

The Debate in 21st Century Romania. Case Study – Bihor County¹

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Abstract

This paper is part of a series of studies that we have done, respectively that we intend to do in the next period. We started this study with the clarifications of legal, administrative and sociological aspects regarding this term. We aim to answer questions such as: How does the Bihor County Council manage to make its public agenda known through the "debate"? Is the citizen from Bihor County interested in the proposed public agenda? By participating in a debate organized at local / county level, the citizen participates directly in formulating a decision. From a methodological point of view, the ex-post evaluation of the phenomenon of debate in the 21st century Romania will be used, doubled by the method of content analysis, analysis of official, public, digital and non-digital documents.

Keywords: *Public Law, administration, debate, efficiency, citizen, public*

Introduction

Starting with 1990, the Romanian society has rethought its administrative system, not only the political one. In this context, public institutions have undergone transformations not only in terms of organization, but also in terms of dialogue with the citizen. Even if 30 years have passed since then, the Romanian society is facing the lack of „dialogue” between the citizen and the public

¹ This paper has been presented at the 8th Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective, 25rd-27th November 2021, Bucharest, Romania.

institutions or maybe even the total disinterest of the citizen to participate in the public decision.

That is why I appreciated the extension of the research started at the level of Oradea municipality, towards Bihor county.

Research methodology

From a methodological point of view, we used the content analysis research method [1] and the study of official, public, digital and non-digital documents [2] and for the content analysis we used the research tool, the content analysis sheet with the help of which we collected the quantitative data within our research.

Our sample represented the public debates that were organized by the main cities in Bihor County, and published on the official website, for the purpose of public consultation of citizens, as well as other public, private or NGO entities that touch on the topics of interest of the city.

Thus, the main cities that were subjected to our scientific investigation, and implicitly were part of our sample, which according to Law no. 351/2001 [9] on the approval of the National Spatial Planning Plan - Section IV Localities Network, we list the following:

- Oradea municipality, Bihor county residence,
- Beiuș municipality,
- Marghita municipality,
- Salonta municipality,
- The city of Aleșd,
- The city of Nucet
- The city of Ștei,
- The city of Vașcău.

As a time interval of the research, according to the official websites of the town halls subject to our study, it summarized us for the period 2016-2021, because only during this period was information on public debates posted online, although the text of Law no. 52/2003 [10] on decision-making transparency in public administration; we should have started the research in 2003, but for lack of data we focused only on the period mentioned above. This dysfunction in our research, the lack of data, and the fact that public authorities are not citizen-oriented in the direction of information on those essential issues of public interest is more difficult according to the study conducted by the Romanian Academic Society, in the study Transparency of public institutions from Romania and the Republic of Moldova - An ideal difficult to achieve [11].

As we mentioned earlier, the research tool was the content analysis sheet, where I looked at several dimensions:

- The categories of public debate,
- The channels (ways) for transmitting suggestions, opinions or proposals,

- The form of consultation of the normative acts and of course if these normative acts are posted, visible and can be consulted, the degree of accessibility,
- Presence of the advertisement to be promoted among citizens, state or private institutions, or NGOs as appropriate, or other types of organizations,
- Minutes of public debates.

From the perspective of the types / categories of public debates brought to the attention of the public opinion, the mayoralties within our sample, identified 23 categories / types of debates (a total of 169 public debates were organized at the level of the 8 town halls).

From the point of view of the way of transmitting suggestions, opinions and proposals, the City Halls make available to those interested in public consultations on various topics on the agenda a series of channels, communication tools, through which the documents of public debates can be consulted, such as: by e-mail, telephone / fax, mail to town halls or in some cases submitted to the Public Relations Center.

Another dimension subject to our investigation would be the way of consulting the normative acts that are directly related to the category of public debates. Due to the pandemic situation at the beginning of 2020, we have identified 2 types:

- on the official website of Oradea City Hall, the cause being the restrictions imposed by the COVID 19 pandemic, by limiting the access of people in public institutions
- the headquarters of the Oradea City Hall, when the meetings were allowed.

The size of the presence of an advertisement to be promoted among citizens, state or private institutions, or NGOs as appropriate or other types of organizations, we have identified for each public debate information on the important elements of these debates.

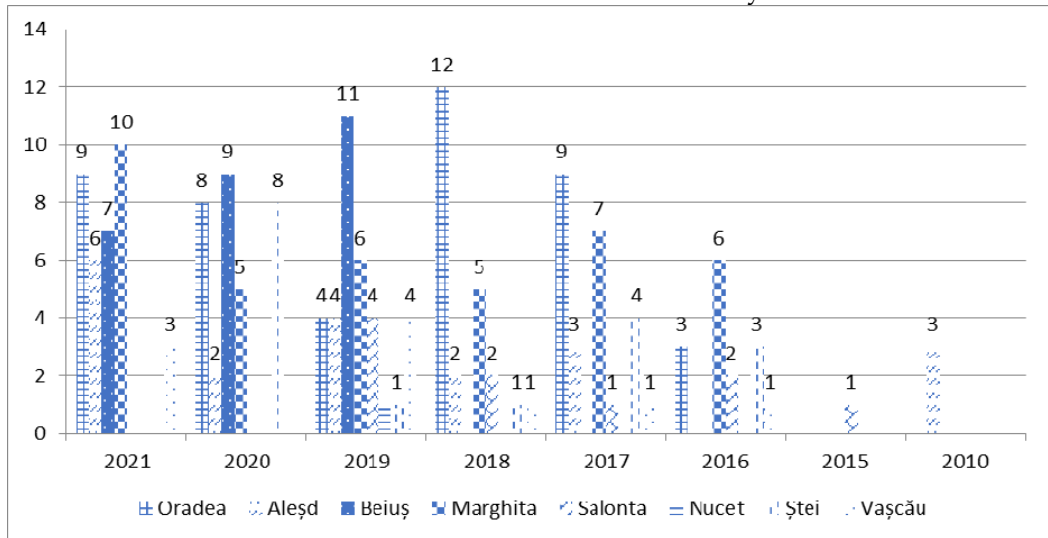
Another important dimension of our academic investigation was the minutes of the public debates on the topics subject to public consultation, but here we encountered a problem, namely that the mayoralties in most cases do not post on their websites the minutes resulting from public debates. Thus, from this point of view, we identified a total of 11 minutes, distributed as follows:

- 5 posted by Oradea City Hall [3],
- 2 posted by Aleșd City Hall [4],
- 4 posted by Salonta City Hall [5],

According to Graph 1. Distribution of public debates at the level of the 8 mayoralties in Bihor county, involved in our sample, a number of 169 public debates were identified, the maximum number of debates being identified at Oradea City Hall, and at the opposite pole being Nucet City Hall with just a debate posted online. The average number of debates according to our sample is an average of 21 debates, but only 3 town halls are above this average, Oradea (45), Marghita (39), respectively Beiuș (27), and Aleșd town hall is just below average, registering a number of 20 posts in the online environment of the

organized public debates. From the point of view of the maximum number of debates posted on the official websites of the mayoralties, most were identified in 2018 at Oradea City Hall (12), Beiuș City Hall (11) in 2019, respectively on the position of the third Marghita City Hall (10) in the year 2021.

Chart 1. Distribution of public debates at the level of the 8 town halls in Bihor County



Source: Own elaboration according to the official websites of the 8 mayoralties in the target group

According to the typology of public debates, out of the 8 mayoralties within our target group, the most active mayoralty, in 2016-2021 was Oradea City Hall, with 48 public debates on various topics of local interest, which required information in the same time solutions coming from citizens or different institutions in cities.

Of the 48 public debates, we identify a number of 23 different categories that target these debates, the ones that stand out most frequently, we will mention them below:

- Taxes, fees, budget, exemptions etc. - 14,
- Repair, cleaning and maintenance of facades, identification of unmaintained buildings and increase of taxes for them, over taxation - 5,
- Performance indicators for public service and parking operation, parking strategy, lifting, transport and storage of illegally parked cars, 3
- Carrying out activities in public areas - 2,
- Environmental protection, maintenance of green spaces - 2,
- Approval for the execution of technical-municipal networks. Amendment of the regulation issuing the notice -2,
- Noise reduction, noise map setting - 2,

- Thermal power supply service, feasibility study for establishing unit heating zones -2
- Integrated urban development strategy, Sustainable urban mobility plan at the level of Oradea urban development pole – 2
- There are a number of other categories of public debates, but which we have identified only once during our research, which can be viewed in Table 1.

Table 1. Categories of public debates - Oradea City Hall - 2016-2021

Category of public debates	Total 2016-2021
Taxes, fees, budget, exemptions etc.	14
Repair, cleaning and maintenance of facades, identification of unmaintained buildings and increase of taxes for them, over taxation	5
Performance indicators for public service and parking operation, parking strategy, lifting, transport and storage of illegally parked cars	3
Carrying out activities in public areas	2
Environmental protection, maintenance of green spaces	2
Approval for the execution of technical and municipal networks. Amendment of the regulation issuing the notice	2
Noise reduction, noise map setting	2
Heat supply service, feasibility study for establishing unit heating zones	2
Integrated urban development strategy, Sustainable urban mobility plan at the level of the Oradea urban development pole	2
Sanitation service	1
Rehabilitation of the Park 1 December	1
Vehicle access in the pedestrian area	1
Water supply and sewerage service	1
Oradea green city project	1
Certification of condominium administrators	1
Zonal urban plan for the central area	1
Location and authorization of advertising media	1
Direct assignment of the local public transport service to people by regular flights	1
Construction of apartments in Oradea	1
Organization, operation of play and leisure spaces	1
Stimulating the development of the historic center	1
SEAP Sustainable Energy Action Plan	1

Transport for funeral services	1
Total	48

Source: *Own elaboration, the document is available online at <http://www.oradea.ro/dezbateri-publice>*

Next, we will analyze the other 7 mayoralties, from our sample, from the point of view of the categories of public debates, which we will present in Table 2. The categories of public debates of the mayoralties: Marghita, Salonta, Ștei, Nucet, Aleșd and Beiuș.

Table 2. Categories of public debates of the town halls: Marghita, Salonta, Ștei, Nucet, Aleșd and Beiuș

Categories of public debates	Aleșd 2010-2021	Beiuș 2019-2021	Marghita 2016-2021	Salonta 2015-2021	Nucet 2019	Ștei 2016-2021	Vașcău 2016-2021
Finance, Budget, Local taxes and fees, Overtax	9	11	21	5	1		7
Urban Development Strategy: National Urban Development Plan	2		1			1	
Passenger transport: taxi, rentals, tax rates for means of transport	2	1	1				
Draft specifications	1						
City status: coat of arms, fauna, waters, attestation, demographics, honorary citizen etc.	1		1				
Public or residential car parks	1					1	
Urban mobility plan			2			1	
Water supply and sewerage service	1					1	
General / zonal urban plan	2	2	1				
Construction: discipline in			1				1

construction and landscaping							
Control of dog breeding		1	1				
Administration and maintenance of green spaces, regeneration of green spaces		1				2	
Preparation of PUZ		4				1	1
Wood cutting, transport and recovery activities		1					
Emergency aid for families and people in need of disaster		1					
Sanitation service: performance indicators, related taxes, regulations	1	2	3	1		1	
Good management: contraventions, finding and sanctioning, beautifying the city		2	2				1
ANL homes for sale		1					
Deletion of motor vehicles and their registration within the administrative area			1				
Penalties for displaying vehicles for commercial purposes			1				
Local plan for social services			1				
Environmental clearance + Environmental impact			2				
Public procurement: plan				1		1	
Studies: impact, feasibility				3			
rehabilitation						3	
projects						3	

Investment priorities						1	
The mayor's specialized apparatus							1
Total	20	27	39	10	1	17	10

According to Table 2. Categories of public debates of the town halls: Marghita, Salonta, Ștei, Nucet, Aleșd and Beiuș, we identified no less than 28 categories of public debates.

During these public debates according to public consultations, the most frequent public consultations were conducted on Finance, Budget, Local Taxes and Taxes, Over-taxation, with a frequency of 54 appearances, Marghita being the most active city with debates on these themes, more precisely with a frequency of 21, surpassing even the municipality of Oradea county residence, which counted 14. In descending order on this topic we have Beiuș with 11, Aleșd 9, Vașcău 7, Salonta 5, respectively Nucet 1.

Of the total of 124 public debates, according to Table 2, a percentage of 43.54% (54 public debates), of the public debates represent the category Finance, Budget, Local taxes and fees, Over-taxation, a significant percentage.

If we take into account all the 8 mayoralties in our sample, including Oradea, with 68 public consultations on Finance, Budget, Taxes and local taxes, Over-taxation, out of a total of 169, represents a percentage of 40.23%.

Thus, this percentage shows us that this issue is a very important one at the level of all the 8 mayoralties, the financial dimension being a reference within the 8 municipalities, the financial dimension being the engine of the functioning and development of the local communities.

In order to better visualize this fact, we customized, taking into account the total number of public debates on the category Finance, Budget, Local Taxes and Taxes, Over-taxation, compared to the total number of debates in each town hall, thus achieving the percentage on which deals with this topic in the total debates for our research period, according to Table 3.

Table 3. Process of the category Finance, Budget, Local taxes and fees, Over-taxation in the total debates within the research sample

Categories of public debates	Aleșd	Beiuș	Marghita	Salonta	Nucet	Ștei	Vașcău	Oradea
Finance, Budget, Local taxes and fees	9	11	20	5	1	0	7	14
Total	20	27	39	10	1	17	10	48
Procent %	45	40,74	51,28	50	100	0	70	29,16

According to table 3, we can notice the interest for this topic, and of course the interest of the municipalities to inform this topic to the local communities. Except for Nucet where I identified only one debate, which addressed this category and where I had a percentage of 100% and Ștei where I did not identify such debates being a percentage of 0%, all other town halls, except Oradea (with a percentage of 29.16%), have a percentage of over 40%, which represents a significant share in the total debates.

Turning to other important categories regarding public debates, we also mention:

- Sanitation service: performance indicators, related fees, regulation, 8,
- Preparation of PUZ, 6,
- General / zonal urban plan, 5
- Good governance: contraventions, finding and sanctioning, beautification of the city, 5,
- Urban Development Strategy: National Urban Development Plan, 4,
- Passenger transport: taxi, rentals, tax rates for means of transport, 4.

Legislation and proposals

At a time when a common evaluation framework in public administration is being discussed at European level and the citizen is seen as a consumer, we appreciate the insistence on the existence of debate in the local public space. How can we find out what a consumer wants, only at the level of a debate?

It is very true that due to the pandemic, the public debate has reached maximum levels on social media, but we appreciate that it should be found as a topic of interest to the citizen in an organized, institutional setting. How can we get the citizen / future consumer (according to the European agenda) to be interested in participating in a public debate? In order to answer this question, we will turn to the analysis of the text of the Administrative Code which states in Article 225 paragraph 1 that local councilors should be more involved in their mission, they are obliged to organize regular meetings with citizens in the exercise of their mandate. give hearings and report to the Local Council. We ask ourselves, of course rhetorically, where are these public debates on the websites of the analyzed public institutions? According to Law no. 52/2003 on decision-making transparency in public administration, these documents should be posted on the official website of public institutions (town halls, county councils) because community issues must be brought on the public agenda in a transparent manner.

Analyzing the content of the text of Article 247 of the Administrative Code [6], a text that refers to the citizens' initiative, we appreciate emphasizing paragraph 1 where it is explicitly mentioned the possibility for citizens to propose to local and county councils for debate and adoption, draft decisions.

In the study we did not find any proposal from the citizens to the mentioned public institutions. This leads us to think of the lack of interest of citizens, or the lack of interest of public institutions subject to analysis to make such proposals public.

Article 248 of the same administrative code calls into question the assemblies of citizens and specifies that citizens may be consulted through organized assemblies of citizens, and the convocation is made by the mayor or by a third of the number of councilors in office. This legislative provision gives the mayors the opportunity to convene public debates, stating that the proposals of these meetings are recorded in a report and submitted to the mayor who then submits them for debate to the local council in the first meeting. I did not find such minutes on any site.

Not even the minutes of the debates organized by the town halls / county council on the mentioned topics are posted on the site in a transparent way.

The minutes of the hearing do not clearly state the number of participants in the debate.

Following this case study, we propose by law *ferenda* to clearly stipulate in the legislation which are the acts of public character, called information of public interest because from the provisions of article 2 letter b of law 544/2001 republished „by information of public interest is meant any information concerning the activities or results from the activities of a public authority or public institution, regardless of the medium or the form or manner in which the information is expressed” [8]. Article 2 of Law 52/2003 on transparency in public administration speaks about the principles underlying the normative act, of which we mention the most important from letter c „active participation of citizens in administrative decision-making and in the process of drafting projects of normative acts, in compliance with the following rules:

1. The meetings and debates of the public authorities and institutions that are the subject of this law are public, in accordance with the law;
2. The debates will be recorded and made public;
3. The minutes of these meetings will be recorded, archived and made public, in accordance with the law [7].”

However, we must emphasize that the sanctions chapter does not specify what happens if the minutes of the debates are not made public on the city hall's website. We consider it necessary to introduce clear sanctions in case there is a lack of decision-making transparency on the part of a mayor's office or a County Council because public information must be brought to the attention of citizens.

Conclusions

From the point of view of public institutions, the application of the principles of decision-making transparency, respectively of making public information of public interest to the public, should work in the common interest of both parties (public institutions-citizens).

Even though the debate on various topics has shifted to the online environment, let us not forget the organized framework in which institutional public expression should operate.

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