

# Favourable Conditions for the Manifestation of the Autonomy of the Local Public Administration Management in the County of Suceava

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## Abstract

*The foundation of the local public administration is the local autonomy, the proper performance of the managerial activity in this sector not being possible in its absence. From such a direction, in this paper we propose to analyse the conditions that favour the autonomy, with reference to the existing facts within the Romanian local public administration, with an emphasis on the County of Suceava. The division of the national community into local authorities, the material and financial resources available to the local government, the eligibility of the local authorities, its absolute competence in managing community issues and the existence of the administrative guardianship are conditions for the concrete manifestation of the local autonomy. Overall, studying these conditions, we find that each and all create the support for real autonomy of the local public administration management.*

**Key words:** *management of the local public administration, local autonomy, local public administrative authorities, local community*

**JEL Classification:** *H83*

## Introduction

In Romania, the local administration of the territorial administrative units is organized and operates under the following principles: *decentralization, local autonomy, devolution of public services, and eligibility of local public administrative authorities, legality and consultation of citizens in solving local problems of special interest.*<sup>1</sup> As we can see, the local autonomy is part of these principles and materializes the liberty of action of the administration<sup>2</sup>.

The purpose of the present article is to examine the conditions of the manifestation of the local autonomy and to highlight how each and all together ensure its functioning.

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<sup>1</sup> *Romanian Constitution*, art. 20 and Romanian Parliament, *Law no. 215/2001 on local public administration*, art. 2 paragraph 1

<sup>2</sup> Rais, D., Simionescu, A., Pendiuc, T., *Managementul administrației publice*, Independența Economică Publishing House, Brăila, 1999, p. 29

The manifestation of the autonomy in the local public administrative management requires certain conditions; their practical availability guarantees its operation, as follows:

- existence of the local communities – components of the national community;
- existence of the material and financial resources at the disposal of the local community;
- eligibility of the local public administrative authorities;
- absolute competence of local public administration authorities in solving local problems;
- existence of the administrative guardianship.

With the support of all these conditions, the local autonomy is fully manifested within the local public administration management. The actual assertion of the local autonomy is likely to provide an autonomous and democratic local public administration to manage and resolve in an efficient way the problems of the local community.

### **The Existence of the Local Communities – Components of the National Community**

The manifestation of the local autonomy is closely related to the existence of the local communities established in state administrative-territorial divisions. The local territorial community is part of the national territory, with the corresponding people, having legal capacity and forming the local administration office.<sup>3</sup>

The national community is divided into local communities established in communes, towns, municipalities and counties. They are administrative-territorial units for the exercise of the local autonomy in which are organized and operate the local public administration authorities.<sup>4</sup> The administrative-territorial units are legal entities under public law, with full legal capacity and their own patrimony. These units solve legal tax issues, holding the fiscal registration code and accounts at the treasury territorial units, and also at the bank units. The administrative-territorial units are holders of the rights and obligations arising from contracts concerning the administration of the public and private domain as they are part, and also the relations with other individuals or companies.<sup>5</sup>

The number of the administrative-territorial units in our country is reflected in the following table (see Table 1):

**Table 1.** Number of the administrative-territorial units in Romania

Administrative territorial-units	Number
Counties	41
Bucharest	1
Municipalities	103
Towns	217
Communes	2861

Source: data development by the author from the National Institute of Statistics, last updated on January 30, 2012, available at <https://statistici.insse.ro/shop/index.jsp?page=tempo3&lang=ro&ind=ADM101A> [accessed on February 8, 2013]

After we presented the administrative-territorial state level it is important to know the territorial organization in the County of Suceava.

<sup>3</sup> Bălan, E., “Territorial-Administrative Reorganization, a Perspective of the Scientific Concepts”, *Lex ET Scientia International Journal, Administrative Series*, nr. XVIII, vol. 2/2011, p. 264

<sup>4</sup> Romanian Parliament, *Law no. 215/2001 on local public administration*, art. 20

<sup>5</sup> Idem, art. 21 paragraph 1

In terms of administrative-territorial divisions, the County of Suceava is divided into municipalities, towns and communes; the number of these units is shown in the following table (see Table 2):

**Table 2.** Number of the administrative-territorial units in the County of Suceava

Administrative-territorial units	Number
Municipalities	5
Towns	11
Communes	98

Source: data development by the author from the National Institute of Statistics, last updated on January 30, 2012, available at <https://statistici.inse.ro/shop/index.jsp?page=tempo3&lang=ro&ind=ADM101A> [accessed on February 8, 2013]

The concept of local community defines the unit of three elements: population, territory, administrative competence<sup>6</sup>. At this point we analyse the first two elements, the third one being approached while studying the absolute competence of the local public administration authorities in solving local problems.

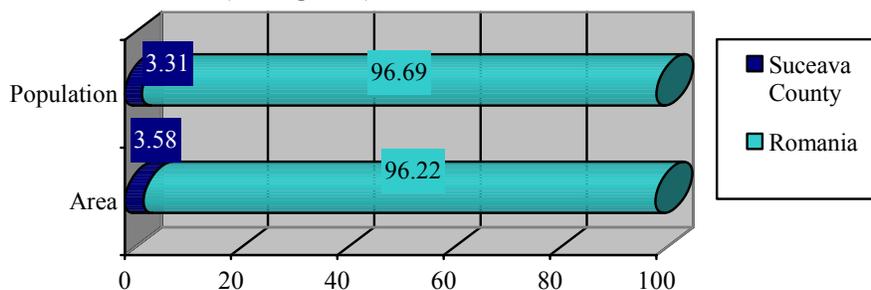
The national and county communities, in terms of number of inhabitants and total area are presented as follows (see Table 3):

**Table 3.** National and county community

Community	Population (number of inhabitants)	Area (km <sup>2</sup> )	Population density
Romania	21,355,849	238,390.7	89.58
Suceava County	708,764	8,553.5	82.86

Source: data development by the author from the National Institute of Statistics, last updated on September 20, 2012, available at <https://statistici.inse.ro/shop/> [accessed on February 8, 2013]

In the graphical representation, the weights of the values recorded in the national and county communities are as follows (see Figure 1):



**Fig. 1.** National and county communities in percentages

Source: data development by the author based on data from the Table 3.

According to the above figure, the community of Suceava County holds 3.31% of Romanian population and 3.58% of the Romanian territory.

<sup>6</sup> Bălan, E., *op. cit.*, p. 265

## The Existence of the Material and Financial Resources at the Disposal of the Local Community

The autonomy in local public administration management can really work and the local needs can be served to the extent that local communities have:

- *material resources* belonging to the administrative-territorial units;
- *financial resources* sufficient to cover the planned expenditures.

*Material resources.* The local communities (county, municipality, town, commune) have at their disposal goods comprising public and private domain, as follows:<sup>7</sup>

*The public domain* of county, municipalities, towns, communes include, for example, goods such as:

- county roads, communal roads and streets;
- land and buildings in which operates the county council and its own personnel or the local council and the mayoralty, and also the county public institutions or the local public institutions (libraries, museums, hospitals);
- water supply networks and water treatment stations with their installations, constructions and lands;
- town and commune cemeteries.

*The private domain* – composed of goods owned by administrative-territorial units which are not part of the public domain<sup>8</sup>.

*Financial resources.* In order to ensure local autonomy, the local public administration authorities have the right to establish and collect local taxes, develop and approve the local budgets of communes, towns, municipalities and counties<sup>9</sup>.

Within Suceava, public local authorities have competence in the following fields<sup>10</sup>:

- at the county level, the County Council approves the proposal of the President of the Council the county's own budget, establishes county taxes and fees;
- at the level of municipalities, towns, communes, the Local Council approves the mayor's proposal for the local budget, establishes and approves the local taxes and fees.

Since the autonomy operation and the local needs require especially the consumption of the financial resources, the availability of such resources is imperative at the local communities level. The local territorial communities, that have their own significant tax, are in a situation of real autonomy<sup>11</sup>.

Within the local community of Suceava County, the degree of financial autonomy can be estimated by using the indicator named *self-financing capacity of the local authorities*<sup>12</sup>, that shows the proportion of own revenues in local budget revenues.

<sup>7</sup> According to the Romanian Parliament, *Law no. 213 from November 17, 1998 on public property*, Annex – The list of some goods that make the public domain of state and its administrative-territorial units, points II and III

<sup>8</sup> *Idem*, art. 4

<sup>9</sup> Romanian Parliament, *Law no. 215/2001 on local public administration*, art. 27

<sup>10</sup> *Idem*, art. 91 paragraph 3 letter a, b, and art. 36 paragraph 4 letter a and c

<sup>11</sup> Rada, D., "Autonomia finanțelor publice locale în contextul general al autonomiei locale contemporane", *Studia Universitatis "Vasile Goldis" Arad*, Seria Științe Economice, Anul 21/2011, Partea a II-a, p. 402

<sup>12</sup> Dogariu, E., "Studiu privind autonomia financiară locală în România", *Theoretical and Applied Economics*, volumul XVII, no. 6(547), 2010, p. 68

Its formula calculation is:<sup>13</sup>

$$Ca_{loc.} = \frac{V_{ploc.}}{V_{tloc.}} \times 100 \quad (1)$$

where:

$Ca_{loc.}$  – self-financing capacity of the local public administration authorities;

$V_{ploc.}$  – own revenues of the local public administration authorities;

$V_{tloc.}$  – total revenues of the local public administration authorities;

*Interpretation:*    ➤ 100% Increased Autonomy  
                               ➤ 100% Low Autonomy.

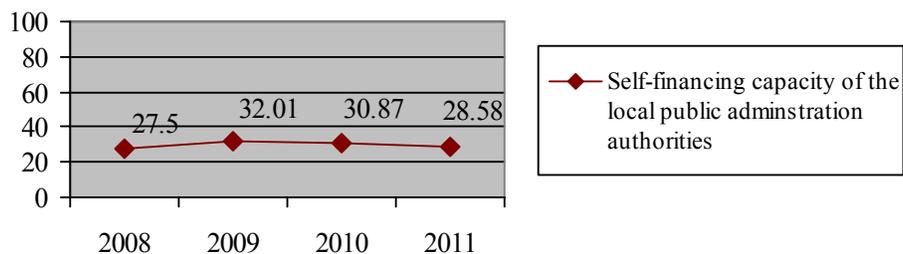
Using the above formula, we can calculate the financial autonomy at the level of Suceava County (see Table 4):

**Table 4.** Financial autonomy at the level of Suceava County from 2008 to 2011

Indicator	U.M.	2008	2009	2010	2011
Total revenues	Thousands of lei	1,177,390	1,209,851	1,282,021	1,338,942
Own revenues	Thousands of lei	323,838	387,366	395,874	382,755
The self-financing capacity of the local public administration authorities	%	27.50	32.01	30.87	28.58

Source: data development by the author according to data provided by the Romanian Court of Accounts, *Reports on local public finances from 2008, 2009, 2010, 2011*, available at <http://www.curteadeconturi.ro/sites/ccr/RO/Publicatii/default.aspx> [accessed on February 11, 2013]

The following figure shows the evolution of the indicator considered for the period under review (see Figure 2):



**Fig. 2.** Evolution of the financial autonomy at the level of Suceava County from 2008 to 2011

Source: data development by the author based on data from the Table 4.

According to the figure, we see that for the period considered, the highest financial autonomy is at the level of 2009 ( $Ca_{loc.}=32.01\%$  - a value closer to 100%), followed by a decrease in 2010 ( $Ca_{loc.}=30.87\%$  - a more distant value to 100%) and 2011 ( $Ca_{loc.}=28.58\%$  - a remote value to 100%); the lowest financial autonomy is at the level of 2008 ( $Ca_{loc.}=27.50\%$  - the farthest value to 100%).

Amid the foregoing, we point out that the availability of these material and financial resources at the level of the local community considered makes possible the manifestation of autonomy in local public administration management.

<sup>13</sup> Idem

## The Eligibility of the Local Public Administration Authorities

The local communities have their own administrative authorities that are tasked to manage the business of the administrative-territorial units where they are elected, for the benefit of those who appointed them to represent their interest.

*The County Council of Suceava* is the authority of the local public administration, established to coordinate local councils in municipality, town, commune, in pursuit of public services of county interest.<sup>14</sup> It is made up of a total of 36 councillors<sup>15</sup>, elected by universal, equal, direct, secret and freely expressed voting, by citizens entitled to vote in Suceava County, under the law for the election of local public administration authorities.

*The President of the County Council of Suceava* is responsible for the proper functioning of the county council he leads.

In each town (municipality) and commune from Suceava County is organized and operates *the local council*, local public authority empowered to settle and decide all matters of local interest. Local councils are composed of local councillors, elected by universal, equal, direct, secret and freely expressed voting, as determined by the Law for the election of local public administration authorities.<sup>16</sup> It has initiative and acts according to the law in all matters of local interest, except those which are provided by law to other local or central public authorities.<sup>17</sup>

*The mayor* is the executive authority of the local public administration who exercises the autonomy in communes, towns and municipalities.

Therefore, public authorities that manage the local public administration and exercise the local autonomy are established as follows (see Table 5):

**Table 5.** Setting up of local public administration authorities

Local community	Local public administration authorities	Setting up
Suceava County	County Council	chosen by the members of the local community
	President of the County Council	chosen by the members of the local community
Municipalities, towns, communes from Suceava County	Local Council (municipality, town, commune)	chosen by the members of the local community
	The mayor (of municipality, town, commune)	chosen by the members of the local community

Source: County Council of Suceava, *Regulation ...*, *op. cit.*, art. 4 and 5, p. 1; Romanian Parliament, *Law no. 67/2004 for the election of local public administration*, art.1 paragraph 2

We note that at the local level, all public administrative authorities are elected by the members of the local community, a situation that favours the manifestation of autonomy in local public administration management.

<sup>14</sup> County Council of Suceava, *Regulation of organization and functioning of the County Council of Suceava*, art. 2 paragraph 1, p. 1 available at [http://www.cjsuceava.ro/documente/hotarari/2012/ROF-Hot\\_nr\\_139.pdf](http://www.cjsuceava.ro/documente/hotarari/2012/ROF-Hot_nr_139.pdf) [accessed on January 12, 2013]

<sup>15</sup> County Council of Suceava, *Section County Councilors*, Page of County Council of Suceava, available at <http://www.cjsuceava.ro/index.php/consilieri-judeteni> [accessed on February 12, 2013]

<sup>16</sup> Romanian Parliament, *Law no. 215/2001 on local public administration*, art. 28

<sup>17</sup> *Idem*, art. 36 paragraph 1

## **The Absolute Competence of Local Public Administration Authorities in Solving Local Problems**

In order to manage and resolve local problems, the local public authorities have absolute competence which ensures their autonomy in relation with the central authorities. Clear establishment of competencies for each of the administrative levels is essential for the manifestation of autonomy in local public administration management.

That is why competences of local public authorities in communes, towns and district are laid as follows<sup>18</sup>:

Local public administration authorities *in communes and towns* exercise *sole power* to:

- administration of public and private domain within commune or town;
- local road administration;
- administration of local cultural institutions;
- administration of local public health units;
- spatial and urban planning;
- water supply;
- sewer and wastewater and rainwater treatment;
- public lighting;
- sanitation;
- basic social services and those specialized for child and elderly protection ;
- basic social services and those specialized for victims of domestic violence;
- local public transportation;
- other powers established by law.

Local public administration authorities *at the county level* exercise *sole power* to:

- local airport administration;
- administration of public and private domain of the county;
- administration of county cultural institutions;
- administration of county public health units;
- basic social services and those specialized for victims of domestic violence;
- social services for elderly people;
- other powers according to the law.

Local public administration authorities *at the level of communes and towns* exercise *competence shared* with central administration authorities on:

- heat supply produced in a centralized system;
- social and youth housing;
- pre-university education, except special education;
- public order and safety;
- grants for distressed people;
- prevention and emergency management at the local level;
- medical and social support services for people in distress;
- basic social services and those specialized for disabled people;
- community public services for the people accounting;
- local road administration in communes;
- other power established by law.

Local public administration authorities *at the level of communes and towns* exercise *competence shared* with county public administration authorities to provide public utility services through regional operators.

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<sup>18</sup> Romanian Parliament, *The framework law on decentralization no. 195/2006*, Chapter IV, art. 19 - 27

Local public administration authorities *at the county level* exercise *competence shared* with central public administration authorities on:

- county road administration;
- special education;
- medical and social services for distressed people;
- basic social services and those specialized for child protection;
- social services for disabled people;
- community public services for the people accounting;
- other power established by law.

Local public administration authorities exercise *competence delegated* by central public administration authorities for the payment of allowance and indemnities for disabled children and adults.

We note that there are specific powers set for the local public administration authorities at each of the administrative levels, a situation that favours the manifestation of local autonomy.

### **The Existence of the Administrative Guardianship**

The absolute competence of the local public administration authorities is not absolute freedom in solving problems of local interest; their activity is subject to control by the authorities. This control, called administrative guardianship is exercised by the executive and consists in its right to approve, cancel or suspend the acts of decentralized authorities for reasons of legality<sup>19</sup>.

The guardianship control is exercised by the prefect, in his capacity as representative of the Government in the counties. According to the constitutional provisions<sup>20</sup> and to the Law no. 340/2004 regarding the prefect and the prefect institution<sup>21</sup>, this control concerns the legality of acts issued by the county council, local council and mayor, not their opportunity. Starting with the summer of 2008, the acts of the county council president are also under legal control, exercised by the prefect.<sup>22</sup>

Although this control could be seen as a limitation of the local autonomy, because it only concerns the legality of the administrative acts, this guardianship does not abolish the autonomy but set a limit to the activities of the local authorities, in order to comply with law.

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<sup>19</sup> Voinea, R., "Tutela administrativă exercitată de prefect", *Revista de Științe Juridice*, nr. 3-4, 2005, p. 157

<sup>20</sup> Romanian *Constitution*, art. 123 paragraph 5: "The prefect may challenge, in the administrative court, an act of the county council, the local one, or of the mayor, if he deems it unlawful. The contested act is suspended by law".

<sup>21</sup> Romanian Parliament, *Law no. 340/2004 regarding the prefect and the prefect institution*, art. 19 paragraph 1 letter f: "As a representative of the Government, the prefect verifies the legality of the administrative acts of the county council, the local one and of the mayor".

<sup>22</sup> Tofan, D. A., "Controlul jurisdicțional asupra administrației publice românești. Analiză comparativă cu alte state europene (II)", *Studii de drept românesc*, an 21 (56), nr. 4, 2009, p. 358

## Conclusions

Taking into account all the above, we conclude that Suceava County provides, in an obvious way, conditions that favour the functioning of the autonomy in local public administration management.

As we have seen, dividing the national community in local communities is “the start” for autonomy functioning in the local public administration management. The availability of the material and financial resources at the level of local community taken into consideration favours the autonomy functioning. The election of the local public administration authorities by the members of the local community in Suceava County ensures their operational autonomy. The full competence of the local public administration authorities in solving issues of local interest ensures their autonomy in relation to central administration. The local public administration is subject to guardianship control of the authorities, without affecting local autonomy.

The overall conclusion to be drawn from these findings is as follows: within local public administration in Suceava County can be found conditions that ensure a real manifestation of autonomy.

## References

1. \*\*\* Romanian Constitution.
2. Bălan, E., Territorial-Administrative Reorganization, a Perspective of the Scientific Concepts, *Lex ET Scientia International Journal, Administrative Series*, nr. XVIII, vol. 2/2011, pp. 261-267.
3. County Council of Suceava, *Regulation of organization and functioning of the County Council of Suceava*, pp. 1-64, available at [http://www.cjsuceava.ro/documente/hotarari/2012/ROF-Hot\\_nr\\_139.pdf](http://www.cjsuceava.ro/documente/hotarari/2012/ROF-Hot_nr_139.pdf) [accessed on February 12, 2013].
4. County Council of Suceava *Section County Councillors*, Suceava County Council Page, available at <http://www.cjsuceava.ro/index.php/consilieri-judeteni> [accessed on February 12, 2013].
5. Dogariu, E., Studiu privind autonomia financiară locală în România, *Theoretical and Applied Economics*, volumul XVII, no. 6(547), 2010, pp. 65-73.
6. National Institute of Statistics, last updated on 30.01.2012, 20.09.2012, available at <https://statistici.insse.ro/shop/index.jsp?page=tempo3&lang=ro&ind=ADM101A>, <https://statistici.insse.ro/shop/> [accessed on February 8, 2013].
7. Năstase, C., *Macroeconomie și politici macroeconomice*, „Ștefan cel Mare” University Publishing House, Suceava, 2006.
8. Romanian Court of Accounts, *Reports on local public finances 2008, 2009, 2010, 2011*, available at <http://www.curteadeconturi.ro/sites/ccr/RO/Publicatii/default.aspx> [accessed on February 11, 2013].
9. Romanian Parliament, *The framework law on decentralization no. 195/2006*, published in Of. M. no. 453 from 25 May 2006.
10. Romanian Parliament, *Law no. 67/2004 regarding the election of the local public administration*, republished in Of. M. no. 333 from 17 May 2007.
11. Romanian Parliament, *Law no. 213 from 17 November 1998 on public property assets*, published in Of. M. no. 448 from 24 November 1998, as amended by *Law no. 71/2011*.
12. Romanian Parliament, *Law no. 215/2001 on local public administration*, republished in Of. M. no. 123 from 20 February 2007.
13. Romanian Parliament, *Law no. 340/2004 regarding the prefect and the prefect institution*, republished in Of. M. no. 225 from 24 March 2008.
14. Rada, D., Autonomia finanțelor publice locale în contextul general al autonomiei locale contemporane, *Studia Universitatis “Vasile Goldis” Arad, Seria Științe Economice*, Anul 21/2011, Partea a II-a, pp. 399-405.
15. Rais, D., Simionescu, A., Pendiuc, T., *Managementul administrației publice*, Independența Economică Publishing House, Brăila, 1999.

16. Scutaru, A. L., Aspects regarding the interconnection of regional science with regional development, *The USV Annals of Economics and Public Administration*, Volume 12, Issue 1(15), 2012, pp. 84-90.
17. Stancu, A., Globalizarea calității versus calitate globală, A XI-a Sesiune de Comunicări Științifice a Cadrelor Didactice cu participare internațională, *Creșterea Competitivității Economice a României în Contextul Integrării în Uniunea Europeană*, 19-20 mai 2006, Universitatea Româno-Americană București, pp. 115-119.
18. Tofan, D. A., Controlul jurisdicțional asupra administrației publice românești. Analiză comparativă cu alte state europene (II), *Studii de drept românesc*, an 21 (56), nr. 4, 2009, pp. 351-381.
19. Voinea, R., Tutela administrativă exercitată de prefect, *Revista de Științe Juridice*, nr. 3-4, 2005, pp. 156-160.