelty. Viruses from the first two groups (alpha and beta) occur in both humans and animals, while viruses from the second group (delta and gamma) only occur in animals (Suganthan, 2021). Among coronaviruses, genetic recombination<sup>1</sup> occurs between members of the same or different groups. New viruses then appear in animals and can then be passed onto humans (Suganthan, 2021). As a result of this recombination, three new coronaviruses appeared: MERS-CoV, SARS-CoV, and 2019-nCoV.

SARS was first described in 2003 when it appeared in China. Its mortality rate was 9.6%, and in absolute numbers, 8,098 cases were reported and 774 people died (Suganthan, 2021).

MERS is a more dangerous variety that causes an acute respiratory viral infection. It was first recorded in Jordan and Saudi Arabia in 2012. Its mortality rate was 36% and, when translated into absolute numbers, 2,494 cases were reported, and 858 people died (Suganthan, 2021).

The current pandemic has been caused by a virus that leads to the COVID-19 disease. The plague broke out in China, specifically in the city of Wuhan in the Hubei province, where a zoonotic event took place. It probably happened at the market, where there were also live animals (Sharma, 2020). According to Dr Rajni Sharma of India's Varanasi University, bats carry the largest number of coronaviruses and are likely to be immune to the diseases that these viruses cause (Sharma, 2020).

The World Health Organization (WHO) has estimated the COVID-19 mortality rate at 2–3%, but it must be remembered that this is not an exact calculation because the pandemic is still ongoing. New cases and deaths and their differing proportions in different regions of the world make it impossible to provide specific numbers and so higher or lower numbers can be expected.

Pointing to the clinical features of the new virus, Dr Sharma states that the infection can be asymptomatic or, on the contrary, lead to an acute respiratory infection, which may be characterized by fever (this occurs in 83–98% of those infected), pneumonia, or even septic shock (Suganthan, 2021a). Dr Sharma also points out that patients may develop organ failure (Suganthan, 2021b).

Despite the differences in symptoms among those infected with the virus and the different degrees of risk to life, Dr Suganthan writes that specialized antiviral treatment is not recommended, and that only infection control measures, care supporting the relief of symptoms and possible support of organ functions should be fully sufficient (Suganthan, 2021a).

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<sup>1</sup> Genetic recombination is the process of exchanging genetic material that results in the formation of new genotypes.

The pandemic of the new coronavirus has hit virtually the entire globe. On January 30, 2020, the WHO announced the outbreak of an international public health emergency. Soon after this, the first case of infection was found in Poland. Unsurprisingly, the government was forced to take appropriate measures for the ensuing pandemic state. Among the actions was, of course, equipping local governments with additional legal instruments to enable their active participation in the fight against the pandemic.

## **The Most Important Legal Instruments of Local Governments in the Fight against COVID-19**

On March 4, 2020, the first case of COVID-19 was confirmed in Zielona Góra (Ministry of Health, 2020a). On March 8, the chief sanitary inspector recommended that all mass events be canceled (Matuszak et al., 2024). On March 12, the first fatality of a 57-year-old woman from the vicinity of Poznań was recorded. Two days later, an epidemic emergency was introduced throughout the country, which resulted, among others, in restrictions on the operation of shopping centers and malls as well as restaurants, cafes, and bars. On March 20, a state of epidemic was introduced (Matuszak et al., 2024). Twenty-five days later (from the first confirmation of infection), by 2 p.m. on March 29, 1,771 cases of infection and 20 deaths had been recorded since the beginning of the pandemic in Poland. By April 26, the number of cases was 11,617, and 535 people had died from the virus. At this point, 2,265 patients were also considered to have recovered (Ministry of Health, 2020b).

At that time, the central authorities were forced to introduce specific regulations to allow various entities to react in the event of an existing threat. The most important legal act to help in the fight against the pandemic was the Act on Special Solutions Related to Preventing, Counteracting and Combating COVID-19, Other Infectious Diseases and Emergencies Caused by Them, which entered into force on March 8. The first version of the law was very superficial as some issues were only raised in general terms, which was criticized by various sides. The situation required many corrections, which the legislator did. It was first amended on March 31, 2020, for the second time on April 1, and finally on April 18. During that time and the ongoing work on the text of the act, the number of pages of the act itself and of the specifying provisions increased significantly. Initially, it was a dozen or so pages long, and by the last amendment (April 18, 2020), the act had as many as 195 pages.

The pandemic is an unprecedented situation and so it should come as no surprise that there were so many changes to the law. The legal act introduced several instruments that local government units could or were obliged to use. Therefore, a short analysis of selected articles of this act remains worthy of attention.

**Art. 6.** Procurement of goods or services necessary to counteract COVID-19 shall not be governed by the provisions of the Act of 29 January 2004 – Public Procurement Law (Journal of Laws of 2019, item 1843), if there is a high probability of rapid and uncontrolled spread of the disease or if it is required by the protection of public health [...] (Act of March 2, 2020).

This article is important as it allows local government units to exclude the application of the provisions of the Public Procurement Law. The legislator emphasizes, however, that it is possible only when there is a real risk of the disease rapidly spreading. It must be remembered that all articles of this act refer to the prevention and combating of infections caused by the SARS-Cov-2 virus, which means that the provisions of the act cannot be applied to situations that result from other reasons.

Another important provision relating to the outsourcing of tasks can be found in Art. 10 of this act:

**Art. 10.** 1. The Prime Minister may, at the request of the minister responsible for health, impose an obligation on a local government unit to perform a specific task in connection with counteracting COVID-19. 2. The minister competent for health may impose the obligation referred to in Par. 1 on a medical entity which is: 1) a limited company in which the only or majority shareholder is the State Treasury; 2) an independent public health care institution or budgetary unit... (Act of March 2, 2020).

Further in Art. 10, it is stipulated that the tasks referred to concern changes in the organizational structure of the medical entity, medical devices, or medical apparatus and equipment. Additionally, changes in the structure do not require acts appropriate for public administration bodies, and entries in both the register of medical entities and the National Court Register are free of charge. The legislator also ensures that funds will be provided to cover expenses related to Par. 1 and 2, and additionally, if the medical entity suffers any damage, the competent minister is obliged to repair it. At the very end of Art. 10, the legislator states that the tasks imposed in this manner are tasks commissioned in the scope of public administration.

The amendments included the addition of several articles that are also worth quoting. First, Art. 10a provides that the minister competent for health may take actions other than those listed in Art. 10 and, additionally, Par. 2 states that these activities will also be financed from the part of the state budget at the disposal of this minister.

The amendments to the Act have introduced to Art. 10b Par. 1, the possibility of suspending the manager of a medical entity from exercising their rights and obligations and appointing a representative in their place. Par. 3 clarifies that this decision expires no later than 30 days from the date of cancellation of the state of epidemic threat or the state of epidemic, and Par. 4 provides for the possibility of lodging a complaint, and this complaint does not suspend the execution of the decision.

Article 10c is also interesting and worth mentioning in this analysis:

Art. 10c. [...] he or she who, during the period of the epidemic threat or the state of epidemic announced due to COVID-19, by purchasing goods or services necessary to combat this infectious disease, breaches official duties or regulations in this regard, does not commit a crime [...] if he or she acts in public interest, and without committing these violations, the purchase of these goods or services could not be implemented or would be significantly threatened.

The act also includes a special approach to a voivode's orders, which take on an unusual character during the pandemic:

**Art. 11.** 1. A voivode can issue orders applicable to all government administration bodies operating in the voivodeship, state legal persons, local government bodies, local government legal persons and local government organizational units without legal personality in relation to counteracting COVID-19. Orders are immediately executed. The voivode immediately informs the competent minister about the orders issued. 2. The Prime Minister, at the request of the voivode, after informing the minister competent for the economy, can, in connection with counteracting COVID-19, issue obligatory orders that are binding on other legal persons and organizational units without legal personality and entrepreneurs than those mentioned in Par. 1. Orders are issued by way of an administrative decision, are immediately enforceable upon their delivery or announcement and do not require justification (Act of March 2, 2020).

The article further states that the tasks specified in Par. 2 are performed based on an agreement concluded with an entrepreneur and thus financed from the state budget, and, more precisely, from the part of the budget at the disposal



of the voivode. Additionally, it is noted that orders can be given orally, by telephone or by other means of communication (Act of 18 July 2002). The competent minister can suspend the execution of such an order, and if any dispute arises, it is resolved by the Prime Minister, at the request of the minister. However, the legislator also imposes a restriction on voivodes, clearly stating that the orders issued by them cannot apply to regulations, which, in their essence, are settled by means of an administrative decision. A voivode's orders which comply with this provision are subject to immediate execution.

Subsequent amendments have also introduced further articles at this point, which raise previously disputed issues. Art 11a. stipulates that a voivode, by way of an administrative decision, can issue an order regarding the management of medical waste from infectious properties in the event that there are no technical and organizational possibilities for its disposal in the voivodeship. Moreover, the same is stipulated in Art. 11b., but in relation to non-medical waste, which can also pose a health risk.

The financial issue, on the other hand, is dealt with in a more comprehensive way in a later article:

**Art. 31.** 1. In order to counteract COVID-19, the Council of Ministers can, by means of a regulation, transfer the planned budget expenditure between parts and sections of the state budget, taking into account the amount and type of necessary support and the ongoing execution of expenditure in individual parts and sections of the state budget. 2. The state budget can provide appropriate local government units with targeted subsidies to support the implementation of tasks related to counteracting COVID-19. In the case of support for the implementation of own tasks, the provision of Art. 128, Par. 2 of the Act of 27 August 2009 on public finances shall not apply (Act of 18 July 2002).

However, it is necessary to note that local government units can apply for additional funds in the form of targeted subsidies from the state budget under the provisions for preventing and combating infections and infectious diseases in humans. A specific provision on this matter can be found in Art. 51, which stipulates this possibility in Par. 3 (Act of November 13, 2003). After subsequent amendments, the financial issues have also been significantly expanded.

The legal force of some provisions has a specific time limit, which means that after a specified period, they become invalid. They also include provisions relating to local governments. This is stated in Art. 36 (Act of November 13, 2003).

Interestingly, and noteworthy, the legislator does not provide for the possibility of extending this period in the act, which is not surprising, because the specified periods define a fairly large time interval anyway.



The act also includes a provision that does not directly apply to local governments, but can apply to their employees. The legislator provides for the appointment of additional care allowances exceeding the standard number of days. This issue is specified in Art. 4.

Office managers (commune heads, mayors, presidents of cities, heads of districts and voivodes), as well as persons managing given organizational units, can order remote work, pursuant to Art. 3 of the act. The order can refer to both specific units and groups of employees. However, it remains important to define the exact time range during which an employee is obliged to perform their duties remotely. However, this decision should be made in such a way that its effects do not affect the continuity of the local government unit's activities and its ability to perform its tasks. This is an important objection that obliges decision-makers to analyze whether employees have the appropriate technical facilities to perform remote work and whether they will thus ensure security measures, for example, in storing personal data.

Amendments to the act, or rather clarifying and detailing the provisions, last took place in April, when the so-called anti-crisis program entered into force in the form of a special act. The legislator, among others, decided to suspend, for example, the deadlines for administrative issues that had been initiated before the pandemic and to suspend those which started during the pandemic.

On March 17, the business ombudsman, Adam Abramowicz, made an appeal in connection with the spread of the pandemic. He appealed to local government units for exemption from rent for entrepreneurs for whom the plague period was particularly painful and brought losses. The ombudsman referred to Art. 59 of the Public Finance Act, which actually allows this type of measures to be taken:

**Art. 59.** In cases justified by an important interest of a debtor or the public interest, pecuniary receivables of a civil law nature, attributable to a local government unit or its organizational units listed in Art. 9, Subpar. 3, 4, and 13, can be redeemed, their repayment dates can be deferred or the payment of these receivables can be spread in installments on the terms specified by the authority which is the local government unit, subject to Par. 4. [...] (Act of 27 August 2009)

Art. 59 additionally points out that it is the decision-making body that determines the detailed rules, manner, and procedure for granting relief, and if the relief constitutes state aid, it indicates the body or person authorized to grant this relief. The decision-making body can also do so by way of a regulation and then decide to apply it *ex officio*.

In contrast to the ombudsman's appeal, the act is a special legal act that has been passed by the legislator precisely because of the pandemic in order to provide various authorities with special opportunities to better counteract and com-

bat the SARS-Cov-2 virus. Of course, these are not the only legal instruments at the disposal of local governments. The act affects them directly, pointing to the need to combat the pandemic. However, it must not be forgotten that other legal acts allow legislative and executive organs to take specific steps, and do not refer directly to COVID-19. Thus, the question arises about how local government units deal with the pandemic.

## Activities of Local Governments in Practice Based on the Example of Selected Units in the Silesia Voivodeship

Poland received EUR 105.8 billion under the European Union financial perspective for 2014–2020. Approximately 30% of this amount was transferred to voivodeship marshals as part of Regional Operational Programs (ROP) (Grant Thornton, 2020). In turn, part of this sum was to be allocated to the fight against the coronavirus pandemic.

According to the estimates of Grant Thornton, by April 2, local governments redirected nearly PLN 1.8 billion from ROP to the fight against COVID-19. On April 8, the board of the Silesian Voivodeship announced that the changes to ROP that it had adopted and introduced were approved by the European Commission on the same day. A total of EUR 75 million was redirected to the fight against the pandemic, increasing funds in three ways:

- revitalization and the social infrastructure program;
- social exclusion;
- competitiveness of small and medium-sized enterprises.

Moreover, the board adopted lists of hospitals (Portalsamorządowy.pl, 2021)<sup>2</sup> that were to receive support from the European Regional Development Fund

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<sup>2</sup> According to portalsamorządowy.pl, <https://www.portalsamorzadowy.pl/ochrona-zdrowia/zarzad-wojewodztwa-slaskiego-zatwierdzil-podzial-srodkow-z-rpo-na-walke-z-koronawirusem,171944.html> (accessed on 10 December 2021), the following hospitals will be co-financed:

- St. Barbara Provincial Specialist Hospital No. 5 in Sosnowiec (PLN 10.8 million);
- Provincial Specialist Hospital No. 3 in Rybnik (PLN 10.2 million);
- District Hospital in Racibórz (PLN 9.3 million);
- Health Care Center in Cieszyn (PLN 7.9 million);
- Provincial Specialist Hospital in Jastrzębie-Zdrój (PLN 7.7 million);
- Provincial Specialist Hospital in Częstochowa (PLN 7.6 million);
- Upper Silesian Medical Center in Katowice (PLN 6.5 million);
- Municipal Health Care Center in Żory (PLN 6.4 million);
- Upper Silesian Child Health Center in Katowice (PLN 4.6 million);
- Provincial Hospital in Bielsko-Biała (PLN 3.4 million);
- Tychy Specialist Hospital Megrez (PLN 2.9 million).

(ERDF) for medical equipment. The board also used part of the amount to purchase personal protective equipment, disinfectants and coronavirus tests. The scope of the spending projects was agreed with both the European Commission and the Ministry of Development Funds and Regional Policy (Śląskie.pl, n.d.). According to the website of the Silesian Voivodeship, support for the healthcare sector amounted to PLN 195.4 million (Śląskie.pl, n.d.).

A little earlier, the board adopted a regulation on changes to the budget and in the budget of Silesian Voivodeship for 2020, where one of the most important activities was redirecting PLN 25,000 to secure funds for the purchase of additional licenses for remote work in the Product and Packaging Database and Economy Waste Database (BDO) for employees of the Marshal's Office (Regulation No. 761/115/VI/2020, 2020).

Another example of action related to the fight against COVID-19 was a regulation of the board which invalidated an open competition for tenders for public tasks in the field of disseminating industrial heritage (Regulation No. 798/116/VI/2020, 2020).

It is also worth emphasizing the package for the economy announced on April 6, 2020, by Marshal Jakub Chełstowski included five main pillars:

- working capital and liquidity loans;
- support for employers;
- non-returnable support;
- support measures;
- capital entry (Dłagospodarki.slaskie.pl, n.d.).

Soon after, this package was launched, and its total value amounted to PLN 1 billion. Additionally, the Silesian Package for Tourism and the Silesian Package for Residents were created.

There are 19 cities with county rights in the Silesian province. However, not all of them were included in the article. The cities were collected by means of the "snowball" method. After typing the phrase "Pandemic COVID-19 in Silesia Province" into the browser, those cities that appeared most frequently in searches were selected.

Local government is not only a voivodeship (which is local governmental and governmental in nature) (Dolnicki, 2009, pp. 154–155), but also other units that took an active part in combating the SARS-Cov-2 virus. Thus, actions were also taken in Siemianowice Śląskie, one of the cities with powiat rights. The president of the city issued a regulation in which he indicated the possibility of waiving the recovery of civil law liabilities for renting, leasing or using the city's commercial premises (City of Siemianowice Śląskie, 2020). In order to obtain such relief, an application had to be submitted with attached documentation indicating the deterioration of financial liquidity due to the ongoing pandemic. Implementing this regulation was entrusted to the head of the housing economy department, and the task was supervised by the deputy president

of the city. A similar action was also taken by the Katowice City Council, where applicants could be exempt from property tax, with the difference that the council provided this relief for April, May, and June 2020, and the president became the executor of the regulation (Katowice City Council, 2020). The executive authority in Bielsko-Biała (a city with poviāt rights) also issued two regulations about tax relief. The first determined the rent at PLN 1 net increased by VAT and the municipal waste management fee for a given premises and fees independent of the landlord (President of the City of Bielsko-Biała, 2020). The other also set the rent for real estate at PLN 1 plus VAT (President of the City of Bielsko-Biała, 2020).

An equally important action was taken by the executive authority of the city of Siemianowice Śląskie in another regulation, which transferred PLN 30,000 between paragraphs for the purchase of materials and equipment helpful in the fight against the pandemic (President of Siemianowice Śląskie, 2020). The justification stated that this procedure was performed at the request of the crisis management department. It is worth noting that such operations or changes in the budgets of local government units were the most frequent measures taken at each local government level in connection with counteracting the pandemic. In the case of Siemianowice Śląskie, this allowed approximately 10,000 masks to be purchased and distributed to residents, and approximately 30 sensor hand sanitizer dispensers to be installed. As announced on the city's website, the poviāt's labor office managed to obtain PLN 13 million, which was used to help entrepreneurs under the anti-crisis program (Kirkowski, 2020).

Similar transfers between paragraphs and changes in budgets were made in cities with poviāt rights, such as Bielsko-Biała, where expenditure on public safety and fire protection was increased by PLN 11,440 (President of Bielsko-Biała, 2020), and Ruda Śląska, where PLN 50,000 was transferred for the same purpose (President of the City of Ruda Śląska, 2020).

Specific actions in the fight against the COVID-19 pandemic included providing the local community with psychological and emotional support, which was created, for example, in Siemianowice Śląskie and Gliwice (cities with poviāt rights). The directors of the social welfare center were responsible for this task. Of course, these were not the only cities where such assistance existed, and it is worth noting that it was offered not only by local government units, but also by private entities specialized in this field (President of the City of Gliwice, 2020).

The so-called swab-buses appeared on the streets of some cities in the Silesian Voivodeship. These vehicles are designed to collect swabs from people suspected of being infected with the SARS-Cov-2 virus, which is intended to accelerate research into the number of infections. These special vehicles appeared in cities with poviāt status, such as Bytom, Ruda Śląska, Sosnowiec, Katowice, and Rybnik. According to the spokesman of the Katowice municipal

office, thanks to the swab-buses, the city could carry out at least 3,000 additional tests for coronavirus per month (Kropaczek, 2020).

In April, many cities developed so-called assistance packages for entrepreneurs, which mainly focused on helping small- and medium-sized businesses, which were most at risk due to the introduced restrictions. Cities such as Dąbrowa Górnicza, Katowice and Siemianowice Śląskie are local government units that decided to support entrepreneurs. The packages were often very similar in form. They included such provisions as: extending payment terms, low-interest loans, subsidies, or various types of business consultations. These programs operated for a short time and there are various opinions about their effectiveness. Time will show if they were effective.

Some city authorities announced at the end of April and the beginning of May that, despite the easing of some restrictions by central government on April 6, 2020, they would not open nurseries, explaining primarily that the Silesian Voivodeship had many more cases of COVID-19 than other voivodships in the country (Ministry of Health, 2020). Such announcements were made, for example, in Katowice, Siemianowice Śląskie, and Rybnik.

These were the most common but not the only activities undertaken by local government units. The pandemic is still ongoing, so more interesting projects can be expected, whether from central or local authorities.

## Selected Problems of Local Governments during the Pandemic

After presenting the legal instruments and examples of local government activities, it is also worth paying attention to the problems that local authorities encountered at the time.

Among the first, major problems were the by-elections which took place in five communes in Poland on March 22, that is, just after the closure of educational institutions in the country. A new commune head was elected in two of them (Jarosław Commune and Wierchlas Commune), one councilor was elected in each of the next two communes (Smyków Commune and Pątnów Commune), and by-elections for the city council were held in Biała-Piska. The turnout in these elections was not high; the highest result was achieved in Smyków Commune, where 43.1% of those eligible to vote went to the polls (it must be remembered, however, that there were 174 eligible voters), and the least number of votes were cast in Wierchlas Commune, amounting only to 9.48% (Dąbrowska, 2020). The media began to discuss holding elections during the ongoing pandemic. Some of the public pointed to the danger that such elections might pose, but there were also opinions in favor of elections. For example,

Jarosław Kaczyński, leader of the then governing Law and Justice (PiS) party, emphasized that the by-elections in these five communes would prove that it would also be possible to hold a presidential election in May (Dąbrowska, 2020). These were not the only by-elections that took place during the pandemic; on April 5, they were also held in Czernichów, Cedynia, Krotoszyce, Szczytna, and a few other communes.<sup>3</sup> By-elections were also held later, and during that time, residents of some local government units also took part in local referenda, for example, in the Skała Commune (about the dismissal of the president of city), the town of Pieniężno, also about the dismissal of the executive body, and in the Tuczna Commune as well (Dąbrowska, 2020).

The presidential election, which was to take place on May 10, also became problematic. According to Polish law, elections must be held on the previously indicated date and cannot be postponed. The election date can only be legally canceled by introducing a state of emergency (Constitution of the Republic of Poland, 1997), which has not yet been introduced in Poland. The legislator decided to amend the electoral code, introducing the possibility of postal elections. In the end, however, local governments would be responsible for organizing postal elections as it is legally recognized as a task commissioned by the government administration (Act of 5 January 2011—Election Code, 2011). To enable the elections to be held by correspondence, the offices of Poczta Polska [Polish Post] sent requests to city authorities for the disclosure of voters' personal data in order to be able to prepare for May 10. However, a problem was encountered as many representatives of the local executive bodies refused to submit these data, arguing that there was no legal basis that would allow such data to be sent. One such city was Siemianowice Śląskie, where the president gave this reason for his decision.<sup>4</sup>

Public transport became an equally important problem. Transport companies owned by cities suffered big losses. Firstly, routes were changed and their number was often limited. Secondly, the number of passengers was also reduced by law during the pandemic. Such activities adversely affected the number of tickets sold and the return or suspension of long-term tickets by their users (Kowanda, 2020).

The obvious problem for local governments was, of course, finances, and, more specifically, their shortage. Fighting the spreading pandemic generated costs, which often had to be covered by local governments. As a matter of fact, central government provided targeted subsidies for this need, but the press and experts were not optimistic about this. It often turned out that changes in the budget had to be made, which was associated with taking an appropriate amount

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<sup>3</sup> The information comes from the State Electoral Commission's website, the calendar tab.

<sup>4</sup> <https://www.facebook.com/> (accessed on 28 April 2020).

of money from another task carried out by a commune, which was already troublesome. It is important to note that each commune had a different economic and infrastructural potential, which affected its quantitative and qualitative possibilities in the fight against the SARS-Cov-2 virus.

The period of the pandemic is a time when local authorities made difficult decisions. Analyzing the actions taken by local governments using the example of cities with poviats rights in the Silesian Voivodeship, it is very difficult to find information about people suffering from homelessness. Is this a big problem? It is difficult to assess because the data on this subject are scarce. On this matter, we will have to wait for research that will comprehensively examine the life of this social group during the pandemic.

There were more and more problems as the pandemic continued. Of course, these were not all the problems which local governments had to deal with to varying degrees. The types and intensity of complications were determined by a commune and, specifically, its features such as the number of residents, character, finances, and so on. This difficult period of fighting the pandemic left its mark on local governments for a long time.

## Conclusions

The above-mentioned examples show, on the one hand, the legal possibilities for local governments in the fight against the pandemic and, on the other hand, the problems which they had to deal with every day in this unprecedented situation. Firstly, the government introduced solutions in a special act aimed at facilitating the fight against COVID-19. Secondly, local governments used legal instruments that had existed earlier and could be used in counteracting the pandemic. Finally, local communities also got involved in activities, sometimes cooperating with local authorities and sometimes acting on their own.

The rapidly spreading pandemic required quick responses. In this short period of time, of course, many problems emerged, be they legal (presidential elections) or financial (public transport). Today, when we can speak of the pandemic in the past, we see the scale of the problems that cities with poviats rights in the Silesian Voivodeship had to face.



## Acknowledgments

I am grateful to Monika Cukier-Syguła and Renata Jankowska, PhD, Professor of the University of Silesia in Katowice, for their helpful suggestions and comments on the earlier version of this article.

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