



Project: OPPORTUNITIES AND CHALLENGES FOR TERTIARY EDUCATIONAL SYSTEM IN PROMOTING EVIDENCE-INFORMED GOOD GOVERNANCE SOCIETY (ACRONYM: ACTIVEGOVEDU)

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**Strengths and weaknesses in formal and informal relations
between civil society and public administration
in decisions-making process**

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1. Introduction

A paramount factor in Romanian democratic society and not only, is the communication of public administration or the authorities with citizens on the one hand, and on the other hand the communication between authorities and civil society where the intermediate body is represented, ordinarily, by non-governmental organisations. An efficient communication increases awareness among civil society and, at the same time, the accurate and transparent decision-making for the convenience of citizens, which entails a high level of democracy.

This case study aims to identify the mains issues in the function of public administration in order to find effective solutions for improving relation between civil society and public administration, by offering a model of cooperation between authorities and civil society, a





model which can be used both in Romania and in Iceland.

The main topic of this study is the existing actualities review inside of public administration in European countries, regarding the level of performance in the public sector in order to demonstrate the importance of performance indicators for evaluating the effectiveness of the relationship between public administration and civil society and to evaluate the level of democracy existing in the local communities of some European countries. Another topic of interest of this study is identifying the problems in human resources management within public administration, the matters of communication of the public administration with the citizens and civil society.

2. Study description

This study was realized during October and November 2015 and it is based on the data collected before by the Pro-Democracy Association at the level of the city Timișoara and of the Timiș county. In order to give a more extensive work on public administration activity, our study compiles several sets of data and analyses, thereby providing a coherent and unitary image on how government works. The study refers to the first half of the local elected term of office (June 2012 – May 2014) and concerns several performance indicators of democracy such as: the rate of submitting annual activity report for local and county councillors in 2012 and 2013, the rejection of some amendments that affect the decisional transparency, the number of ordinary sessions versus the number of extraordinary sessions or the additional protects as a matter of urgency. Other indicators of democracy used in this study are: legislative initiatives of Timișoara Local Council, in the annual reporting of local councillors and the annual report of the mayor regarding the economic, social and environmental state of Timisoara. There are also taken into account: publishing job description of civil servants from City Hall, publishing in Official Gazette of the reports of public institution activity for the years 2012 and 2013, submission of wealth and interest statement, but also the declaration and inventory of gifts received by the local elected during their term of office.

3. Objectives

- 3.1 The monitoring of annual report of local and county councillors for 2012-2013
- 3.2 Review the law transparency amendments
- 3.3 Review the transparency of normative activity of local authorities
- 3.4 Monitoring the initiatives of local councillors
- 3.5 The monitoring of annual reports of local councillors and the annual report of the mayor on the economic, social and environmental state of Timisoara.
- 3.6 Monitoring the publication of job description sheets of civil servants from City Hall Timisoara





- 3.7 Review the reports on the economic, social and environmental state of Timisoara and the reports about the management of assets in the city and the county.
- 3.8 Review on transparency regarding the responsibility and liability of the officials from Timis county public authorities.
- 3.9 Monitoring the submission in Official Gazette of the annual report of the local and county authorities in Timiș between 2012 and 2013.
- 3.10 Monitoring the submission of wealth and interest statement, but also the declaration and inventory of gifts received by the local and county elected during their term of office.
- 3.11 Monitoring the situation of European money funds projects.

4. Research Metodology

The research methodology involved demands of Pro Democracy Association, Timisoara club in connection with various reports and documents from Institution of Prefect Timiș, County Council, Local Council and City Hall Timișoara. For monitoring the normative activity of the local public administration, Pro Democracy Association has collected data from the official websites of the Local Council Timișoara and County Council Timiș, and to the situation on the nature of the sessions, the number and nature of draft resolutions, there has been carried out a review on the minutes contents of the sessions. Has been undertaken a request of the Pro Democracy Association by the Lower House in order to reject the changes on Transparency Law (Law no. 52/2003).

Has been taken into account several aspects to study the level of democracy: the submission of annual reports for the local and county councillors, the Transparency Law, the agenda for local and county public administration sessions in Timiș, draft resolutions of public administration, annual reporting on the economic, social and environmental status of Timisoara, the job description sheets disclose of the civil servants within the City Hall Timisoara, publication of the public institution reports. To study these aspects it was necessary the communication of documents and reports requested from public authorities to the club Timisoara of Pro Democracy Association.

Another important point of this study was the observation of the way in which local and county public institution take decisions and the conformation to the legislation in place by public institutions. This monitoring has been carried out on the basis of the reports or documents received by local and county public institutions.

5. Results

5.1 The monitoring of annual report of local and county councillors for 2012-2013

According to correspondence between the club Timisoara of Pro Democracy Association and





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Local Council it results that in 2012 only one local councillor has carried out activity report and in 2013 no local councillor has drawn up the activity report.

Instead, at County Council Timiș the situation is better, because on average 80% councillors have submitted their activity reports for 2012 and 2013.

In view of this, the club Timisoara of Pro Democracy Association made numerous complaints for Local Council Timisoara, Prefect Institution and the headquarters of political parties. These complaints were aimed on efficient communication between citizens and councillors in order to report the activity involved for the convenience of the community.

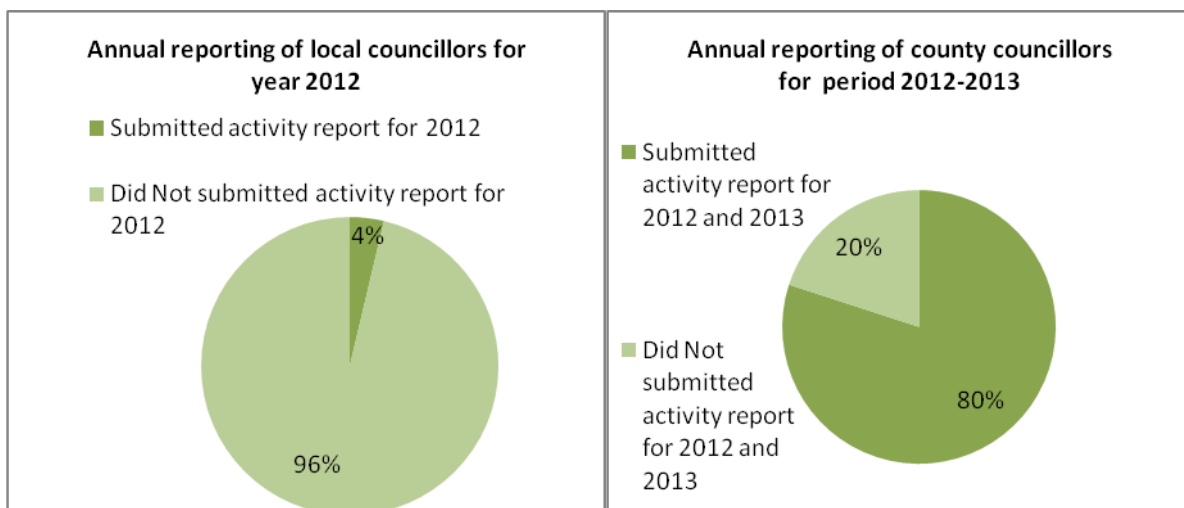


Figure 1 Reports of local councillors

Figure 2 Reports of county councillors

5.2 Review the law transparency amendments

Regarding to *Draft of Law for completing art 6 from Law 52/2003 on decisional transparency in public administration*, Pro Democracy Association wanted this amendment of the law to be rejected, because it restrains citizens' access to public debates, face-to-face with the authorities. This draft law provides for replacing the public debates with the online debates, which would seriously affect the communication between citizens and authorities. Taking into account the advantages of the online communication, Pro Democracy Association wants that this type of communication to be one complementary to the public debates and in no circumstances to replace them.

Moreover, the public administration and regional planning committee and the committee for legal matters, discipline and immunities which are committees of the Chamber of Deputies have expressed their disapproval on this draft of law because it is a proposal that stops representative associations among civil society and deeply affect citizens' interests, they do not have access anymore to a real debate on the issues and decisions concerning local community.





Neither the prime minister supports this draft of law in its current form, because there are no necessary legislative amendments to ensure that public institutions can organise online debates.

Pro Democracy hopes that this amendment of law may not be adopted by the Chamber of Deputies, being a decisional house, in view of the fact that this amendment was adopted by the Senate.

5.3 Review the transparency of normative activity of local authorities

Regarding the local public administration activity, Pro Democracy Administration has collected data on the Local Council and County Council Timiș websites, at midterm (June 2012 – May 2014). These data are related to the number and the nature of the sessions (ordinary and extraordinary) and to the number and type of the draft law (by convener or urgency) as review of the minutes sessions.

According to the existing findings it results that: the extraordinary sessions of Local Council Timisoara represented 24.98% of the total number of sessions and the extraordinary sessions of County Council represented 4.74% of the total number of sessions. In the case of the additional projects as a matter of urgency: Local Council had 34.07% additional projects as a matter of urgency and the County Council had only 3.95% projects of this kind. Regarding to situation of drafts where there is no need for a transparent procedure, situation was as follows: Local Council had 50.85% of this kind of drafts, and County Council of Timiș had only 8.5%. Local council was summoned for session in 13 extraordinary sessions (37.14%) and County Council in only 6 extraordinary sessions (20.69%).

Taking into account these data it can be said that local elected have not taken decisions sufficiently transparent by excessive use of extraordinary sessions, which goes against to the prior report principle from the article 2 of the Law 52/2003. Hence the result is an inefficient management of the issues whereby Timișoara is confronting.

It is recommended to avoid introducing practice as a matter of urgency of the daily agenda of some projects to ensure that they do not raise suspicions that the initiator forbids them by the public opinion, these projects being likely to conceal purposes of a questionable integrity.



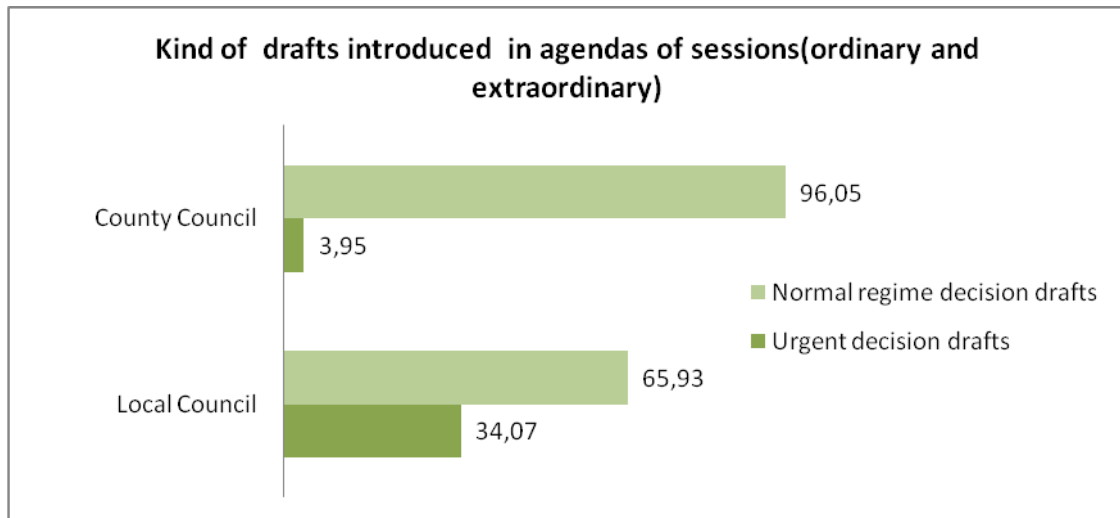


Figure 5 Kind of drafts introduced in agendas of sessions (June 2012 - May 2014)

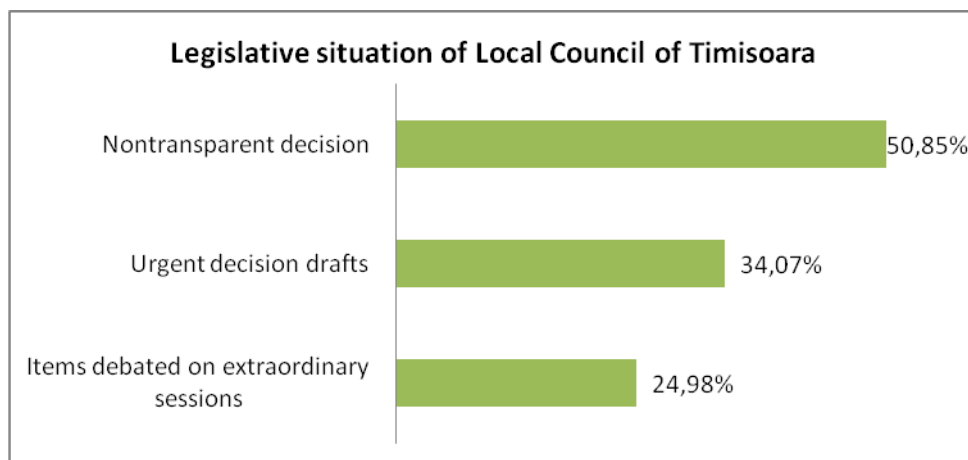


Figure 6 Overview of decisional process in Local Council of Timișoara (June 2012 - May 2014)

5.4 Monitoring the initiatives of local councillors

Regarding the mid term legislative activity at the Local Council (June 2012 – May 2014), Pro Democracy Association has sent a request to the City Hall regarding to the number of decisions adopted by Local Council.

According to the data received, it appears that in the first half of the term of office, from the total of 1,264 Local Council Decisions adopted, only 26 have been initiated by local councillors, that is only 2% and the rest of 98% were initiated by the mayor, 37% of local councillors have not even initiated a local council decision draft (individually or jointly, adopted or not).



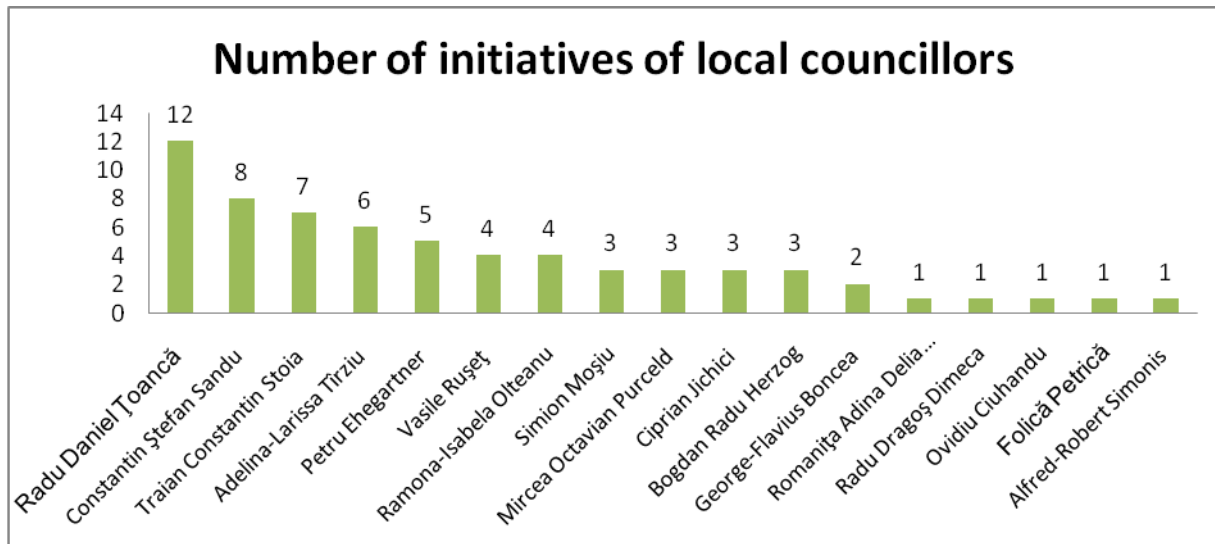


Figure 10 Number of initiatives of local councillors

5.5 The monitoring of annual reports of local councillors and the annual report of the mayor on the economic, social and environmental state of Timisoara

As a result of the steps initiated by Pro Democracy Association with the regard to the annual report of the councillors activity, several local councillors submitted their individual reports to Local Council secretariat. These enterprises were necessary because the councillors have been informed since February 2014 to submit the activity report for 2013.

Regarding the annual report of the mayor on economic, social and environmental state of the territorial-administrative unit, this has not been submitted by the City Hall, although Pro Democracy Association has made request on this line and the legislation provides the obligatory character of presenting it to the Local Council, in the first quarter of the year and his publication in Official Gazette.

As a consequence Pro Democracy Association requested the publishing of the annual reports activity of all local councillors, and annual report of the mayor on economic, social and environmental state of Timisoara, but also the conclusion of their analysis on the Local Council plenary. Although the deadline of response and submission of reports is 10 days, this has been exceeded.

5.6 Monitoring the publication of job description sheets of civil servants from City Hall Timisoara

The club Timisoara of Pro Democracy Association has remarked the refusal of City Hall Timisoara to declassify job description sheets of spokesman of City Hall and Secretary of Local Council for reason that these are secret documents, even if job description sheet of civil





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servants does not represent an individual attribute, but an official document of an institution and does not contain personal data. Also Pro Democracy faced numerous refusals from City Hall, despite of repeated demands to declassify job description sheet of civil servants. Non-publishing job description is illegal, because by their non-publishing, the monitoring of a public servant activity related to its duties is restrained.

5.7 Review the reports on the economic, social and environmental state of Timisoara and the reports about the management of assets in the city and the county.

Pro Democracy Association has requested from City Hall Timisoara: the report on the economic, social and environmental status of Timișoara (2012-2013), reports about the management of assets in Timișoara (2012-2013) and from County Council Timiș the reports about the management of assets in Timiș (2012-2013) as well as of the dates of the Local Council sessions and of the County Council to which these reports have been brought forward to the councillors.

The requested reports from Timișoara City Hall and Local Council Timișoara were not submitted, despite of numerous requests of Pro Democracy Timisoara and legal obligations. On the contrary with City Hall Timisoara, County Council submitted the requested reports on 3 days.

According to the above, these reports are necessary to know what is both the economic situation and the city asset management in order to know the degree of development and patrimony of Timișoara and Timiș County.

5.8 Review on transparency regarding the responsibility and liability of the officials from Timiș County public authorities.

Despite repeated enterprises of Pro Democracy Association, City Hall refused to publish the job description of the civil servants, according to HG 432/23.03.2004, but Pro Democracy Association rejected this reason as being unfounded, because the job descriptions are not personal attributes but public documents.

In opposition with the City Hall Timisoara, the County Council as well as the prefect had a positive answer regarding this request. In case of City Hall, Pro Democracy Association has been suggested by the prefect in basis of the Law 544/2001 a free access to public information (job description are considered to be public interest and in case it contains personal data, only them are exempted from communication)

Pro Democracy Association express his hope that City Hall Timisoara will change position and publish the job descriptions of the civil servants.

5.9 Monitoring the submission in Official Gazette of the annual report of the local and county authorities in Timiș between 2012-2013





After monitoring the reports of local and county councillors at midterm (July 2012 – July 2014), Pro Democracy Association requested from City Hall, County Council and Prefect County Institution issues of the activity reports for years 2012 and 2013 with number and data from Official Gazette.

In case of the response of City Hall, has been found the elaboration of activity reports for 2012 and 2013, both published in 2014.

Also in the case of County Council, reports were carried out, but were published in Official Gazette only for 2013, without 2012. County Council says that the reason for not publishing them in Official Gazette is the fact that Prefecture Timiș has insufficient funds for publishing them. So, Association Pro Democracy denies that reason because, according to Autonomous Administration Official Gazette, the prices cannot be a reason for not publishing the reports, as long as the legal obligation subsists.

5.10 Monitoring the submission of wealth and interest statement, but also the declaration and inventory of gifts received by the local and county elected during their term of office

Timișoara Club of Pro Democracy Association realized an analysis regarding the integrity of local public administration Timiș, by monitoring the wealth statements and inventory of gifts received by local and county councillors during their term.

On this direction the APD request for City Hall and County Council consist in: a list “of presents, assets received free of charge and any other material benefits or advantages from any person or entity related to or resulting from its position in the local public administration”.

As a result of this demand, County Council answered that all goods that are free of charge and birotic objects which have a value less than 50 Euros, are exempted from inventory.

Instead, the City Hall of Timișoara responded to this request, but Pro Democracy Association requested clarification on the amounts of public money that has been allocated for the renovation of the office from June 2012 until May 2014, what amounts of money from private companies were allocated for renovation of the office, mentioning also the contributor.

In conclusion Pro Democracy Association asks the City Hall to clarify the amounts of money received and to make them public as soon as possible, for not spoil the image of institution and also trust of the citizens in the most important institution of the city, City Hall.

5.11 Monitoring the situation of European money funds projects

Timișoara club of Pro Democracy Association is also monitoring the access of EU funds by the main local and county institutions: City Hall and County Council.

So, Association Pro Democracy requested a summary of submitted projects in period June 2012 – July 2014 for approval the EU funds.





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According to the received data, the County Council Timiș submitted 8 projects pending for EU funds, 5 of them are approved and are in the implementation stage, one is in evaluation stage and the other two are on backup list of sponsor. Among this projects are: The integrated system for fees and taxes and Agricultural Register of Timiș County-project in implementation stage. The cycle lane on Bega's edge until the border with Serbia - project in implementation stage. Rehabilitation and modernisation of protected houses "DINU" – in evaluation stage. Strengthening capacity for monitoring and intervention in case of natural calamities in the region of Romanian-Serbian border - on backup list of financier.

In the case of City Hall Timișoara the situation is as follows: Local Council of Timișoara submitted in the first of half of term, a number of 17 projects of which: 5 of them were approved and are in a implementation stage, 3 projects were rejected, 8 are in evaluation stage and one is on backup list of sponsor. Among these projects can be identified: The development of Michelangelo resort road-on backup list. Ghiroda trolleybus network enlargement - project in implementation.

Supporting investment in energy efficient blocks of flats from Timișoara for families with an average income less than 350 Euros per month-steps 1, 2, 4 are in evaluation stage and step 3 is in implementation. Supporting investment in energy efficient blocks of flats from Timișoara for families with an average income less than 500 Euros per month - in implementation stage. Increasing energetic efficiency in residential buildings in Timișoara-SeeRes - the project was rejected. Cult Forum – the project was rejected.

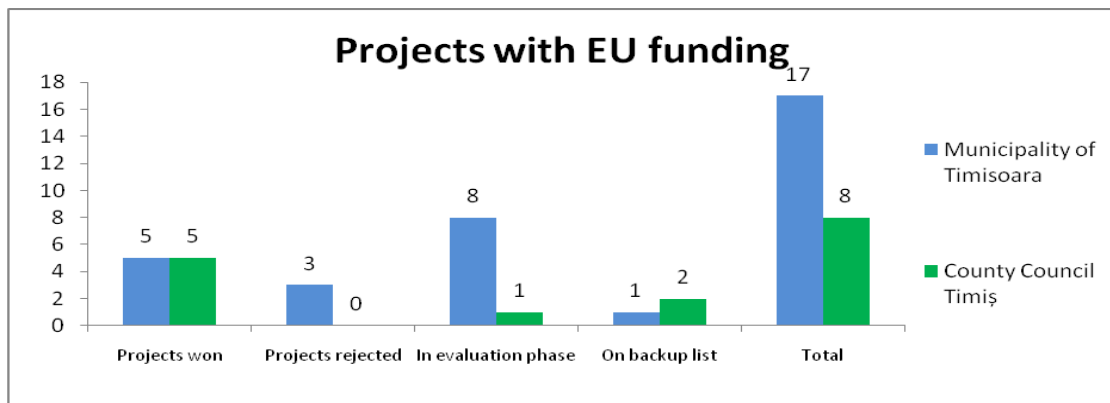


Figure 11 Number of projects with money from EU funds by stage and by institution

6. Conclusions

The analyses of transparency at the local administration level is characterized by: poor annual submission of reports from local councillors, abusive changes of Transparency Law by replacing public debates with online debates, large number of non-transparent decisions, poor legislative initiative among local councillors, refusal of City Hall Timișoara to publish job descriptions of civil servants, non-publishing annual reports from public institutions in Official Gazette, refusal of City Hall Timișoara to certify the existence of some donations.





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These are negative aspects hinder communication between citizen and public authorities, harm decisional transparency resulting in a low level of democracy.



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