

Municipality as a federal entity and municipalization in Brazil

O Município enquanto ente federado e a municipalização no Brasil

Marinalva dos Reis Batista

Universidade Estadual de Maringá, Maringá, PR, Brasil

geografia23@gmail.com

ORCID: <https://orcid.org/0000-0003-3308-5613>

Renato do Carmo Nascimento

Universidade Estadual do Paraná - UNESPAR, Campo Mourão, PR, Brasil

prof.renatocm@gmail.com

ORCID: <https://orcid.org/0000-0003-2568-6574>

ABSTRACT

This article discusses the consolidation of municipality as a federal entity in the Brazilian scenario, which has happened since the 1980s. The Constitution of 1988 has materialized expressive innovations to municipality sphere, in such a way that the municipality has become one of the federal entities, and it has been regarded as a politically independent unit, enacted in the power capacity of elaborating its own Organic Law. For this reason, it has been prevented from the tutelage of the states. Since then, municipalities have been regarded as a single federal component. Our main goal with this bibliographic research is to debate the municipality as a federal entity, as well as the creation of municipalities in Brazil in the period from 1965 to 2020. We aim at introducing this topic to the international community as an example of what has occurred in Brazil regarding municipalization and the above-mentioned Constitution, in order to contribute to further international comparative studies about this topic in other countries. For this reason, we briefly discuss about municipal services that were created after the Constitution of 1988. The results demonstrate that the greater number of municipality emancipations may happen not only due to the Constituent, but, at the same time, due to an increase of population and the necessity of administrations in the local scale. Municipalizations have been happening at a slow pace, but the local administrations have taken responsibility over services that were in control of the Union and states. However, we must consider that the capacity of local governments to implement policies and collect resources is distinguished, this way occurring an unequal municipal development. As a consequence, there may be slow advances in municipal governments.

Keywords: Territorial Emancipations, Municipalization, The Constitution of 1988.

RESUMO

Este artigo versa sobre a consolidação do município como ente federativo no contexto brasileiro, o que data da década de 1980. A Carta Magna de 1988 materializou expressivas inovações para a esfera municipal, de forma que o município passou a constituir um dos entes da federação, tratando-o como unidade dotada de independência política, promulgada na capacidade de poder elaborar a sua Lei Orgânica. Escapou, assim, da tutela dos estados, que até então eram considerados como únicos componentes da federação. Dessa forma, o objetivo principal desta pesquisa, de natureza bibliográfica, é debater a respeito do município como ente federativo, bem como as criações de municípios no período de 1965 a 2020. Nosso intuito também é o de apresentar este tema para a comunidade internacional como um exemplo do que tem ocorrido no Brasil com relação à municipalização e a supracitada Constituição, de modo a contribuir com outros estudos comparativos mais ampliados a respeito desta temática em outros países. Por estas razões, também discorreremos, brevemente, sobre os serviços municipalizados a partir da Constituição Federal de 1988. Os resultados evidenciam que o número elevado de emancipação de municípios decorre não somente da nova constituinte, mas, ao mesmo tempo, do aumento populacional e da necessidade de administração na escala local. As municipalizações estão acontecendo lentamente, mas cada vez mais as administrações locais tomam para si serviços que antes estavam no controle da União e dos Estados. Contudo, devemos considerar que a capacidade dos governos locais de implementar políticas e de recolher recursos é diferenciada, ocasionando o desenvolvimento municipal desigual. Como consequência, é possível que sejam mais lentas as investidas dos governos municipais.

Palavras-chave: Emancipações territoriais, Municipalização, Constituição de 1988.

1. INTRODUCTION

This article is the result of a bibliographic research aimed at contributing to the debate concerning the consolidation of municipality as a federal entity in Brazil. This consolidation is recent, from the decade of the 1980s. The 1988 Constitution has materialized expressive innovations to municipal sphere, so that the municipality has become one of the federal entities, and it has been regarded as an independent political unit, enacted in the capacity to elaborate its own organic law. Hence, it has escaped from the state authority.

In order to achieve our purpose with this article, we analyze the Brazilian Constitution, particularly the Constitution of 1988. We demonstrate, through secondary data, the current tax competences in order to argue that municipalities have only a small amount of tax collected in Brazil. We also demonstrate the number of municipalities which have been created since 1965 according to the database of Brazilian Institute of Geography and Statistics (IBGE).

We discuss the creation of municipalities based on several authors (CATAIA, 2006; CIGOLINI, 2009; MEIRELLES, 2006; SIMINI, 2017). Furthermore, we base our discussion about municipalization on the studies of França (2005) and Figueira (2020). Finally, we use the data from The National Confederation of Municipalities (NCM) which signalizes to the municipalization of Education, Health, Traffic and the Environmental Regulations as the most demanded services to municipal control. For this reason, we have chosen those services to be reviewed in this work.

Until the Constitution of 1988, only states were considered federal components. Since then, municipalities have been governed by their own organic laws, written by their respective legislative power. According to Berardi (2004, p. 05) the Municipal Organic Law results in the administrative organization of the Municipality and the restoration of municipal legislative power, a normative diversification which is not found only in organizational laws granted by states. Therefore, this autonomy is a reflection of constitutive power granted to municipalities through the Federal Constitution of 1988, and has as a consequence the effectuation of Democratic State of Law.

This text has been organized in five parts, starting from this introduction, followed by the second section, in which we discuss the municipalities created after 1965; the third section discusses the issue of municipalization; finally, we present our final considerations and references.

2. MUNICIPALITY AS A FEDERAL ENTITY

The principles that rule municipal governments are written in the federal constitution, including the resources. As it happens with the states, the local government's ability to implement new policies and collect resources is different, as shown in **Table 1**. As well as the states, the number of councilors and criteria to their salary are determined by federal law.

Table 1: Current tax competences in Brazil

Taxes	Who legislates	Who administrates	Who takes the revenue
Property taxes	U, S, M	U, S, M	U, S, M
<i>Urban Land and Building Tax (IPTU)</i>	M	M	M
<i>Tax on Automotive Vehicles (IPVA)</i>	S	S	S (50%), M (50%)
<i>Tax on Rural Property (ITR)</i>	U	U	U (50%), M (50%)
<i>Tax on causa mortis transmission and donation (ITCD)</i>	S	S	S
<i>Property transfer tax (ITBI)</i>	M	M	M
Consumption taxes	U, S, M	U, S, M	U, S, M

<i>Social Security Financing</i> (COFINS)	U	U	U
<i>Integration Program/Public Servants' Fund Financing Program</i> (PIS/PASEP)	U	U	U
<i>The Contribution on Economic Activities for fuel price adjustment</i> (CIDE)	U	U	U (71%), S (21,75%), M (7,25%)
<i>Tax on manufactured products</i> (IPI)	U	U	U (42%), S (32%), M (26%)*
<i>Services and Merchandises Circulation Tax</i> (ICMS)	S	S	S (75%), M (25%)
<i>Services Tax of any kind</i> (ISS)	M	M	M
<i>Importation Tax</i> (II)	U	U	U
<i>Revenue taxes</i>	U	U	U, S, M
<i>Income Tax</i> (IR)	U	U	U (52%), S (21,5%), M (23,5)*
<i>Tax on Financial Operations</i> (IOF)	U	U	U
<i>Social Contribution on Net Profits</i> (CSLL)	U	U	U
<i>Payroll taxes</i>	U	U	U, S, M and entities
<i>Social Security Contributions</i> (CPS)	U	U	U
<i>Employment Time Guarantee Fund</i> (FGTS)	U	U	U
<i>Educational Allowance</i>	U	U	U, S
<i>S System - Industrial Social Service</i> (SESI); <i>Commerce Social Service</i> (SESC); <i>National Industrial Educational Service</i> (SENAD);	U	U	U, S
<i>Tax on Improvements</i>	U, S, M	U, S, M	U, S, M

Source: Adapted from Marques Junior, Oliveira and Lagemann (2012). Notes: U=Union; S=States; M=Municipalities.

According to Souza (1996) the municipal responsibility as a federal entity is to order its social development and assure the social being of their citizens, for this is a scale of management closer to people's basic needs. On the international scenario, this responsibility has been improved by the process of re-municipalization. According to Clifton *at al.* (2019) it is about public services which had been privatized at some point in the past and return to public government control, that is, a kind of reverse privatization. As stated by Warner and Aldag (2019), in their study about re-municipalization in the US, it may bring service outcomes such as quality in services, cost savings and efficiency.

The Federal Constitution of 1988 has consolidated the effectiveness of actions and public policies towards public services, mainly healthcare and education, both largely municipalized services in Brazil from the implementation of that Constitution.

The municipality, as part of Brazilian federalism has gone through several times of both progress and setbacks, for the single projection of municipal autonomy itself was not sufficient. Meirelles (2008, p. 40) explains that Brazilian municipalities require not only their own government, but – first and foremost – their own income, so that they may have their public services ensured and the achievement of the municipal progress (MEIRELLES, 2008, p. 40). The problem arises when the process of municipalization occurs as a political strategy to strengthen electoral support, as stated by Dickovick (2007). According to this author, the municipalization process that occurred in Peru, Brazil and South Africa (since the 1990s) has followed this premise. Another issue is related to tensions between privatization and public service provision, as stated by Luthra (2019). This author discusses the municipalization of services in India, particularly the solid waste collection.

The autonomy and valuation of local power has been thought since the Constitution of 1891, but has achieved little progress. The innovation in the constitutional text from 1934 can be explained by the failure of the Constitution of 1891 concerning the valuation of local power. Meirelles (2008, p. 42) states that during the Constituent municipalism has grown and eventually reflected in the Constitution of 1946 under the triple political, administrative and financial aspects.

Municipal autonomy moves forward and backwards due to the fact that after the constituent of 1946, there was a military regime in the history of Brazil by the year of 1964. During this period, the local power was restricted by the Constitution of 1967 and its Constitutional Amendment n° 1 from 1969. In the studies of Simini (2017, p. 3) he states that there was a maintenance of the federal government and the state and municipal autonomies, however they were restricted. The limits of municipality came in the political, administrative and financial scope.

Considering the studies of Meirelles (2008) and Simini (2017), a great amount of what had been granted in the local scale was lost with the military regime, including a lot of municipalizations, that is, the extinction of municipalities was practiced, according to Cigolini (1999). At the end of 1963, the number of municipalities in Brazil was 4.235 and at the end of 1965 it was reduced to 3.957, mainly in the North region of the country. Cigolini (2009, p. 171) states that the legislation after 1964 initiated a new trend of centralization of power, in prejudice of local and regional powers.

In the first years, the municipal autonomy was restricted and the payment to councilors was not allowed, except in larger cities with a population over 100 thousand inhabitants. Even during the military regime several municipalities were created as we can observe in **Table 2**.

Table 2: Number of municipalities created in Brazil by states (from 1965 to 1985)

Brazilian States	Number of municipalities	Municipalities created within the period of 1965 and 1985	Total number of municipalities	Percentage of total growth (%)
Rio Grande do Sul	201	43	244	21
Paraná	274	35	310	13
Mato Grosso	35	25	60	71
Goiás	220	21	241	11
Amazonas	41	18	59	44
Mato Grosso do Sul	49	14	63	29
Rondônia	4	13	17	325
Santa Catarina	193	6	199	3
Roraima	2	6	8	300
Maranhão	127	5	132	4
Pará	82	5	87	6
Espírito Santo	54	5	59	9
Acre	7	5	12	71
Paraíba	166	4	170	2
Pernambuco	165	3	168	2
São Paulo	571	2	573	0,3
Bahia	334	2	336	0,6
Alagoas	94	2	96	2
Minas Gerais	717	1	718	0,1
Rio Grande do Norte	150	1	151	0,6
Piauí	114	1	115	0,9
Ceará	141	1	142	0,7
Sergipe	74	0	74	0
Rio de Janeiro	65	0	65	0

Amapá	4	0	4	0
Total	3883	218	4102	6

SOURCE: Brazilian Geography and Statistics Institute (IBGE), municipalities, 1965-1985.

Cataia (2006) mentions that the formation of consolidated urban centers is directly associated with the creation of municipalities, for as long as urbanization moves forward to land, new work conditions are created, expanding the consumption of services (CATAIA, 2006, p.5). This fact, according to this author, complexifies life relations and local management. For this reason, the transformation of the urban core into municipality produces a political space with legislative power over part of the land, and this is a fundamental element to the organization of economic and social life (CATAIA, 2006, p. 5).

When democratization occurred and the Constitution of 1988 was enacted, there were significative changes concerning political institutions. Among these changes, there were changes regarding municipality attributions. According to Souza (1996) these institutional changes are a result of agreements collected during democratization.

The Federal Constitution of 1988 in its Title III, Chapter I, paragraph 4th of Art number 18, states about the emancipation of the new political administrative units:

§ 4º the establishment, merger, fusion and dismemberment of municipalities shall be affected through state law, within the period set forth by supplementary federal law, and shall depend on prior consultation, by means of a plebiscite, of the population of the municipalities concerned, after the publication of Municipal Feasibility Studies, presented and published as set forth by law. (BRASIL, 1988).

The creation of municipalities after the military regime of 1964, as shown in **Table 3**, was significative. Over 1400 municipalities were created. This fact highlights the relevance of local scale in public policies.

Table 3: Number of municipalities created in Brazil by state (Between 1986 and 2020)

States	Number of municipalities already existent	of Municipalities created in this period	Total number of municipalities	Percentage of total growth (%)
Rio Grande do Sul	244	253	497	103
Minas Gerais	718	135	853	19
Piauí	115	109	224	94
Santa Catarina	199	96	295	47
Paraná	310	89	399	29
Maranhão	132	86	217	65
Mato Grosso	74	82	141	110
Tocantins	59	80	139	136
Bahia	366	80	417	24
São Paulo	573	73	645	13
Goiás	181	65	246	36
Pará	87	57	144	64
Paraíba	170	52	223	31
Ceará	142	43	184	30
Rondônia	17	37	52	218
Rio de Janeiro	65	27	92	42
Espírito Santo	59	20	78	34
Pernambuco	168	17	185	10

Rio Grande do Norte	151	17	167	11
Mato Grosso do Sul	63	15	79	22
Amapá	4	11	16	275
Acre	12	10	22	84
Roraima	8	7	15	87
Alagoas	96	6	102	6
Amazonas	59	3	62	5
Sergipe	74	1	75	1
Total	4102	1473	5570	36

SOURCE: Brazilian Geography and Statistics Institute (IBGE), municipalities, 1980-2020.

In the studies of Souza (1996) we find that the Constitution of 1988 created the possible conditions for the participation of local communities and to municipalization. This fact was possible because the Constitution of 1988 demanded decentralized and participative social policies. The author also found that municipalization has not been restricted to governments as providers of social policies, but also to local communities, represented by community councils (SOUZA, 1996, p. 12). The author came to this conclusion due to several federal programs and other funds coming from multilateral agencies, which demand the constitution of community councils to proceed the transference of resources. This way, the effective participation of the society is also represented by the council members. The health policies and basic education policies were municipalized and the intergovernmental relations established were more frequent between Union and municipalities, with limited participation of state governments (SOUZA, 1996).

According to França (2005), municipalization is one of the categories of decentralization. It can also be understood as a process of transferring both power and responsibility. The perspectives of problem solving by administration in the local scale represents an important innovation. However, it shows vulnerability when it comes to facing a lot of social challenges within their territories, even for the smallest places.

Eventually, the same Brazilian social problems are found on a local scale. Nevertheless, it is observed that the regional and social inequalities enlarge the complexity of federalism, the harmony and effectiveness of public administration. This fact indicates that there is a distance between the constitutional mechanisms and the political and economic environment, and these ones prevailing over constitutional commandments. In this sense, the predicted mechanism so far has shown insufficient to solve these disparities.

3. MUNICIPALIZATION

Since the National Confederation of Municipalities (NCM) several public services have been municipalized. Among them, are education, health, traffic, environment and beach care and other specific services such as the municipalization of public security and airports, among others. This can be viewed as a sign of a better participation of municipalities concerning public services, although the situation does not apply to all of the municipalities.

In the context of education, municipalization has occurred mainly after the promulgation of the Law of Directives and Bases of National Education (LDB 9394/96). Art. 11 settles the assignments of municipalities towards education:

Art. 11. Municipalities will have the responsibility to: I - organize, keep and develop their official institutions and bodies for their educational systems; these systems will be integrated to the policies and educational plans from the states and Union; II - exercise redistributive action towards their schools; III - set out complementary rules

to their educational system; IV - authorize, accredit and supervise the facilities for their educational system; V - offer early childhood education at kindergartens and preschools and, primarily, fundamental education, allowed their action in other education levels only when fulfilled the necessities in their area of competence and with resources above the minimal percentage linked to federal constitution to the maintenance and development of the education. Single paragraph. Municipalities can also opt to integrate to state educational system or compose with it a single basic educational system (Brasil, 1996 - Translated).

According to the Ministry of Health (BRASIL, 2009) the municipalization of health happens with the management of health services transferred from federal and state governments to municipalities. This decentralization of health services meets the determination of the Constitution, concerning the definitions of the Organic Law of Health – number 8.080, and to Basic Operational Normative (NOBS), Operational Health Assistance Normative (NOAS) and, more recently, the Management Pact. This way, municipalization prioritizes the concentration of public health management in municipalities. This allows each municipality to act in accordance to their specific needs.

However, the increase in number of institutions and equipment is not equal in all municipalities and the unequal development has reached all instances, which generates an inefficient health system and the reduction of quality of services offered to population in many places. In spite of that, the necessity of prioritizing the municipalization of Health management is still relevant. This fact, according to Inojosa (1990) allows each municipality to act according to their people's specific needs. According to the Ministry of Health (BRASIL, 2009) in the year 2000, 99% of municipalities were qualified for a municipalized Health management.

This feasibility of Health municipalization has become a reality mainly after the creation of the Unified Health System (SUS). The proposal which anticipated the creation of SUS and municipalization of Health management were written in the Constitution of 1988 with their subsequent regulation through the Laws nº 8080 and nº 8142, from 1990.

The constitutional text states that Health is a right for everyone and a duty of the State. In adopting the SUS model, it solidifies three basic guidelines: the decentralization, the full service and community participation. An important point brought by this new model establishes that it must be considered that the health issue can't be worked separately, but rather it must be associated with the public policies of sanitation, housing, food, transportation, jobs and leisure.

Health is one of several services that have become the responsibility of municipalities and have required a partnership among them through intermunicipal consortiums. The health municipal consortiums have been considered since the publication of Basic Operation Norms of Health Ministry in 1996 in the regionalization and ranking of service networks. (NOB - SUS nº 01/1996). According to Consortia Observatory (2021) currently the total number of public consortia in the field of Health is 273 of which 27 are located in the Midwest region, 4 in the North region, 40 in the Northeast region, 118 in the Southwest region and 84 in the South region.

In Brazil, the municipalization of environmental care is a slow process. It was with the implementation of National Environmental Policy, ruled by the Law 6.938/1981, in which municipalities began to have an important role in environment protection. From this law, the National Environmental System (SISNAMA) was created, and municipalities became to integrate this system through its environmental management bodies, together with states and Union.

According to the National Confederation of Municipalities (CNM), it is important that municipalities assume the environmental management because through the licensing process they may get the power to make decisions about what to do and how to manage their territory, besides planning their development models (CNM, 2009). Following this reasoning, Figueira (2020) states that the municipalities have an important role on environmental guardianship for the society and local authorities have wide knowledge of environmental problems faced in that territory.

The regulatory mark of transference of urban beaches and rural beaches happened through the approval of the Law 13.240, de 2015, and their updates, through the Law number 13.813, in 2019, which authorized the Union to transfer to Municipalities the management of seafronts and beaches which are urban, estuarine rural, lake and river areas, including areas of common goods with economic exploitation, such as sidewalks and public parks. With the regulation of the law, 295 municipalities (**Figure 1**) are framed in the regulations that are able to promote the management of urban beaches.

Figure 1: Municipalities with urban beaches in 2019



Source: CNM, 2020.

From the total number of municipalities, only 94 of them required the municipalization of urban beaches, that is, 31% required the management of urban beaches to Federal Properties Management (SPU).

According to CNM (2009) some municipalities have excelled their act in the environmental area regarding environmental management actions. Through this research it was possible to find out that states which have achieved success so far are Rio Grande do Sul, having 222 Municipalities licensing; Pará, with 19 municipalities; Santa Catarina, with 15 municipalities (besides 47 that have issued licenses for cutting and suppressing vegetation and registration of legal reserve); and Goiás, with 13 municipalities.

According to Figueira (2020) nowadays the only three states where over 50% of municipalities have built their Municipal Sanitation Plans were Santa Catarina (86%), São Paulo (64%) and Rio Grande do Sul (54%). In 5 states, less than 20% of municipalities built their plans, which shows the distance to achieve the requirements of the law. In number of municipalities, the state of São Paulo had the largest advance, with 411 municipalities having planned among the 645 municipalities that constitute the state. The greatest barriers are in the northern states, especially Amapá (0%), Pará (15%) and Rondônia (10%) (FIGUEIRA, 2020, p. 148).

Similarly to environmental issues and municipal management is the issue of municipal traffic. According to Mendes (2018) using data from the National Traffic Department (DENATRAN), only 1.572 Brazilian municipalities have integrated their municipal management of traffic to the National Traffic System, from a total of 5.570 municipalities in the country. It means that a small number of municipalities have created a government body to manage their local traffic.

The Resolution number 560/2015 from National Traffic Council (CONTRAN) legislates on the integration of executive bodies and entities responsible for traffic at municipalities that belong to National Traffic System. It determines that the organizational structure must contain at least these five departments: traffic engineering; inspection and traffic operation; traffic education; collect, control and analysis of traffic statistics; and the Administrative Board of Infringement Appeals (JARI). For the exercise of activities, the legal competences are attributed by laws.

There are other aspects to be considered when discussing the issue of municipalization. For instance, the new compartments that have been institutionalized, such as the metropolitan regions, urban agglomerations and microregions. Regardless of the administrative units that a particular municipality takes place, they are independent entities, that is, the municipalization of basic services is necessary in order to guarantee that local administration can be strong and participate actively in policies of regional development.

4. CONCLUSIONS

The Constitution of 1988 has delegated to municipalities the ordination of their social development and the assurance of their citizens' well-being, for this is their administrative scale which is closer to people's most basic needs. The implementation of actions and public policies - the ones that consolidate public services to health and education, for instance - materialize in municipalities. They are part of Brazilian federalism and have gone through several moments of progress and backwards. In addition to that, they may be still on alert, mainly the most economically fragile.

In fact, the management of local scale has always been and may always be financially unworkable by those who see it from the national scale. Even so, a lot of municipalities have been created, and they require an adequate management aiming at people's quality of life. This way, the Constitution of 1988 has opened the path to a decentralization and participative management. The Constitution also implies the municipalization of services as a way to enhance the local power and the effective participation of society through the representation of its members in municipal councils. Nowadays, the municipalizations of education, health, traffic, environment, beaches and other experiments of transferring to municipal management are a reality.

As a conclusion, we consider that services which have been municipalized, in most cases, still require strengthening. In order to achieve that strengthening, a lot of them find in voluntary associations a way to keep their power and activity. A lot of services and public equipment are impracticable in a low demand and, for this reason, they also optimize their goods and acquired equipment. The municipalization of certain services is a way of decentralizing that can be enhanced by municipal consortia, as stated by Henrichs (2020). They can be an innovative solution for the most fragile municipalities, or the ones that may want to acquire other solutions for their territory and region.

REFERENCES

BERARDI, Luciana Andrea Accorsi. **Consolidação do município como ente federativo**. 2004. Disponível em: <https://www.direitonet.com.br/artigos/exibir/1551/Consolidacao-do-municipio-como-ente-federativo>. Acesso em: 26 set. 2020.

BRASIL. Constituição (1934). **Constituição da República dos Estados Unidos do Brasil**. Rio de Janeiro, 1934. Disponível em: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao34.htm. Acesso em: 04 fev. 2020.

BRASIL. Constituição (1946). **Constituição dos Estados Unidos do Brasil**. Rio de Janeiro, 1946. Disponível em: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao46.htm. Acesso em: 04 set. 2020.

BRASIL. Constituição (1967). **Constituição da República Federativa do Brasil**. Brasília, 1967. Disponível em: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao67.htm. Acesso em: 05 fev. 2020.

BRASIL. Constituição (1988). **Constituição da República Federativa do Brasil de 1988**. Brasília, DF, Disponível em: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 05 maio 2021.

BRASIL. Constituição (1988). **Constitution of The Federative Republic of Brazil**. Constitutional text of October 5, 1988, with the alterations introduced by Constitutional Amendments no. 1/92 through 72/2013 and by Revision Constitutional Amendments no. 1/94 through 6/94; translated and revised by Istvan Vajda, Patrícia de Queiroz Carvalho Zimbres, Vanira Tavares de Souza. 6th. ed. Brasília, DF: The Federal Senate, Undersecretariat of Technical Publications, 2013. Disponível em: https://www2.senado.leg.br/bdsf/bitstream/handle/id/243334/Constitution_2013.pdf?sequence=11. Acesso em 23 jul. 2021.

BRASIL. Lei nº 9.324, de 24 de dezembro de 1996. Dispõe sobre o Fundo de Manutenção e Desenvolvimento do Ensino Fundamental e de Valorização do Magistério, na forma prevista no art. 60, § 7º, do Ato das Disposições Constitucionais Transitórias, e dá outras providências. Brasília, DF: **Diário Oficial da União**, 24 dez. 1996.

BRASIL. Lei nº 9.394, de 20 de dezembro de 1996. Estabelece as diretrizes e bases da educação nacional. Brasília, DF, 20 dez. 1996. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/19394.htm. Acesso em: 23 jul. 2021.

BRASIL, Ministério da Saúde. **O SUS no seu município: garantindo saúde para todos**. 2. ed. Brasília: Ministério da Saúde, Secretaria-Executiva, Departamento de Apoio À Descentralização, 2009. 46 p. Disponível em: https://bvsms.saude.gov.br/bvs/publicacoes/sus_municipio_garantindo_saude.pdf. Acesso em: 06 set. 2021.

CATAIA, Márcio Antonio. A Geopolítica das fronteiras internas na constituição do território: o caso da criação de novos municípios na região centro-oeste do Brasil durante o regime militar. **Revista Electrónica de Geografía e Ciencias Sociales**: Universidad de Barcelona, [s. l], v. 21822, n., p. 1-5, 01 ago. 2006. ISSN: 1138-9788. Disponível em: <http://www.ub.es/geocrit/sn/sn-218-22.htm>. Acesso em: 27 set. 2021.

CIGOLINI, Adilar Antonio. **Território e criação de municípios no Brasil**: uma abordagem histórico-geográfica sobre a compartimentação do espaço. 2009. 210 f. Tese (Doutorado) - Curso de Geografia, Universidade Federal de Santa Catarina, Florianópolis, 2009. Disponível em: <https://repositorio.ufsc.br/xmlui/handle/123456789/92531>. Acesso em: 06 set. 2021.

CLIFTON, Judith; WARNER, Mildred.; GRADUS, Raymond; BEL, Germà. Re-municipalization of public services: trend or hype? **Journal Of Economic Policy Reform**, [S.L.], v. 24, n. 3, p. 293-304, 21 nov. 2019. Informa UK Limited. DOI: <http://dx.doi.org/10.1080/17487870.2019.1691344>.

DICKOVICK, Tyler. Municipalization as Central Government Strategy: central-regional-local politics in peru, brazil, and south africa. **Publius: The Journal of Federalism**, [S.L.], v. 37, n. 1, p. 1-25, 10 out. 2006. Oxford University Press (OUP). DOI: <http://dx.doi.org/10.1093/publius/pjl012>.

FARAH, Marta Ferreira Santos. Inovação e governo local no Brasil contemporâneo. In: JACOBI, Pedro; PINHO, José Antonio (org.). **Inovação no campo da gestão pública local**: novos desafios, novos patamares. Rio de Janeiro: FGV Editora, 2006. p. 41-76.

FIGUEIRA, Paulo Sérgio Sampaio. **Manual de Gestão Ambiental**: programas de meio ambiente aplicados aos municípios brasileiros. Brasília: Governo do Amapá, 2020. 278 p. Disponível em: https://editor.amapa.gov.br/arquivos_portais/publicacoes/UBAM_e4bfee997c18dfe82c7a3924ab4d9067.pdf. Acesso em: 04 set. 2021.

GERSCHMAN, Silvia. Municipalização e inovação gerencial: um balanço da década de 1990. **Ciência & Saúde Coletiva**, [S.L.], v. 6, n. 2, p. 417-434, 2001. FapUNIFESP (SciELO). DOI: <http://dx.doi.org/10.1590/s1413-81232001000200011>.

HENRICHS, Joanni Aparecida. **Consórcios públicos intermunicipais**: estrutura, prestação de contas e transparência. 2. ed. Brasília: Cnn, 2020. Disponível em: <https://www.cnm.org.br/biblioteca/registros/gestao-municipal>. Acesso em: 20 set. 2020.

IBGE. **Cidades**: 1965 a 2020. Disponível em: <https://cidades.ibge.gov.br/>. Acesso em: 06 set. 2020.

INOJOSA, Rosa Marie. A municipalização nos Sistemas Unificados e Descentralizados de Saúde (SUDS). **Revista da Administração Pública**, Rio de Janeiro, v. 24, n. 4, p. 26-45, 1990.

LUTHRA, Aman. Municipalization for privatization's sake. **Society And Business Review**, [S.L.], v. 14, n. 2, p. 135-154, 31 maio 2019. Emerald. DOI: <http://dx.doi.org/10.1108/sbr-11-2017-0102>.

MARQUES JUNIOR, Liderau dos Santos; OLIVEIRA, Cristiano Aguiar de; LAGEMANN, Eugenio. Federalismo fiscal brasileiro: problemas, dilemas e as competências tributárias. **Revista da Amde**, Belo Horizonte, v. 9, n., p. 12-59, jul. 2012. Disponível em: <http://www.revista.amde.org.br/index.php/ramde/article/view/88>. Acesso em: 05 set. 2020.

MEIRELLES, Hely Lopes. **Direito Municipal Brasileiro**. 17. ed. Salvador Ba: Malheiros, 2008. 854 p.

MENDES, Gleydson. **A importância da municipalização do trânsito**. 2018. Disponível em: <http://www.saladetransito.com/2018/04/a-importancia-da-municipalizacao-do.html>. Acesso em: 29 set. 2020.

MORE: **Mecanismo online para referências, versão 2.0**. Florianópolis: UFSC Rexlab, 2013. Disponível em: <http://www.more.ufsc.br/>. Acesso em: 04 set. 2021.

SIMINI, Danilo Garnica. O status do município brasileiro na ordem constitucional vigente. **Revista Espaço Acadêmico**, v. 17, n. 197, p. 43-55, 5 out. 2017.

SOUZA, Celina. Reinventando o Poder Local: limites e possibilidades do federalismo e da descentralização. **Revista São Paulo em Perspectiva**, São Paulo, v. 10, n. 3, p. 103-112, jul. 1996. Disponível em: <http://produtos.seade.gov.br/produtos/spp/index.php?men=rev&cod=5035>. Acesso em: 22 out. 2020.

WARNER, Mildred; ALDAG, Austin. Re-municipalization in the US: a pragmatic response to contracting. **Journal Of Economic Policy Reform**, [S.L.], v. 24, n. 3, p. 319-332, 25 set. 2019. Informa UK Limited. DOI: <http://dx.doi.org/10.1080/17487870.2019.1646133>.



Informações sobre a Licença

Este é um artigo de acesso aberto distribuído nos termos da Licença de Atribuição Creative Commons, que permite o uso irrestrito, distribuição e reprodução em qualquer meio, desde que o trabalho original seja devidamente citado.

License Information

This is an open access article distributed under the terms of the Creative Commons Attribution License, which allows for unrestricted use, distribution and reproduction in any medium, as long as the original work is properly cited.