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HUMAN, MATERIAL AND FINANCIAL RESOURCES OF ROMANIAN PUBLIC ADMINISTRATION AUTHORITES

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Abstract:

The public administration reform depends on the improvement of procedures, structures and the capacity of attracting a qualified human resource. This study tried to exemplify the social and administrative factors that do not encourage performance in Romanian administrative public authorities' activity, such as : lack of proper equipment, financial problems, a certain inability to attract European funds or the problem of the obligation to respect a hierarchical subordination in making decisions process.

Although it is considered that the maximum level of performance can be achieved only using the minimum level of resources it is obvious that improving the administrative organisation of the country is a matter of national interest.

The complexity of certain tasks, pertaining to public administration during this period, with respect to development and aiming at reaching the average level of EU, urges the involvement of several neighbouring counties of various areas of the country to become functional units called "development regions".

It is obvious that, for Romanian economy and public authorities, the structural funds are a vital tool in terms of economic recovery and that is why we wanted to prove in what way Law 315/2004, for example, states the possibility of cross-border cooperation through the cooperation among administrative units.

Our study -to the level of the administrative territorial unit of Galati county, based on the studies performed on official and legal data obtained from Galati County Council, revealed weak points referring to the management of human resources and financials by the local authorities that try hardly to reduce the current economic and social disparities between our county and other similar regions form the EU member states taking into account the development of relationships between the labour market and education instrumented by the two local universities, the position of Galati city on the Danube river.

Keywords:

public administration, financial resources, efficiency, development.

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1. FOREWORD REGARDING THE GOALS OF PUBLIC ADMINISTRATION WITH RESPECT TO CURRENT HUMAN AND MATERIAL RESOURCES

The public administration reform depends on the improvement of procedures, structures and the capacity of the human resources in achieving the key goals. The time pressure on reform is especially critical in the development of human resources because upgrading skills, attitudes and professional behaviour requires significant financial resources and training over a long period of time. In Romania, the qualifications and the skills of the existing civil servants are not optimal and it will take time and money to bring the quality of the Romanian public administration up to the standards of the other EU countries. (M., Profiroiu, A., Profiroiu, T., Andrei, (2007): 82).

The activity of these administrative bodies is performed by *their own employees,* who are partially selected (e.g. counsellors and mayors) as per the provisions of Law no. 215/2001, partially appointed (e.g. ministers and secretaries, counsellors, heads of autonomous authorities and public institutions etc) while others are recruited based on an employment selection test for the respective body (civil servants). The activity within public authorities is complex and it implies specialized knowledge and information of various fields, such as the science of administration and administrative law in economics, accounting and finance, environmental protection etc., according to the real problems encountered in the day to day activities hence the need of each person within public administration to have proper professional training for his job description within the body, (D., Brezoianu, (2004) : 289) one of the most known authors also stating the need for the following:

- selecting the main body of employees based on adequate competency and moral criteria, in accordance to their job description;

- appropriate and judicious allocation of jobs according to the training and skills level of the employee;

- appropriate remuneration in correlation to the workload and the importance of their activities etc[2].

If the selected employees have a wide degree of autonomy and if they can be suspended or removed from office only under certain conditions

[2] Based on these objectives and reiterating the idea that human resources are the main factor that can bring performance in the public service area, we can state that ensuring a high level of public services can be done mainly by increasing the performance of the activities performed by civil servants, without minimizing the importance other resources allotted to the administrative system. (G. Moinescu, (2009): 39) .

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established by law, the staff appointed to an office has a relationship of subordination with its superiors (e.g. the heads of public institutions or specialized bodies of the Ministry of Regional Development and Public Administration are appointed and dismissed by the Prime Minister, at the proposal of the relevant minister) as "the officials of these bodies are hierarchically subordinated and they are removable form office." (I., Santai, (2009) : 84)

In order for the staff to be able to fulfil their tasks they require certain work conditions: dedicated workspace (buildings allotted to these bodies), equipment (offices, IT equipment, logistics and other equipment) as well as pecuniary resources, all of these being part of the patrimony of *public administration*, assets which are part of, where appropriate, public or private domain.

The required pecuniary resources for materials and utilities, for the payment of salaries, maintenance or for various required investments are provided by the State budget. The budget, allotted to the administrative bodies from the State budget, is called *budgetary credits* and every administrative public body will draft their own financial plan where they describe the way the budgetary credits will be used. (See also D., Brezoianu, (2004) : 289).

Moreover, as described in the doctrine, an efficient administration cannot be built only by developing the law, by having new laws and decrees, but with the help and with the persons working in this area, by supporting directly the civil servants who have to deal with bigger challenges and fewer resources and who also have to face every day the increasing expectations of the client - citizen. (M., Minică, (2004) :128-135 in M.M., Abrudan, T. G., Săveanu, M. Matei, M., Ujhely, (2015) : 6).

Endowed with patrimony, having an independent organization and a goal set by the law, the public administration bodies have their *civil legal authority* acknowledged thus being able to have various legal relationships. (E., Bălan, (2008) : 67).

Within public administration there are various authorities or legal bodies regulated by law which have legal status, in other words they are legal entities. These can have legal relationships by forming the group of public legal entities as opposed to the private legal entities (e.g. commercial companies). The public legal entities or public law are distinguished mainly by the fact that, in most cases, they act as public authorities, as the representatives (holder) of public authority, created especially for this purpose. (A., Iorgovan, (2005) : 267).

In the context of an administrative law relationship it can be either the representative of the public administration, a physical person or a private legal

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entity. Examples of public law legal entities, (of administrative law): the State, counties, townships, towns, municipalities and ministries, independent public authorities, public services, the Parliament of Romania, the Government, political parties (see the Law of political parties no. 14/2003[3]), various organizations of public interest founded based on regulations – laws or government decisions – out of private initiative (e.g. kindergartens, licensed private schools and universities, licensed private medical practices or hospitals) etc.

The imperative of the day, given Romania has to align to the European standards, can be *"the maximum level of performance with the minimum level of resources*" (D., Brezoianu, (2004) : 45) but with fewer human resources involving an optimum distribution and proper skills in order to improve the efficiency of the entire administration. The political social and economic changes of the post-December Romania entailed new trends for both the implicit improvement of administration and administrative-territorial organization.

Thus, in the text of law no. 351/2001[4], section IV, referring to the network of localities, one establishes the hierarchy principles of localities (there are 16 quantitative and qualitative hierarchy indicators), rank of localities – starting from rank 0 (e.g. the capital of the country) to rank V (e.g. villages) – as well as the requirements for a locality to move up the rank (the promotion can be done only by law and by upholding the main hierarchy indicators).

The law refers not only to a new type of administrative classification, but it also contains a set of provisions for establishing new townships, a fact which is possible only if certain prerequisites are met (number of inhabitants, economic potential, local infrastructure, schools, kindergartens, city hall, health centre, drugstore, police station, road/railway connections with the other villages forming the new township as well as the ones connecting it to the nearby localities etc).

Improving the administrative organisation of the country is a matter of national interest, „an issue which can make the subject of a national poll, a fact which would ensure a strong democratic foundation, efficiency, stability and sustainability, it would better anchor it to the specific Romanian traditions and values and it would connect it to the developed European countries with efficient public administration system". (M., Preda, (2006) : 55).

[3] Law no. 14/2003 published in Official Romanian Gazette no. 25/2003, subsequently amended and completed.

[4] Law no. 351/2001 regarding Approval of the national landscaping, published in the Romanian Official Gazette no. 408/2001, amended and completed.

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2. STATUS OF GALAȚI COUNTY

The European policy on regional development aims to reduce economic and social inequalities that exist between different regions of the European Union states and it is based on a series of community strategies appropriate for the structural and cohesion funds as financing instruments. The regional development is a process that requires effective and efficient institutions as well as cooperation among public authorities, businesses and nongovernmental sector. (M. I. Stan, (2014), pp. 41).

The complexity of certain tasks, pertaining to public administration during this period with respect to development and aiming at reaching the average level of EU, urges the involvement of several neighbouring counties of various areas of the country to become functional units called "development regions" which are not administrative – territorial units and do not have legal status", as per the provisions of article 5 line (2) of Law no. 315/2004 regarding the regional development in Romania[5], thus setting up the institutional framework, the objectives, competencies and the specific tools for regional development in Romania (art. 1 of the Law).

On the one hand Romania makes sure that the regional development policies are applied according to the objectives of EU [art. 135 paragraph (2) letter g) of the Constitution], policies developed by the Government through its central public administration bodies, by the local public administration authorities and specialized regional bodies, consulting the socio-economic partners involved to ensure economic growth, balanced and sustainable social development of certain geographic areas established in development regions, improving the international competitiveness of Romania and reducing the current economic and social disparities between Romania and EU member states as provided in Art. 2, para. (1) of Law 315/2004. The Law states the possibility of cross-border cooperation through the cooperation among administrative units at the border of Romania with similar ones from the neighbouring countries, aiming to improve the economic and social conditions in these areas, for sustainable development and stability.

On the other hand, for Romania, the structural funds are a vital tool in terms of economic recovery, they ensure the perpetuation of changes and the acceleration of reform to achieve the level of other European economies. After joining the EU, the national economic activity is increasingly oriented outwards. Currently the economy of a State is of interest for both that State and for other

[5] Law no. 315/2004 published in the Official Romanian Gazette, no. 577/2004, amended and completed (u.m. O.U.G. nr. 1112/2004 publicată în M. Of. nr. 1115/2004)

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member States which have chosen to ally to the major European economy. The economic decline of a country also influences other European contributors and, once an economic problem has arisen in a state, it becomes a problem for the Union altogether (for example, Greece's economic problems). (B., Gelămancă, P., Zai, (2013) : 77.)

In order to apply these ample policies three fundamentals were established: decentralization, subsidiarity and partnership. The EU accession of Romania implies the improvement of administration and territorial administrative organization from the regionalization point of view. It is one of the main features of the contemporary world, not only it has a geographical dimension, as it may seem common knowledge, but also other dimensions - economy, politics and security - that are interconnected.(C., Băhnăreanu, A. Sarcinschi, (2012) : 7).

The policy of regional development represents a set of measures adopted at EU level to support underdeveloped regions, aimed at creating or restoring a relative balance of economic activities, standard of living, distribution of population, etc. The goal of the regional community policy is to ensure a balanced development of the regions in the community, by reducing economic disparities and differences between its different regions. (D., Dolghi, in I., Ceuşan, D., Dolghi, D., Duna, coord.: V., Puşcaş, A., L., Ivan, (2004) :75).

Taking our study to the level of the administrative territorial unit of Galati county I noticed, based on the studies performed on official and legal data obtained from Galati County Council, that the development strategy of Galati 2015 – 2020 aims to be a normal continuation of the efforts undertaken in the previous strategy (for the period 2010-2015), being intended both to highlight the progress and to continue the actions initiated in the past which, for objective reasons, have not been completed (partially or fully) up to the present days.

The connection between the development plan (for the period 2015-2020) and the objectives set at the strategic level (which help materialize the plan) was also highlighted in the development strategy of Galaţi. Linking the level of the plan with the objectives was based on an objective diagnostic-type analysis of the current situation and the analysis of development requirements of the county (Galaţi County development strategy, 2015-2020, (2015) : 2) [6].

The SWOT analysis of the infrastructure framework to support economic and social activities of Galaţi county (synthesis) revealed weak points regarding the management of human resources and financials by the authorities,

[6] http://www.cjgalati.ro/images/stories/Comunicate10/strategia-2015.pdf.

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in this regard recording the poor modernization and endowment of local public administrative bodies and especially at the level of townships the lack of administrative capacities, the fact that the number of the newly formed small and medium enterprises and the ones deleted from the trade registry is almost equal (2014 National institute of Statistics data), the low level of involvement of the citizens in the decision making process of the public administration; the unwillingness of public authorities to reveal to the public a set of open data, data for which there is no explicit legal publishing restraint; the lack of quality standards for tracking the public services provided to the citizens; the lack of monitoring systems for the way the public services are provided; (Galati County development strategy, 2015-2020, (2015), : 257).[7]

On the contrary, with respect to *opportunities* there are pros e.g. the creation of a development program for small and medium enterprises (having the purpose to check the feasibility of the businesses for which the human resources existing in the current economic background are reduced).

In this context it is considered as being important the development of relationships between the labour market and education instrumented by the two local universities, the position of Galati city on the Danube river leading to economic growth by broadening job/services offers and their promotion, the openness to international markets due to Brăila, Galați, Tulcea and Sulina ports (river & sea ports) being of the TEN-T network (Trans-European Transport), making investments in the most developed branches of economy of e county (metallurgy, constructions), the existence of new vertical integration opportunities, the existence of procedures for implementing performance management in public administration, the introduction of national administrative reforms which target the increase of the effectiveness of public investments implementation and absorption of cohesion European funds[8].

Conclusions

Obviously, there are various dysfunctions in the contemporary administrative bodies of Romania with respect to the assimilation and identification of qualitative human resources and even bigger issues regarding the assimilation and good management of European funds which can lead to efficient and useful programmes for developing the public sector.

[7] http://www.cjgalati.ro/images/stories/Comunicate10/strategia-2015.pdf).
[8] The entire study regarding the Galati county development strategy in the period 2015-2020 can be found on the website http://www.cjgalati.ro/.

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Unfortunately, these issues are interconnected thus, paradoxically, the faulty usage of budgets generally leads to the poor remuneration of human resources working for public administration and particularly for the civil servants, discouraging well prepared and competent candidates to register for the employment exams organised by the local or central administration, i.e. the involvement of human resources in a broader process of continuous development.

Or we consider that such development may generate the adaptation of our administration to European requirements but also a better knowledge of the tools that can be used by our administration in order to better serve the citizen.

BIBLIOGRAPHY

Treaties, manuals, lectures, monographs:

E., Bălan. (2008) *Instituţii administrative*, C. H. Beck Publishing House, Bucharest.

D., Brezoianu.. (2004) *Drept administrativ român, Curs universitar*, All Beck Publishing House, Bucharest.

D., Dolgh (2004), *Politica dezvoltării regionale*, in Ceuşan, I., Dolghi, D., Duna, D., coord.inators Puşcaş, V., L. A., Ivan. (2005) *Regiune şi regionalizare în Uniunea Europeană,* Romanian Cultural Institute, Cluj-Napoca.

A., Iorgovan. (2005), *Tratat de drept administrativ*, Ist volume, IV-th edition, All Beck Publishing House, Bucharest.

M., Preda. (2006), *Drept administrativ, Partea generală,* IVth edition, Lumina Lex Publishing House, Bucharest. I., Santai. (2009) *Drept administrativ şi ştiinţa administraţiei,* Ist volume, reviewed edition, Alma Mater, Publishing House, Sibiu.

Articles:

M. M., Abrudan. T. G., Săveanu. M., Matei. M. , Ujhely . (2015) Obstacles, realities and opportunities in human resources management in public administration institutions from Bihor county (Romania) and Hajdú-Bihar county (Hungary), Transylvanian Review of Administrative Sciences, no. 45 E.

C., Băhnăreanu. A., Sarcinschi. (2012) Procesul de regionalizare al României şi securitatea naţională, National Defence University "Carol I" Publishing House, Bucharest.

Mihailescu, M. E. (2015). Human, Material and Financial Resources of Romanian Public Administration Authorites. Jurnalul de Studii Juridice, Year X, No. 3-4, December 2015, 61-69.

B., Gelămancă. B., Zai (2013) Abordări privind absorbtia fondurilor structurale în românia în perioada 2007-2013, Transylvanian Review of Administrative Sciences 2(33).

M.,Minică. (2004) 'Managementul resurselor umane în administrația publică', Transylvanian Review of Administrative Sciences no. 3(12).

G., Moinescu. (2009) Principalele probleme de gestiune a resurselor umane în administraţia publică românească, „Constantin Brâncuşi" University Annals, Târgu Jiu, Juridical Sciences Series, no. 2.

M., Profiroiu. T., Profiroiu. T., Andrei (2007) A novel way of human resources development in the Romanian civil service, Transylvanian Review of Administrative Sceinces, no. 20.

M. I., Stan. (2014), The opportunity of Romanian regionalization, Juridical Current, no. 2 (57).

Bodies of law

Law no. 14/2003, published in the Official Romanian Gazette no. 25/2003, subsequently amended and completed.

Law no. 351/2001 regarding Approval of the national landscaping, published in the Romanian Official Gazette no. 408/2001.

Law no. 315/2004, published in the Official Romanian Gazette no. 577/2004, amended and completed, (u.m. O.U.G. nr. 1112/2004 published in the Official Romanian Gazette no. 1115/2004).

Webpages

Galati County Development Strategy, 2015-2020, http://www.cjgalati.ro/images/stories/Comunicate10/strategia-2015.pdf).

www.cjgalati.ro

Mihailescu, M. E. (2015). Human, Material and Financial Resources of Romanian Public Administration Authorites. Jurnalul de Studii Juridice, Year X, No. 3-4, December 2015, 61-69.