

THE FUNCTIONING OF THE BOARDS OF NORMATIVISM: ECONOMIC AND LEGAL AT LOCAL AUTHORITY LEVEL

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ABSTRACT: *Public administration is an area with particularly social impact over all members of society. In the autonomous administrative authorities, local councils have important responsibilities in the organization of local community life. Within these councils several specialized committees operate and those that have the highest volume of activity are usually economic and legal committee. Their role is to filter out under a particular form, the specific procedure being the approval of local initiatives in the field of specific activity, namely economic and financial and legal. The effects of this operation need to be reflected in the adoption of decisions that meet not only the initiator's intentions, but also the point of view of local elected officials who are specialized in a particular area and reunited within the previous committees.*

KEY WORDS: *budget, economy, the Advisory opinion, legal proceedings, adoption, local council decisions.*

1. INTRODUCTION

In post-revolutionary Romania post-local administration has been subjected to several legislative and functional changes, and the new face of the Romanian public administration is a lot different. Otherwise it would not have been possible to be done in another way, since a whole system of State Organisation has undergone major changes, and administration represent an extensive and very important component in terms of internal organization. The first major step was the adoption of the fundamental law, the Constitution of Romania in 1991, as amended at a later stage indicate a new administrative organization, at both central and local levels, where the volume of work is very large, combined for the few thousands of towns and villages of the country, to which is added the county administration.

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2. THEORETICAL AND PRACTICAL ANALYSIS OF THE FUNCTIONING OF THE SPECIALIZED COMMISSIONS WITHIN THE LOCAL COUNCILS

The text of the new supreme law, in terms of institutional local administration states "public administration authorities, through which local autonomy in municipalities and cities is realized, are local councils and elected mayors, in accordance with the law" (Constitution of Romania of 1991, art. 121). Thus, the Constitution confirms the local autonomy at the administrative level. Basically the local bodies have ample opportunities in shaping local budgets and deciding on the commitment of expenditure or revenue attraction.

Once the constitutional provisions become part of positive law, succession of normative acts and methodological is immediate, so that in 1992, we can already talk about the formation of local councils on the level of administrative-territorial units, following the electoral process in February. For many Romanian citizens, the procedure for the election of an own commune for decision-making was a novelty, a few being those that are reminiscent of the last free elections date at which participated. Regarding the new structure we also find the first mention in the fundamental text, according to which the local Council constitutes an autonomous administrative authority (Constitution of Romania of 1991, art. 121) which confers him more authority and decision. The role of an organ of public administration is ultimately to carry out in a better way the needs of the local community (Manta p. & Mai Manta & & cookie is stored C, 2014, p. 40). The subsequent organic laws have determined new normative and technical aspects, and according to the category of village (town, city and municipality) as well as to the number of inhabitants, it was decided that each local Council to be composed of a number of members, forever odd, based on a logical democratic mode of operation (decision-making by vote), so as to not create runoff, and the authority to be unable to decide one way or the other.

The local government currently operates on the basis of law No. 215/2001 of the local government amended in many occasions and according to 393/2004 Law on the status of local elected officials, as well as other legislative acts with a direct impact on the Organization and functioning of local councils throughout the duration of their mandates. Frequent and numerous legislative changes do not represent a fact out of the ordinary, given the huge number of administrative developed on their effects, and the inherent particularities, for any field from one locality to another. Starting from preparation of the construction authorization, regulated uniformly in the legislature, one can meet specific aspects from a municipality, at one of the border times from or from a tourist or disadvantaged area. This example, although there is no direct competence of the local Council, but the Mayor's specialized apparatus, was used to expose the express differences that are identified at the level of local government, though as I said it is in a uniform regulatory environment.

In terms of its composition, the local Council is an administrative authority, which owns the city-wide authority, established mainly on a political composition. Basically, due to the fact that almost all members (local councillors) come from local organisations of political parties, the exceptions being the only independent candidates or become independent during his mandate, but this fact only when the law has created

this opportunity, so an exception. The largest local Council consists of 31 people and it is met in cities with more than 400,000 inhabitants, while municipalities with fewer than 1,500 residences have a local Council composed of 9 members, the exception being the capital of the country with a greater number of advisers and generals, shown on the demographic criterion (Law 215/2001, art. 29 rep). It is slightly variable representation rule deductible, meaning that it is at the level of settlements with population restricted in number compared to the major conurbations. Obviously there are some differentiations of status to say so in the sense that the allowance for members of the administrative organ is different depending on the type and rank of village. Local councils, according to the legislation in this field, operate during the sessions that may be ordinary or extraordinary, and members of City Council are carrying out parallel activities within the specialized commissions within the Council.

Depending on the number of members elected to the City Council, the specifics of the area, issues related to activities in the city, each local Council shall be established, after setting-up of specialized commissions. They may be economic, legal, social, cultural, sports, agricultural, Urban Councillors and so on can be divided into one or two such commissions, but only an initial distribution is regarded as the basic and hence remunerated. On the types of specialized commissions, most encountered are: Economic Commission and legal Commission. Organization shall be paid "by the rules of organization and functioning of the local Council, with due regard for policy configuration resulting from local elections" (Law 215/2001, rep, art. 54). However no local councillor will not remain outside the specialized commissions, so that its work will be similar to the other members.

Whether with regard to the integration of members of collective decision-making body at the local level among its attributions are known to every citizen in the community, for the purpose of ensuring public safety, cleaning, various aspects of the social, educational, cultural or local sports, in respect of activities of specialized commissions, things are less well known. Once you have set up specialized committees are beginning to organize themselves independently of each other, with due regard, however, the provisions of the regulations. According to them, the number of members of a Commission specialist shall not necessarily be equal to the other committees, but the structure will be kept for each of them. Both the Economic Commission and related legal or any other domain will have its members from the ranks a Chairperson and a Secretary, whom other members are added. As a rule the two specialized committees nominated during this exposure are the busiest in terms of workload, meaning that almost every initiative at the level of authority within the competence thereof, either in terms of financial or the legality of the procedure commonly used. It's somewhere justified the attitude to become Councillors members of one of the two committees, due to the wide sphere of competence compared with similar structures in other fields. For instance the Economic Commission holds powers expressly in respect of budget proposals being considered, the allocation of funds, and to determine the amount of local taxes and fees, there is no initiative that does not have a tangent with how small the part, so that the role of the Commission is an important one, and as we see even if not decisive enough to influence the final decision. Obviously the Commission legal things are somewhat similarly, rare cases when you are not being imposed upon as to

require an endorsement coming from specialized committees on issues related to compliance with statutory procedures.

Basically, after voting in the Council composition, economic and legal Commission members each of whom start their own organization within the Commission. Such a vote is to be appointed Chairman of both economic and legal in the first Assembly (meeting). As a rule, without being an explicit condition in this respect, the functions of the Presidents of each of the two committees are occupied by people with experience or training in this field, because the type of activity involves knowledge that will prove useful in organizing the activity of each Board directing them. Since the President was elected, each Commission, independently of the other committees, the former Bessarabia continues to vote to the Secretary of the Commission. After the nomination, advisers on specialised committees functions become functional, they should operate on the basis of the call made by the President of the meeting whenever it is needed, but in particular to the organisation of local meetings previously, in order to filter through specialists, which is on the agenda for the next meeting, the City Council, in the field of activity Depending on the specifics of each Board. Counsellors come together within the framework of their commissions in principle once or twice a month, but they can do it whenever it is deemed necessary, regardless of the period. The Organization and functioning of the legal Economic Commission or another does not directly involve any activity from the Mayor, not even under the formal aspect. It may not be a member of any specialized committees, in contrast to the Deputy Mayor, who through the ownership and quality of cumulative Alderman without compensation, is a member of one of the specialized commissions. The Commission is therefore summoned by the President thereof, and the procedure itself is conducted by the Secretary of the Commission, convocation may be made through various means including telephone, through communication of the exact date, place and conduct of Commission hearing agenda.

In principle on the agenda of the Economic Commission from any local Council are found both briefings and draft resolutions on the agenda of the next meeting of the local Council, which under some form there is an aspect of a financial (economic). Communications are documents drawn up by the services of the local Council of the time bins or other public institutions, established on the basis of a timetable approved. These are not normally subject to approval with role information and possibly may be accompanied by proposals for the amendment of certain parameters of the systems of activities times. Which is really the task of the Commission is to draft an opinion on economic judgment, that where financial aspects, as I stated. The Commission's role is very important, it must inform the project document in the absence of which, on the agenda of an ordinary meeting of Council, the project should not be subjected to voting, but eventually delayed until the receipt of the document. Opinion of the Commission may be favourable or unfavourable, its adoption being made through a vote of all members, regardless of the position held in the framework of the Commission. Where there is only one counsellor who votes differently than everyone else this is going to be record just in the minutes of the meeting. However the Commission's opinions are advisory not directly imply compliance (Ungureanu & Manta, 2007, pp. 46-47), which means that it is mandatory,

but their preparation in the sitting of the Council, members of a deliberative body place acquire knowledge about the nature of the Commission's opinion favourable to unfavourable economic/project which relates to the judgment that we are debating, but are not required as the final vote to take account of the nature of this opinion. Specifically, if a draft decision on a budgetary correction in the course of a financial year, the Commission granted favourable economic advisory opinion, nothing prevents the front of the local Council to reject that draft decision, the situation being valid in the case, in which the Commission endorsed the respective economic Advisory correct unfavourable draft budget, the Council adopted the draft and plenum, which thus becomes the decision of the Council. However the local Council local autonomy, in a State of law, which confers extensive and clear powers in the way they organize and operate (Ivan, 1998, p. 82).

Going over these aspects pertaining to a logic functional at the level of local public administration, and that at least funny, generated by the situation in which a member of the municipal Economic Commission, Member of the Commission gives a favourable or unfavourable draft judgment, and three days later, the same adviser as a member of the local Council vote exactly backwards towards as voted in the competent Committee of with a view to the adoption of the rejection decision. Evident that there is an obligation to maintain the same attitudes in relation to a particular initiative, perhaps these aspects is too much nor taken to n computing by the legislator in the preparation of the Centre's normative act regulating these activities, but they all relate to the person of the person concerned, its conduct and compliance with the principles. You can't normally speaking have a particular position towards the opportunity of a budgetary adjustment, and a few days later, without any kind of amendments new times details to radically change your attitude; although it is not a novelty one can encounter this kind of attitudes in local public administration.

Returning to the tasks of the Economic Commission, advising the hearing reviewing the draft judgment assumption and other related documents, the completion reason, other opinions, situations without a times analysis necessarily substance, but simply the reasons and economic aspects. Whether the opinion is favourable or unfavourable, the judgment draft cannot be blocked. This can be done at a meeting of the local Council, which the agenda may decide on removing the draft judgment or resending for restoration. Nothing but hinder, members of advisers a Commission to seek explanations, including new records, you will be brought to the plenary sitting. A very important fact is participating in the exercise of the vote, taking into account the legislation adopted in our country in the last decade, local councillor must avoid involvement of decision-making where has an interest, where there is any inconsistency or worse would be in a conflict of interest, no matter what kind would he be. it is true that within the framework of specialized committees shall be granted only to advisory opinions , the effect of which is to carry out a procedural stages of drafting of local government, but in a vote within the Council's meetings, of the said statements are required to determine the person concerned not to participate effectively in making the judgment.

Similar to the meetings of the Council and the boards, maybe even more so at the economic times at the legal person the participation as invited of a representative

from specialty equipment services is indicated to provide additional personal information in order to sustain motivation and the effects of decisions to be taken. I have restarted several times, sending the endorsement of the draft judgment without specifying its origin, however. According to the objective law in force at the local government level, the initiative of drawing up draft decisions belongs to the Mayor and Councillors. It is evident that including Vice Mayor can initiate decisions, from the quality of the local councillor, which he holds as already shown throughout the material. So either councillors individually or together with other colleagues can initiate a draft judgment, just as the centre of village. The text of the draft, together with the reasons, exposure will be deposited at the Registry Office of the City Hall, and the specialized compartments within the local authority to draw up the reports and obviously must be obtained up to the debate in the plenary session of the consultative Council and the opinions from all the specialty committees, depending on the scope of the impact of the decision, to be taken.

Nothing prevents, however, like a specific Commission, whatever it may be, to initiate a draft judgment, an approach which certainly would support for adoption and implementation in May and operatively. With regard to juridical Commission absolutely necessary in order to ensure normal operation of the local Council, organizational issues, and business are similar to those set out in the case of the Economic Commission; the difference being that in terms of the scope of the legal opinion, the Commission is considering those draft decisions involving reference to procedural techniques times legislative rules. As a result, we have draft resolutions, where may not be needed and the Advisory opinion of the legal Commission, which also may be favourable or unfavourable, as appropriate. As a rule, the members of this Commission are Jurists, lawyers, specialists in administrative or other persons who have experience in administrative and judicial activity and other advisors and are not conditional upon accession the Commission depending on the content of your resume, but rather to the algorithm of distribution commissions of local councillors, if these matters relate to the practice, common in local public administration.

During all the meetings of the specialized commissions, whatever that is, and regardless of whether they are conducted to the ante or just post your local meetings, work will be entered in a special register of trials of that Commission vernal. In principle, the preparation of such a document, care is the responsibility of the Secretary of the meeting, and in his absence another Alderman-member of the Commission-designate. Among the items shown are date official meeting, the draft decisions on the agenda in order to refer to the approvals granted, kinds, how they voted on the EU Commission and other details. For each opinion, be favourable, unfavourable, either whether it is granted by unanimous votes, or by simple majority shall draw up a report. In this latter document will be indicated, legal or Economic Commission, otherwise what gave its opinion, the name of the project of determination and very important way the opinion, favourable or unfavourable. There is also the possibility, as any other objections, suggestions should be inserted in the text of the report, including the various requests in relation to the draft circumspect. The opinions of the committees will accompany the draft judgment plenary sitting, up to its submission to the final vote. Drawing up the minutes and report for each notice given to represent documents

that are prepared on a regular basis, on the occasion of the conduct of the meetings of the specialized commissions. How legal and economic committees have most opinions given, obviously within them are recorded and the largest volume of activity.

In respect to compensate local elected officials, there have been many debates and absent can always the common denominator, from opinions that this kind of activity should not be paid, up to the grant of substantial benefits. At the end of the place must be made clear that as a member of any committees, local councillor does not hold the status of employee. He carries under a mandate, and it plays a role in the decision-making in several occasions during the month. Specialized committees meetings once they were not remunerated, with allowances for attending meetings of the City Council works. Perhaps this was the reason, why make Councillors not to grant due attention of the endorsement, which is supposed to outline, however, as I noted a certain attitude and to generate new solutions, after a first in order to be able to refer to local initiatives. Taking into account these considerations, perhaps through legislative amendments was passed granting allowances for each Member of the Commission, in variable percentage between 1% and 5%, of the Mayor of respective allowance. Of course the trend of local administrations, taking into account the autonomy was the setting of a maximum, but the situation was not General, and administrations that have set a percentage between the two limits. The granting of compensation for attending meetings of specialized committees does not exclude and paying activity within the local Council, the same percentage mentioned and with the same system. To have a complex picture of compensation provided to a local councillor said that in agreement with legal normativism in force in law, the person will pay a Council meeting and up to two sessions of the Commission within a period of one month, no matter how many meetings would be held in that period. Also, local councillors, which participate in the work of several commissions' specialist allowance will be granted only for the Commission considered basic, whose members were elected.

The allowance is a fixed amount, calculated in accordance with the law, to which one cannot add bonuses or other incentives and is paid for participation in the work of the specialized committees of the City Council and in any case, depending on the way in which local councillor vote granting approvals and especially draft resolutions. There is a possibility that a local councillor not to vote in favour of any initiative or no not to participate in the vote on all projects on the grounds of incompatibility, but his presence at the meetings give the right of receiving the allowance.

Sometimes disputes arise from arguments with political connotation or distinct institutional development generates heated debates and committees, particularly in the legal and economic impact of the decision where targeting virtually all spheres of activity. In many circumstances, advising suffers from the reasons above, which attracts disrupted the activity of and which have dragged on at the same time making decisions at the time. However, as local authorities are the decision-making forums with a broad component resulting from the electoral dispute, ideologies and political infighting sometimes moves at the level of the administrative decision, the well-known

fact and yet hardly a loser, since any political force seeks winning elections, holding public dignities for longer period of time.

Specialized committees are not entirely independent, functional structures, but they are in close connection with the local Council. In fact most of the specialized committees shall be guided on the agenda for the meetings of local councils default except for Commission initiatives or other related debates on their field of activity. Previous sessions of the plenum of the ordinary Council shall be submitted to the Secretariat of the session all reports of committees, so that at each point of the debate agenda to exist as landmark and favourable opinions unfavourable times granted by each Commission in hand, according to his own skills. Notification obligation lies with the boards it is true only for draft decisions on the agenda of the ordinary meetings of the Council; in the case of those meetings immediately, these advisory opinions no longer calls. Since the convening of such meetings at local Council level calls for a very short time, is no longer taking place of the commissions, the adoption of decisions rejecting their times in front of the Council without any opinion from the Commission.

In relations with the City Council, on the communication and convening meetings in a timely manner is compulsory, in order to let alone required the calling of and the granting of advisory opinions. Within the framework of a Commission, the functions can be held throughout the duration of the mandate of the times its members may decide to elect a new President or Secretary of the Commission, decisions shall be taken by vote obviously. In the case where a Councillor whatever reasons any mandate loses membership of the local Council, about consequence ceases immediately and its quality as a member of the Commission. Declared vacant place will be occupied by an alternate from the list of political party/Alliance of ex-Councillor, and about consequence takes place and a reorganization of specialized commissions, either by reallocating old advisors in several new committees, or changing the number of members of a Commission, either simply the new validation and entered after oath-taking fetches place in Commission after it was owned by the hearing before him.

In the way that local elected a place within the Commission, economic, legal, or other area, this will be reflected not only in the way they vote granting advisory opinion times expresses a vote on the draft resolutions in the plenary, but given the fact that local councillor must annually prepare a report on those undertaken within the autonomous administrative authority within this document, whose submission is mandatory. On the occasion of the completion of the report on its work, local councillor may make a section set aside for its work within the Commission. Where is a member of the economic and legal Commission, surely the endorsement activity volume must have been bigger so attention will be enhanced. Introduction interest and volume personal initiatives supported by the times assumed the will thus be brought to the attention of the electorate and, given the fact that this report should be made public, anyone interested with access to its contents. Can be specified including the powers exercised as President or Secretary or as a member of the Commission, the reasons for granting favourable opinions unfavourable times and any other items that the Adviser deems useful to be known and promoted.

Referring to the ways of carrying out the work of the commissions to the local Council one can easily conclude that the role of these internal structures of local public

authority is to enable specialists to conduct a detailed analysis and to formulate opinions and draw up with studies and experience that have accumulated. obvious that in a certain way will understand the interpretation of a project for the preparation of the budget of a public institution a financial, as opposed to an engineer, just as the licensee in legal science times will be able to understand the administrative procedure of pairing in various projects, compared to the specialist in technical fields, the latter finding and in turn they place and role and implement knowledge within the planning commissions or other area near their training and experience.

3. RESULTS

Relations with local Council are carried out throughout the duration of operation of the authority, and the analytical aspect can easily ascertain the existence in those councils, malfunction where the work under the boards especially those larger commissions is one purely formal. The lack of proper debate Fund can cause lack of activity supported and conducted with a sense of responsibility within the committees. Probably not a coincidence that the governing body of the State legislator has provided for the granting of a higher allowance for the number of meetings organised within the framework of specialized commissions, where limited number of decision makers in anticipation of approval of an initiative has the advantage of being made up of specialists experienced in people times the field in which the Commission has been established.

An absolutely personal point of view is that where the initiative subject to approval by a local Council was negatively approved, even through an advisory opinion, the advisers sitting City Council should, if there is sufficient grounds for haste times simply members of the Commission present at the meeting of the Council shall be declared satisfied with new explanations brought I repeat that, should that project be postponed, to be eventually modified and status or even abandoned and drawn another corresponding to the criteria of validity laid down in the Commission's staff approved. Where specialists give a verdict, it must be at least reviewed, and then if they retain the position, it would be better if they would redo it. However, the legislation does not require such an attitude, rather than on the basis of opinions, and not, as those granted by the legal times or from another area, at the level of public administration.

Under the practical aspect is not a secret that in many cases the work commissions are limited only to the preparation of documentation and ticking the presence, be granted the allowance. Of course, the situation is not generalized but the attitude that a moment ago represents a connection with reality, and finally the administrative act and the service provided to citizens is one that could get hurt.

Regardless of how that will evolve the Romanian legislation, the functioning of the specialized commissions certainties is based on the approval of all the projects of the judgment to be debated in ordinary meetings of local councils and other initiatives are the exclusive competence of such commissions. In the absence of a responsible attitude and he really approaches supported by all the members of a Commission, regardless of their origin in the area of politics, the work of the specialized commissions, though designed with a certain gap will still be far from the spirit of what

has animated the drafting of legislation in the field of local government, in respect of the procedural stages and finally a right administrative decision.

4. CONCLUZIONS

Although the current law on local public administration mentioned before has undergone many changes over time, chargeable to some instability in the legislative domain, however in matters of approval of projects it has not changed too much. Whether in the future the legislation in force will change, or will remain the same, whether sooner or later it will adopt new regulations, cancelling those on the present situation and new amendments respecting duties mainly for economic and legal committees would be welcome. The role of the economic and legal committees should in future be decisive one and a new legislative amendment, perhaps I would have beneficial effects by introducing opinions comply instead of those, so the draft judgment could not be made, except by the favourable opinions from specialised committees.

Being a practical scope and any associated company, the Administration will always be in the legislative authority's attention to Romania; the proposals would be to start at the level of adoption of the decision, namely at the level of the times even observations by those who are actually engaged in the work of the local administrative area to be appropriated and promoted in the form of legislative initiative, organization and operation of one of the most extensive areas of activity to be put into place as well. There is a need here for conjugation of several factors, is the case of a direct co-operation between public administration at local level, county level, with decentralized institutions and especially with members of Parliament, so the approach to have finality. Until then, depends not only on the legislative text, but also the attitude of those elected in the local government, the importance and attention that local councillors attaches to activities within specialized committees to which they belong and, not least, citizens who have various levers to observe, analyze, critique, but also to appreciate the way in which those to whom they have entrusted the fate of local community and mandates their pay related tasks.

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