

## **A PREFIGURED CRISIS OF SMALL TOWNS – PART II (SMALL TOWNS vs. VILLAGES)**

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**ABSTRACT:** *Part two of this paper presents the case study of the town Căzănești. The author considers that the analysed case reflect a delicate and essential issue at the level of the Romanian local public administration - namely the situation of small and poor towns that reach to the conclusion that the village status would be more appropriate for them.*

**KEY WORDS:** *local public administration, intermediary level: county, basic level for urban areas: city or town, municipalities, basic level for rural areas: communes. village, crisis of the small towns.*

**JELL CLASIFICATION:** *H83.*

### **1. A CASE STUDY RELATED TO THE TOWN OF CĂZĂNEȘTI:**

In 2004, Căzănești commune in Ialomița County, with a population declared in the village of Căzănești datasheet, for the declaration of 4841 inhabitants, was raised to the status of the city pursuant to Law 134 of 2004/14. In fact, during 2004, 137 small towns and 38 cities were established.

From 2010 and until 2015 in the town of Căzănești, three referendums were organized by which citizens voted for the town to become commune again.

Thus, in the first referendum held on 25.04.2010, out of 852 participants, 755 voted in favour of a return to the status of a commune, stating that the number of persons entered on the referendum list was 2983.

On the occasion of the second referendum, held on 29.06.2014, 1202 citizens voted for returning to the commune category, out of a total of 1288 participants, stating that the number of persons on the referendum list was 2922.

At the third referendum, held on 26.04.2015, 964 people voted, out of which 906 voted for a return to the status of a commune, stating that the number of people on the referendum list was 2908.

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Law 3 of 2000 on the organization and course of the referendum<sup>1</sup> established until 2013 at art. 5 that the referendum is valid if at least half plus one of the total number of persons on the permanent electoral lists participate in it. But, on 2013 Law 341/2013<sup>2</sup> changed the content of article 5, so at the moment art. 5 establishes that the referendum is valid if at least 30% of the number of total persons on the permanent electoral lists participate in it. The results of the referendum are valid if at least 25% of the total number of persons on the permanent electoral lists offer valid vote<sup>3</sup>.

From the data presented, it is noticed that the participants in the first local referendum, when Law 3 of 2000 was not modified yet, did not represent at least half plus one of the number of persons on the permanent electoral lists. Also, we can see that the participants in the second local referendum, when Law 3 of 2000 was already modified, did not represent at least 30% of the number of total persons on the permanent electoral lists.

Only, the referendum held on 2015 was valid, according to the new content of art. 5.

Please allow me to further analyse the case of Căzănești commune, which was raised in 2004 to the rank of town and which is currently in the ingrate position of wishing to be reduced to the rank of commune. For this I will further analyse with objectivity the information that is found in the CAZANESCU Town Card submitted for declaration by comparison with the information provided in the address no. 18 from 16.10.2012 issued by the Town Hall of Căzănești.

According to art. 3 of the Law 351 of 2001, the passing of the localities from one rank to another is done by law, at the proposal of the local councils, with consultation of the population by referendum and the institutions involved, under the law, observing the main quantitative and qualitative minimum indicators stipulated in the annexes to the law. According to Annex II on the main quantitative and qualitative minimum indicators for the definition of urban localities, the minimum number required for the transition to the city rank in 2004 was 5000 inhabitants. In the town of Căzănești Datasheet proposed for declaration it was stated that the number of inhabitants was 4841.

From the annexes submitted to the Chamber of Deputies, together with the explanatory memorandum put forward by a deputy to support the legislative proposal aimed at abolishing the Law 134 of 2004 regarding the declaration as town of Căzănești Township, it can be easily observed that between the dates declared in the Căzănești Town Datasheet proposed for declaration and data in the address no. 18 of 16.10.2012 issued by the town hall of Căzănești there are a series of inadequacies, many of them underlying the enactment of the Law 134 of 2004<sup>16</sup>, by which the Căzănești Township was raised to the rank of city.

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<sup>1</sup> Published on the Official Journal of Romania no. 84 on 24.02.2000

<sup>2</sup> That was adopted to modify and complete the above-mentioned Law 3 of 2000 on the organization and course of the referendum, Published on the Official Journal of Romania no. 787 on 16.12.2013

<sup>3</sup> More details regarding this subject you can find on Cenușe M., The principle of consulting citizens in order to solve local problems of special interest, article published in Transilvanian Revue of Administrative Sciences 15 (32), pages 44-49

Firstly, it can be noticed that the number of inhabitants declared in the City Card proposed for declaration was 4841, so below 5000, and as for the 16 performance indicators provided by Law 351/2001 only 9 of them were fulfilled.

Moreover, in an address dated 16.10.2012 issued by the town hall of Căzănești, it is stated that according to the population census in 2002 the number of inhabitants in Căzănești was of 3641, and following the population census in 2011 the number of inhabitants in Căzănești was 3507.

In turn, the National Institute of Statistics stated in the address no. 2970 of 13.05.2015 that the number of the population resident in Căzănești was 3271. As it appears from the data of the 2002 and 2011 census, the number of inhabitants in Căzănești was less than 4000 inhabitants and only in 2004 the number of inhabitants was 4841 inhabitants. Even taking into account this sudden and strange increase in the number of inhabitants followed by an equally sudden and unexplainable fall, it should be pointed out that anyway the indicator provided for in Law 351 of 2001 that the minimum number of inhabitants of a small town that wishes to become a city was supposed to be 5000, and in this particular case it was not fulfilled.

Moreover, in the notice given by the Legislative Council on 18.09.2015 regarding the legislative proposal for recalling the Law no. 134 of 26 April 2004, by which the town of Căzănești had been declared a town, approved this legislative proposal favourably. In addition, at point 2 of the favourable notice of the Legislative Council it was mentioned that the fact set off by the MP who proposed the bill on the recalling of Law 134 of 2004, referring to the documentation attached to the 2004 project, which shows that the locality of Căzănești did not meet the conditions provided for in Law 351 of 2001 to become a city, was signalled both in the notice of the Legislative Council no. 195 of February 6, 2004, and in the Government's dictum no. 526 of February 17, 2004 at the time. However, the law was adopted.

I myself believe that the non-fulfilment of the minimum number of inhabitants, beyond the suspicions that lie on the figures declared in the City Datasheet proposed for declaration and which I have presented in the previous phrases, it is an argument for the fact that many small towns and towns have moved to the upper rank, namely becoming cities and municipalities only on political grounds, often failing to meet the indicators provided by Law 351 of 2001.

All the more so, they do not currently meet the requirements of the aforementioned law, which during 2007 was changed, the criteria for moving to the higher rank being tightened. That is why throughout this article I will try to demonstrate that a reform at the basic administrative level is necessary. We have a very high number of small towns, towns and municipalities, many of which have been upgraded without obeying the minimum indicators laid down in Law 351 of 2001.

As such, if at present the legislator once again amended this law, requiring all basic administrative-territorial units – small towns, cities and municipalities to be called upon to fill in a document to show their rank, the minimum required indicators in the current form of Law 351 of 2001, and the extent to which these indicators are met, I think we could find that many of these basic administrative-territorial units should be merged or downgraded to the lower rank.

I support my statement and other actual data on the number of inhabitants in the basic administrative territorial units of Romania, presented in the following table:

**Table 1. Types of administrative-territorial units according to the number of inhabitants at the 2011 Census**

Groups based on the number of inhabitants at the 2011 Census	The number of administrative-territorial units		
	Small towns	Cities	Municipalities
Less than 1500	335		
1.501-3.000	1200	7	
3.001-5.000	927	22	
5.001-10.000	374	105	
10.001-20.000	24	73	18
20.001-50.000	1	10	44
50.001-100.000			21
100.001-200.000			11
200.001-400.000			8
Over 400.000			1
TOTAL	2861	217	103

Source: *The Association of Small Towns in Romania*

From the analysis of the data found in this table, it can easily be ascertained that in the year 2013, after processing the data obtained after the 2011 referendum, many small towns, cities and municipalities no longer respect the indicator of the minimum number of population provided by Law 351 of 2001 for the administrative-territorial unit in which it is located. I have highlighted these administrative-territorial units in red.

Thus, it can be ascertained that out of 2861 small towns in Romania, 335 of them do not have the minimum number of inhabitants, namely at least 1,500 inhabitants, provided for by Law 351 of 2001 both in its original version in 2001 and in version with changes in 2007. This means that at present 11.7% of Romania's small towns should be abated or merged with the neighbouring ones to meet the minimum indicator related to the number of inhabitants.

As far as the cities of Romania are concerned, the original text of Law 351 of 2001 stipulated a minimum number of 5,000 inhabitants for a city to be established. It can be seen from Table 1 that we have 29 cities out of a total of 217 with a population of less than 5,000 inhabitants. And if we consider the threshold of at least 10,000 inhabitants imposed by Law 100 of 2007 for amending and completing the Law no. 351/2001, we find that out of a total of 217 cities, only 83 of these would meet this minimum indicator. This means that at present an overwhelming majority of 61.75% of Romania's total cities no longer meet the minimum number of inhabitants.

Furthermore, after analysing the situation of the municipalities, it can be noticed that we have 18 municipalities with a population of up to 20,000 inhabitants, provided that the Law 351 of 2001 stipulated at the moment of its entry into force a minimum number of at least 25,000 inhabitants for a municipality to be set up. In

addition, I would like to remind that Law 100 of 2007 modifies the minimum criterion on the number of inhabitants to at least 40,000 for a city to be declared a municipality.

I think that from analysing all these data a clear conclusion is drawn. In recent years, our country has experienced severe population declines, but for the time being, they have not produced any effect on the status of the administrative-territorial units. In this context, I would like to emphasize again the possibility of merging neighbouring small towns or cities, which could be more advantageous both for them and for the state budget.

In addition, looking at the data in Table 1, we can see that we have 24 small towns with a population between 10,001 and 20,000 inhabitants and at the same time 73 cities and 18 municipalities with the same population between 10,001 and 20,000 inhabitants. As well as a small town corresponding to the 20,000-50,000 population group. For me as a researcher interested in the issue of small towns and their financial situation, it would be very interesting to study objectively which are these small towns, which, although with a population higher than the standard provided for by the law for small towns, have nevertheless chosen not to ask for a higher rank.

Also as an argument in support of the idea already stated that after December 1989, the number of cities, small towns and municipalities has increased excessively and this has generated a number of problems at the level of the public administration, let me bring you another fact to your attention.

In June 2013, less than one month after the entry into force of O.U.G. 46/2013 regarding the financial crisis and the insolvency of the administrative-territorial units, the town of Aninoasa in Hunedoara County filed with the Hunedoara Court the petition to open the insolvency proceeding. On June 17, 2013, the Hunedoara Court admitted the petition, opening the insolvency proceedings against the Aninoasa administrative-territorial unit.

Thus, the town of Aninoasa officially became the first town in Romania to be insolvent. I will not insist here on analysing the causes that caused the insolence of this town because this subject has already been dealt with in another work 18. But, in this context, I would like to say that Aninoasa had 4876 inhabitants in 2015. Of course, I do not claim that there is any direct causal link between the entry into insolvency and the low number of inhabitants, but I think this is another example of a city with a small number of inhabitants, which no longer fall into the minimum number of inhabitants provided by Law 351/2001 and which had serious problems from a financial point of view.

In this context I feel obliged to make it clear that the idea of an administrative-territorial reorganization aiming at the dissolution of some cities and small towns existed in 201019. This bill, rejected by the Senate, stipulated that a small town should have at least 5,000 inhabitants and a municipality of at least 50,000 inhabitants. The project also stipulated that any locality should have the right to join a neighbouring community. Furthermore, the project stipulated that in the situation of small towns that by the separation of some localities and their annexation to other small towns reach a population that has fallen below 3,000 inhabitants, they should be abated and the component localities should join neighbouring small towns.

Returning to the analysis of the particular situation of Căzănești, regarding the seven indicators out of the total of 16, provided by Law 351/2001, which were not fulfilled, all the information corroborated from the two documents issued by the same town hall of Căzănești - proposed for declaration in 2004 and data from address no. 18 of October 16, 2012, demonstrate the inaccuracies we have been talking about.

Thus, the supply of dwellings with water supply installations had to be in accordance with the standard provided for by Law 351 of 2001 of 70%, and in the City Datasheet proposed to be declared the existing percentage was 45%.

The number of beds in hospitals had to be 7 beds per 1000 inhabitants, according to the standard provided for by the Law 351 of 2001, instead, in the datasheet of the town proposed for declaration, 2 beds per 100 inhabitants were declared, specifying that in the address no. 18 dated 16.10.2012 issued by the Town Hall of Căzănești it was stated that there was no hospital in this locality.

We will no longer insist on any unfulfilled indicators because I think it is clear to the reader that the reality, confirmed by the Legislative Council's opinion, is that this small town, although not meeting the minimum conditions provided for by the law, was nevertheless raised to the rank of a city. All these data make us realize why in the last few years local authorities, supported by the people who participated in the referendum and voted for the return to the township status, have tried to fix this error of the past and to bring things back to normal.

As it can easily be ascertained the arguments that support the demotion of this city to the rank of township are based on the fact that the provisions of the Law 351 of 2001 on the fulfilment of the minimum indicators for passing to the rank of city were not observed. In addition, as I have already pointed out, there is a series of inaccuracies between the data in the Datasheet of the city of Căzănești proposed for declaration and the data that the Municipality of Căzănești later put at the disposal of the petitioners.

## **2. CONCLUSIONS**

The Governments of the post-revolutionary years have always argued that they are considering the issue of improving the administrative-territorial organization, making it one of the objectives of the government, yet none of the advanced ideas regarding the administrative-territorial reorganization has taken on legal form, the only measures limited to increasing the number of localities, by organizing small towns as cities and declaring cities as municipalities, which, as we have already shown, were based on political and electoral considerations.

However, nothing has been done about the administrative-territorial reorganization of our country to date, so a possible administrative-territorial reorganization seems to be the philosophical stone that has been sought by all the politicians who have gone into power, but which was not found by any of them.

I myself believe that this delicate problem should be addressed, first of all, by consulting specialists in the history, law, public administration, geography, sociology and the economy field in order to find the optimal solution for the administrative-territorial organization. However, the political context in which the debate will take place is essential and how central public authorities will underlie their final decision.

This must be the result, on the one hand, of a consensus reached at the level of the political class on the need for reform and its main directions and, on the other hand, the outcome of a process of consultation with the civil society, because the administrative- territorial dimension is a matter of national interest that equally concerns all the citizens.

Concurrently, we should also take into account the recommendations of the European institutions which, although they do not impose a certain model, can propose viable solutions based on the experience gained in time and in different areas. Whatever the solution would be, if administrative-territorial reorganization were to take place, it would be a vast process that involves a multitude of factors and can only be achieved after going through different stages.

A possible administrative-territorial reorganization of Romania, starting from the postulate that the territory of a state is the fundamental element of its structure, must not affect the unity and indivisibility of the Romanian state, it must take into account the possibilities and the mentalities existing at that time and ensure a large decentralization.

In the case of an administrative-territorial reorganization of Romania, this will have to ensure the building of well-sized administrative and territorial units in size and balanced when it comes to human and material potential, economically and financially strong and able to provide optimum conditions for their prospective development.

Studying the views expressed in the specialized literature, I have noticed that, with regard to a possible administrative-territorial reorganization of Romania, the proposed solutions generally refer to a reorganization of the intermediate level, consisting either in the creation of the regions and thus in a second intermediate level, or in maintaining a single intermediate level with the dissolution of the counties and the creation of larger administrative-territorial units.

I myself consider that the first step towards the efficiency of the administrative-territorial organization should be a reform at the basic level consisting of joining of small towns and localities, because in the period after 1990 their number has increased groundlessly, reaching the ridiculous situation of having cities such as Geoagiu in Hunedoara County, which was raised to the rank of city by merging several villages, around the village of Geoagiu, without the existence of any town in this merging.

Although in a legislative act adopted in 2007, the legislature increased the minimum number of inhabitants for a territorial-administrative unit to be declared a city or municipality, I believe that it is still required by the federal law, the amendment of the legislation so that there shouldn't be any small towns with a population below 3000 inhabitants, cities below 15,000 inhabitants and municipalities below 50,000 inhabitants. And a possible change should also take into account the mergers we have talked about in the case of administrative-territorial units that no longer meet the required standards.

In this regard, I would like to mention that by analysing the data presented in Table 1 on page 10, should such a reform be implemented so that there is no small town with a population below 3,000 inhabitants, at present only 1326 of the total of 2861 small towns would meet the population ratio indicator, this meaning a percentage

of 46.34%, which means that more than half of Romania's small towns would no longer fulfil the criterion of the minimum number of population, requiring merging.

Furthermore, only 80 cities out of the total of 217 would meet the population ratio indicator, representing 36.86% and only 41 municipalities out of a total of 103 would meet the population indicator, accounting for 39, 80%. It appears that none of them would fit into the new standards.

Regarding this topic related to the administrative-territorial reorganization at the basic level, I feel compelled to present certain clarifications. Although the law on the approval of the National Territory Organization Plan has undergone a number of changes through a normative act adopted in 2010 which emphasizes the government's effort to support the declaration of new municipalities by unifying several municipalities and neighbouring cities, I consider that at the moment the merging is not applicable in practice because the existing cities, municipalities and villages have no interest in losing their independence, being absorbed by the neighbouring city or municipality, which means they will never manifest such desires.

Therefore, for a real administrative-territorial reorganization at the basic level, the law will have to impose conditions on the minimum number of inhabitants that a city, a municipality or a small town should have, and the administrative-territorial units that do not fall within these limits should merge with the neighbouring administrative-territorial unit.

Even so, I acknowledge that this issue of merging the neighbouring administrative-territorial units, which is no longer within the legal limits, is delicate if it is considered from the point of view of mandatory referendum in case of modification of the territorial limits of the administrative-territorial units - as a principle stated by art. 5 of the European Charter of Local Self-Government; as such I consider the idea to remain open to discussion and possible proposals.

In the same direction, although the Law on the Approval of the National Territory Organization Planning by the amendments made in 2007 increased the minimum number of inhabitants necessary for a city to be declared a municipality and for a small town to be declared a city, it remains the question of the measures which will be taken for the situation of those cities and municipalities declared before the 2007 change but which would no longer meet this criterion considering the increase in the number of inhabitants provided by the law. I think that for all these situations we should consider the mergers we have been talking about.

Then another essential measure should be to strengthen the autonomy of the administrative-territorial units, especially in the financial field. I will not resume talks on the introduction of certain factual measures aimed at strengthening the financial autonomy of an administrative-territorial unit, as it has already been the subject of a previous study. Only then will we be justified to discuss a possible reorganization of the intermediate level with the aim of setting up the regions as larger administrative-territorial units than the counties.

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