



CHAPTER 10

CONCLUSION AND RECOMMENDATION: THE RESTRUCTURING OF LOCAL GOVERNMENT WITH SPECIFIC REFERENCE TO THE CITY OF TSHWANE

10.1. INTRODUCTION

This research seeks to build a conceptual framework that can assist in guiding the process of local government restructuring and the impact thereof on the community it serves. The framework emphasizes looking beyond the legislative framework and evaluating the restructuring of local government to include all deliberate and purposive courses of action that are intended to lead to new or modified systems of local government, to significant arrangements for redistributing responsibilities for major developmental functions (for example, service delivery and infrastructure development), and to increased public participation in policy-making and action at a local level.

In order to meet the objectives of this investigation, a literature study was undertaken. Salient themes regarding the restructuring of local government were located in existing legislation, public administration texts, in management theories and in research studies.

The aims of this study as discussed in Chapter one (1) were to:

- a) analyze the emergence of local government in South Africa, which contributed to the manifestation of the apartheid value system and the separation of racial communities;
- b) clarify the need for local government restructuring to address imbalances and inequities of past legislation;
- c) identify the administrative and legislative processes which culminated in the formulation of a legislative local government restructuring model;



- d) assess the impact of the local government restructuring model on local authorities, with specific reference to the City of Tshwane; and
- e) identify and evaluate international restructuring principles and experience against South African local government restructuring, with specific reference to the City of Tshwane and to draw conclusion.

In achieving these five research objectives, the aim of this thesis was to recommend a local government category for the City of Tshwane, which would ensure that the intended purpose of local government restructuring was met in an efficient and democratic manner.

Information regarding all of the above-mentioned objectives is contained in the preceding chapters:

The hypothesis and definitions of key terms are presented in Chapter one (1). The context in which the restructuring of local government is discussed throughout the study is also given effect to here.

Chapter two (2) provides an insight into the concept of local government and the legislative framework governing it. The relationship between the different spheres of government is analyzed.

In Chapter three (3) the role and purpose of local government is outlined. Concerns regarding the restructuring of local government are raised. Effective and optimal local government restructuring must be approached in a multi-disciplinary manner involving generic administrative processes and the environment. The conclusion is reached in this chapter that the application of and adherence to specific principles in a multi-disciplinary manner should substantially enhance the effectiveness and efficiency of local government.

Chapter four (4) provides a historical perspective on the restructuring of local government in South Africa up to 1994. The emergence of local authorities as well as the development of local authorities for urban areas populated by non-



whites, are addressed. The progress towards local government democratization, which culminated in the identification of the three phases of local government restructuring leading to the final phase, is addressed.

Chapter five (5) examines the restructuring of local government in South Africa, which was to occur in three well-defined phases in terms of the political agreements incorporated in the Local Government Transition Act, 1993 (Act 209 of 1993). The first or the pre-interim phase was the period from the commencement of the Act (2 February 1994) to the commencement of the interim phase, which started on the first day after the elections which were held on 1 November 1995 or afterwards for transitional councils and ended with the implementation of the final model of local government. The pre-interim phase involved the creation of local government negotiation forums and transitional local government models, whilst the interim phase focused on the demarcation of boundaries for election purposes. Conclusions were drawn about areas of concern during these two phases.

Chapter six (6) focuses on the restructuring of local government in South Africa as the country moves towards the final phase. The chapter traces the evolution of local government towards being a distinctive, interrelated, interdependent sphere of government in its own right. A critical analysis of the new local government system is provided.

In Chapter seven (7) the restructuring of local government in the Greater Pretoria Area in the pre-interim phase is discussed. The course of local government negotiations between the separate local authorities, which culminated in the signing of the 22 August 1994 Agreement between the negotiating parties, is dealt with. The most important experience of the new direction is felt to have been the practicing of the principle of "consensus politics" as a new approach to decision-making in South Africa. The restructuring of local government in the Greater Pretoria Area in accordance with transitional local government models is discussed.



Chapter eight (8) provides an introduction to the established local government structures for the Greater Pretoria Metropolitan Area in the interim phase. The status of local government in the Greater Pretoria Metropolitan Area in the interim phase is discussed by means of statistical analysis, focusing on political representation, staffing structures and financial and fiscal affairs. These mentioned factors will have to be taken into consideration when determining a local government category for the Greater Pretoria Metropolitan Area in the final restructuring phase.

Chapter nine (9) evaluates and applies the three (3) categories of local government as contained in the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) to the City of Tshwane. The final restructuring phase, which commenced on 5 December 2000 with the local government elections provided for a name change from the Greater Pretoria Metropolitan Area to the City of Tshwane Metropolitan Municipality. The local government restructuring process, which is discussed throughout the study, culminates in a critical evaluation in this chapter of the three (3) categories of local government to be applied specifically to the City of Tshwane in the final restructuring phase. The *status quo* is evaluated against legislative requirements and empirical research findings, as well as against internationally accepted restructuring principles and experience.

This chapter, will draw conclusions from the themes which have emerged from the literature and empirical study. Finally, appropriate and relevant recommendations will be discussed.

10.2. PROVING THE HYPOTHESIS

The literature study provided a background for the restructuring of local government in South Africa and, specifically, the City of Tshwane. The broader issues covered in the literature study culminated in the critical evaluation of the local government categories for the final restructuring phase to be applied specifically to the City of Tshwane. Data was processed,

measured and presented by using structured questionnaires and various statistical analyses.

The findings of the studies have contributed to proving the stated hypothesis as set out in Chapter one (1) as correct:

*The **hypothesis** of this study is therefore, that effective restructuring of local government according to the prescribed categorization of local government for the final restructuring phase, with specific reference to the City of Tshwane, requires the evaluation of the status quo against the legislative requirements and internationally accepted restructuring principles and experience to ensure the implementation of a category of local government that will ensure democratic and efficient service delivery to the community of the City of Tshwane Metropolitan Municipality.*

In the context of the evaluation of eleven conurbations (Chapter 9) in terms of the criteria contained in Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), the City of Tshwane cannot be regarded as a definite Category A local authority, since it does not comply with all the features needed to be regarded as a Category A local authority or a single city. From the research only three (3) nodal points complied with all the criteria needed to be classified as a Category A local authority in terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), namely Greater Johannesburg, Cape Town and Durban. The City of Tshwane, however, does not fulfill all of the criteria needed to be classified as a Category A local authority mainly because it reflects a below average population density which impacts negatively on the evaluation criteria used to define a Category A local authority.

A combined Category B and C local government category established in the Greater Pretoria Metropolitan Area on 12 December 1995 (Chapter 7) has proved not to be the solution for efficient service delivery within the final local government dispensation. This became apparent after interviews were



conducted on the *status quo* with senior management at the four local authorities within the Greater Pretoria Metropolitan Area in the interim phase (Chapter 9). The interim institutional framework for the Greater Pretoria Metropolitan Area is not regarded as ideal or as contributing to the legislative mandate to provide services in an effective and efficient manner to the consumer and the ratepayer. The consequences of the identified deficiencies regarding the interim institutional framework are frustration of the workforce, especially at middle and top management levels, which leads to demotivation with concomitant negativity and lack of initiative. The demotivation and negativity of personnel results in economic deficiency and sub optimality, which leads to consumers paying higher prices for services and receiving lower levels of service than those to which they otherwise would have been entitled.

Due to both the above-mentioned categories not being proven as definite positive categories for the City of Tshwane in the final restructuring phase, comparisons were drawn with experience in the United States of America where there is a wider range of city sizes available than in the Republic of South Africa (Chapter 9). The experience was used to evaluate the local authority categories on the basis of key principles advanced by David Crombie's "Who Does What" advisory panel on the restructuring of local government in Toronto, Canada, in order to substantiate a local government category for the City of Tshwane in the final restructuring phase.

The key principles argue in favour of individual local authorities on the basis that smaller local governments are more accountable, more responsive and more attuned to communities and neighbourhoods, while larger local governments are more susceptible to special interests and are less controllable. The consideration of democracy emphasizes the difficulty larger local governments (over one million population) face in sustaining viable democratic processes and accordant democratic service delivery. From the point of view of efficiency, larger local governments generally have higher unit costs than smaller local governments; there are diseconomies of management scale, greater resistance to innovation and legislative reform and amalgamations do not produce lower cost local government.



The hypothesis can therefore be regarded as correct, because it only became apparent after evaluating the *status quo* in the Greater Pretoria Metropolitan Area in the interim phase against the prescribed categorization of local government for the final restructuring phase, that neither a Category A nor a combined Category B/C local government model will contribute to efficient and democratic service delivery in the City of Tshwane in the final restructuring phase.

The challenge is thus to find a local government category that will accommodate growth inside and outside the City of Tshwane without encouraging sprawl and allowing for the co-ordination of regional services over a wider area.

10.3. RECOMMENDATIONS

The recommendations will be discussed under two sub-headings, namely:

1. recommendations based on the methodology of the study; and
2. recommendations based on the results of the study.

10.3.1. RECOMMENDATIONS BASED ON THE METHODOLOGY OF THE STUDY

The following recommendations are proposed:

10.3.1.1. FURTHER RESEARCH AND STUDIES

It is recommended that further research and studies be conducted to assess the impact of the local government category implemented in the City of Tshwane in the final restructuring phase especially with regard to efficient and democratic service delivery, infrastructural development and financial

sustainability. Results of these studies need to be integrated with the author's findings.

10.3.1.2. GEOGRAPHICAL LIMITATION

The study should be replicated with other local government structures in South Africa. The impact of local government categorization in the final restructuring phase with regard to efficient and democratic service delivery, infrastructure development and financial sustainability should be assessed.

10.3.1.3. TIME FRAME

Subsequent research needs to be undertaken in view of the implementation of the final categories for local government after 5 December 2000 in South Africa. The aim of this exercise would be to determine whether the purpose of local government has been successfully met after implementation of the various local government categories. For example have service delivery, infrastructural development and financial sustainability remained static or have they changed?

10.3.2. RECOMMENDATIONS BASED ON THE RESULTS OF THE STUDY

The recommended local government category for the City of Tshwane in the final restructuring phase is premised on less local government and strengthened local authorities that will preserve local community identity for residents and businesses and promote the efficient use of resources. In order to ensure efficient and democratic regional service delivery, the establishment of a City of Tshwane Services Board (CTSB) is recommended.

10.3.2.1. LOCAL AUTHORITIES

The maintenance of the three interim phase local authorities, the City Council of Pretoria, the Town Council of Centurion and the Northern Pretoria Metropolitan Substructure, is recommended. The local authorities serve approximately 150 000 to 200 000 inhabitants in each region and provide services at offices which are accessible to the majority of the community.

Local authorities are the cornerstone of local government in South Africa. Local authorities allow citizens to deal directly with their elected representatives and to shape the attitudes, the image and even the future of the neighbourhoods where they live. Strong, accountable and cost-effective local authorities that are understandable to the citizens are important. A local government category needs to be based on the following principles:

a) Responsiveness:

Local authorities that are closest to the citizens they serve are able to provide the highest level of service. Service delivery should meet diversity, growth and changing economic conditions in each distinct local authority.

b) Accessibility and accountability:

Citizens should deal with only one level of local government to resolve municipal service problems.

c) Effectiveness and efficiency:

Services should be delivered efficiently and effectively.

d) Economy:

Services should be delivered at the lowest cost.

e) Liveable communities:

Services delivered at the local level should foster safe, healthy and liveable communities.

f) Impact of services:

Municipal services that impact on local residents should be controlled by local authorities.

g) Equity:

A fundamental quality of life for all citizens through the sharing of financial resources should be ensured.

The establishment of three autonomous, empowered and accountable local authorities will improve decision-making so as to respond better to the needs of local communities. Services at local level need to be delivered simply, cost-effectively and without overlap.

In order to co-ordinate the delivery of regional services, it is recommended that the interim phase Greater Pretoria Metropolitan Council be eliminated and replaced by a City of Tshwane Services Board.

10.3.2.2. CITY OF TSHWANE SERVICES BOARD

The City of Tshwane Services Board (CTSB) will serve as an independent body established to serve the City of Tshwane by co-ordinating regional service delivery. Until now, local authorities have been reluctant to enter into formalized arrangements for cross-service co-ordination. Instead, they have co-operated on individual services, or individual problem areas. A legislated mandate would give the City of Tshwane Services Board the authority to

overcome this reluctance and co-ordinate services across the City of Tshwane.

10.3.2.2.1. MEMBERSHIP OF THE CITY OF TSHWANE SERVICES BOARD

The size and composition of a board should reflect what the board is to do, and for whom. Its size, generally, should be limited – not so small as to make it unrepresentative, nor so large that decision-making is difficult. More important than the absolute size, though, is whether the size is appropriate to the responsibilities and authority. A board with only a single responsibility can be small. If the responsibilities extend to a number of areas, then a larger board may be desired.

The City of Tshwane Services Board should have a number of duties. The options for size, composition and method of selecting members, therefore, are numerous. Among the options are:

- (a) parity;
- (b) representation by population;
- (c) modifications of the first two to correct inequities; and
- (d) provincial-local authority representation.

(A) Parity:

Parity would give each local authority the same number of members on the board – either one or two. This system treats the local authorities as shareholders and clients and treats each as an equal partner. It does not recognize differences in population or inability to pay. Larger local authorities do not get more benefits, nor do they pay more than smaller ones. If costs are not shared equally, participants will feel “pay” and “say” are not balanced.



(B) Representation by population:

Membership based on population would correct the perceived inequities of the parity scheme. A system based on representation by population would have to be adjusted over time to reflect changes in population.

(C) Modification to address inequities:

Both the parity and some representation by population models produce inequities. These inequities can be addressed in a number of ways.

Quorum provisions could be legislated so that members attending and participating in a meeting must represent local authorities with more than two-thirds of the population of the City of Tshwane. A two-thirds requirement could also be used for voting. To be carried, a proposal would need the support of members representing two-thirds of the City of Tshwane's population. Another variation would be a requirement that two-thirds of the members vote in favour of a motion for it to be carried, regardless of the population they represent. This would be easier to achieve.

(D) Provincial participation:

As provincial and local government roles are clarified, the province will still have interests and be involved in the issues affecting the City of Tshwane, including issues that may be the responsibility of the City of Tshwane Services Board.

For example, the Department of Transportation will continue to have broad interests in City of Tshwane transportation issues since the City of Tshwane is connected to the broader provincial transportation network. The province will continue to manage provincial highways that are part of the City of Tshwane transportation system.

Provincial participation may not be consistent with the government's goal of reducing duplication, overlap and provincial-local government entanglement. It may, however, be appropriate that the first members of the City of Tshwane Services Board, or perhaps just the first chair of the board, be selected by the province. This would allow the board to get up and running more quickly and would demonstrate the government's commitment to the establishment of the City of Tshwane Services Board. Following an initial term of office, the provincially appointed members could be replaced by locally appointed members. This initial term could end with the local government elections in 2005, or at an appropriate time before then.

10.3.2.2.2. OTHER CONSIDERATIONS

A number of other issues should be considered when determining the size and composition of the City of Tshwane Services Board. One is whether to maintain the City of Tshwane boundaries, and another is the relationship between the City of Tshwane Services Board and local authorities outside the City of Tshwane that receive or participate in cross-boundary services. It is, however, proposed that local authorities on the edge of the City of Tshwane should be able to participate in service co-ordination when it makes sense for them to do so. They could do this as customers who buy the service or as participants in the decision-making process.

Another consideration is how the members are selected.

- (a) The legislation should describe members by title. For example, it could specify that heads of local authorities would sit on the board.
- (b) Local authorities could appoint members with the legislation describing who can or cannot be appointed. For example, it could say that any person could be appointed, or any council member, or any person except a council member.

- (c) The minister could appoint members from among local authority nominees.

If heads of local authorities are named to the City of Tshwane Services Board by legislation, the City of Tshwane Services Board could appear to be a level of government. Restricting membership to people not on local authorities raises a question of accountability, particularly if the City of Tshwane Services Board is required to recover its costs from local authorities. Provincial participation in the selection of members might be inconsistent with the apparent consensus that the City of Tshwane Services Board should be a board serving local government.

10.3.2.2.3. SERVICE RESPONSIBILITY OF THE CITY OF TSHWANE SERVICES BOARD

Co-ordination is needed for services that cross local authority boundaries and are by nature City of Tshwane-wide. They are generally considered to be:

- (a) inter-local authority transit;
- (b) environmental services, including water supply and water pollution control;
- (c) solid waste disposal;
- (d) electricity provision; and
- (e) economic development, including tourism promotion.

The City of Tshwane Services Board should generally co-ordinate and plan services and not deliver them. The City of Tshwane Services Board could play a number of roles in the delivery of each of the services, including:

- (a) strategic planning;
- (b) co-ordination;
- (c) management;
- (d) delivery;
- (e) dispute resolution; and
- (f) capital generation.

(A) Strategic planning:

The City of Tshwane Services Board would establish the necessary direction for meeting future City of Tshwane service needs. It would use long-range plans that have already been developed for the City of Tshwane, including the land development objective document. Plans already developed, or to be developed, for specific services such as transportation, water, sewers and electricity, would be used by the board to create a City of Tshwane perspective on infrastructural planning. By co-ordinating internal servicing plans with cross-boundary servicing plans, the City of Tshwane Services Board would help to set infrastructural priorities that would benefit the entire area.

(B) Co-ordination:

Even if the City of Tshwane had all the services it needs, it would still be important to make sure those services were used in the most beneficial way for the whole region. The City of Tshwane Services Board could play a role in making sure there are appropriate linkages between existing local services.

Co-ordination would also be important, for example, in the area of economic development. A public-private partnership is being developed to promote and market the City of Tshwane. These marketing activities, however, need to be co-ordinated with overall growth management plans for the City of Tshwane. The City of Tshwane Services Board could play that role. The City of Tshwane Services Board could also co-ordinate the public sector financial contribution to the partnership.

The City of Tshwane Services Board could play a stronger, more regulatory co-ordinating role if local authorities were required to submit short and long-term infrastructural plans to the City of Tshwane Services Board regularly for approval. The City of Tshwane Services Board would confirm or amend these plans based on its own strategic servicing plan.

(C) Management:

If the City of Tshwane Services Board were given responsibility for managing these services, it would determine the servicing standards, make sure the standards were met and decide on the best delivery method. Initially, local authorities could continue to deliver the services. As servicing needs changed, the City of Tshwane Services Board would decide who should deliver them – the public sector, the private sector, or a combination of the two.

To successfully manage these services, the City of Tshwane Services Board would probably have to own the infrastructure, with services being delivered under contract. The contract sets out performance standards for the contractor, but the local authority owns the facilities.

(D) Delivery:

The City of Tshwane Services Board could deliver as well as manage these services. It would then be responsible for all aspects of the service, including delivery, operating and capital financing and setting standards and rates. The City of Tshwane Services Board would have a monopoly and no other local authority or private sector agency would be able to deliver the same services in the City of Tshwane.

(E) Dispute resolution:

The City of Tshwane Services Board could instead be a dispute resolution agency for servicing. Member upper-tier local authorities would bring servicing disputes to the City of Tshwane Services Board for disposition. The City of Tshwane Services Board would be able to consider the issue, ask for additional studies or analyses and make binding decisions.



(F.) Capital generation:

The City of Tshwane Services Board could assist in the servicing of the City of Tshwane by helping local authorities obtain capital funding for service development. By using the financial base of the entire City of Tshwane, the City of Tshwane Services Board could get a better rate for long-term borrowing for infrastructure. The City of Tshwane Services Board could also arrange for local authorities within the City of Tshwane to make short-term loans to each other for servicing projects.

10.3.2.2.4. FINANCING THE CITY OF TSHWANE SERVICES BOARD

The City of Tshwane Services Board may incur both administrative and service delivery costs. Eventually, it would decide for itself how to recover those costs, but it is important to decide how initial expenses should be shared.

Initially, routine administrative expenses could be shared equally, with each local authority paying 20 percent of the cost of the board. As the board's responsibility grows, local authorities could be made to pay greater or lesser shares depending on the relative benefits they enjoyed.

If the City of Tshwane Services Board eventually delivers or manages services delivered to end users, board costs could be recovered through user fees or the fare box. The City of Tshwane Services Board could also recover costs from member local authorities based on their ability to pay, population or assessment, or on the level of service or use of the services in the local authority.

The City of Tshwane Services Board could mix a number of approaches depending on the nature of the services being delivered. The City of Tshwane Services Board might decide to recover costs that cannot be covered by fares directly from member local authorities. Each might pay an equal share, or a

share based on their share of service provided, ridership, assessment or a combination of these.

10.3.2.2.5. RELATIONSHIPS

Another consideration is the relationship that the City of Tshwane Services Board would have with member local authorities, other local authorities, the public and the province. If the City of Tshwane Services Board is going to be successful as a co-ordinating body, the member local authorities must be committed to making it successful. One way to ensure commitment is by requiring that all local authorities in the City of Tshwane be members. One drawback to locally-established boards is that members can dissolve the board or opt out. If the City of Tshwane Services Board is to fulfil its role, opting out cannot be allowed.

The relationship between the City of Tshwane Services Board and the public could vary greatly depending on the board's responsibilities. For example, if the board assumes responsibility for area-wide transport, it would have a direct relationship with the public.

The board would also have a relationship with the province. It might play a role in representing the City of Tshwane servicing interests in discussions with the province, when, for example, the province is developing standards and benchmarks for servicing.

10.3.2.2.6. SUB-COMMITTEES

If the City of Tshwane Services Board has responsibility for services that extend beyond the City boundaries, the affected local authorities would have an interest in the board's decisions. This interest could be addressed in a number of ways.



Firstly, the City of Tshwane Services Board membership could be limited to City of Tshwane local authorities. Other local authorities outside the boundaries would become service purchasers and would have no direct role in the decision-making process. They could choose to form a purchasers' group or co-operative to represent their interests.

Another option would be to establish a core City of Tshwane Services Board which could set up sub-committees for selected services, which would include representatives of the local authorities that purchase the service. The composition of these committees could be established in legislation to ensure that all local authorities that receive the services are represented.

Different approaches could be used at different times as the City of Tshwane Services Board is established. Following an initial term of office, the provincially-appointed members could be replaced by locally appointed members. This initial term could end with the local authority elections, or at an appropriate time before then.

The City of Tshwane Services Board could also be given the ability to assume additional responsibilities. This would permit local authorities and the board to modify the role and purpose of the board over time to reflect changing circumstances.

The timing of the establishment of the City of Tshwane Services Board generally will be important to ensure a smooth transition of responsibility to the City of Tshwane Services Board from the local authorities or the province.

10.3.2.2.7. COMBINING THE OPTIONS

A wide range of organizational models could be developed for a City of Tshwane Services Board. The table following (Table 19) sets out various options described above. These options could be combined in a number of different ways to define a City of Tshwane Services Board.



A legislative framework will be needed to establish and empower the City of Tshwane Services Board. That framework will have to be flexible to allow the board to grow and change as it transforms itself from a provincially-initiated agency to a locally-orientated body.

The City of Tshwane Services Board, if wisely designed, will not only improve fairness and co-ordination, but will also be more responsive, accountable and efficient thereby contributing to co-operative governance. The public will be best served if the City of Tshwane Services Board design includes these features:

(a) Accountability:

The board must be accountable to the constituent local authorities. Board members should be local elected officials, appointed by their local authorities. A board constituted in this manner would substantially improve the likelihood that the City of Tshwane Services Board and local government policies will be co-ordinated. The alternative of a separately elected board would create an unco-ordinated public policy framework that would encourage disagreements between elected officials at the two levels of government. A separately elected board would also be more likely to seek expansion of City of Tshwane Services Board powers at the expense of the cities and re-establishing service duplications.

(b) Limited powers and co-ordination:

Provisions should be adopted to limit the City of Tshwane Services Board authority to specific regional powers. This will reduce the potential for service duplication to evolve. The City of Tshwane Services Board's powers should be expanded only as agreed upon by the constituent local authorities.



(c) Limitation on administrative staff size:

Provisions should be adopted to establish and maintain the administrative staff size at the City of Tshwane Services Board to the minimum level required to provide the required quality and quantity of service.

(d) Provisions to guarantee efficiency:

The City of Tshwane Services Board should be required to contract for all of its core services and have no operating personnel. Contracts might be with constituent cities, other publicly owned organizations, private non-profit organisations or with private firms through competitive tendering.

TABLE 19: OPTIONS FOR THE ORGANIZATION OF THE CITY OF TSHWANE SERVICES BOARD

Membership	Chair of Committee	Determination of responsibility	Services	Responsibilities	Finance
<ul style="list-style-type: none"> • Parity – 1 member for each of the metropolitan local authorities in jurisdiction. • Representation by population – 1 member per 300 000. • Representation by population – 1 member per 400 000. • Representation by population – 1 member per 500 000. • Sub-committees for services beyond GPA: <ul style="list-style-type: none"> - Legislated; - Discretionary. • Membership includes local authorities beyond GPA. 	<ul style="list-style-type: none"> • Selected by members from among the members. • Appointed by the province in addition to members. • First chair appointed by province with subsequent chairs appointed by members. 	<ul style="list-style-type: none"> • Province defines authority of GPSB. • Province describes responsibility and permits GPSB to request additional responsibility. • Province establishes GPSB and permits local authorities to assign additional responsibilities to board. 		<ul style="list-style-type: none"> • Strategic planning; creation, maintenance of infrastructural plans. • Service co-ordination; ensuring the co-ordination of locally delivered services. • Management responsibility for service; standards, compliance, enforcement. • Service delivery responsibility. • Dispute resolution; arbitrating disputes between member municipalities in respect of service needs. 	<ul style="list-style-type: none"> • Funding formula established by legislation. • Initial funding formula established in legislation, GPSB could vary over time. • Funding formula established by GPSB. • One or more formulae depending on number of services i.e. different for different services. • Different voting requirements for different aspects of finance – capital (2/3) versus operating (1/2) equal shares for all financing. • Full cost recovery from end user.

(e) No direct taxing or assessment authority:

The City of Tshwane Services Board administration and services should be financed by user fees and assessments ratified (not imposed upon) the constituent cities. This will ensure greater accountability and co-ordination of regional and local policies.

The combination of certain options will depend on the preferences of the stakeholders involved in the City of Tshwane Services Board.

10.3.2.2.8. DIVISION OF POWERS AND DUTIES BETWEEN THE CITY OF TSHWANE SERVICES BOARD AND THE LOCAL AUTHORITIES

The basis for the division of powers and duties between the City of Tshwane Services Board and the local authorities should be as follows:

(a) Regional *versus* local:

Matters that may best be co-ordinated regionally, for example, roads, regional parks and regional planning, should be allocated to the City of Tshwane Services Board while local roads and parks remain under the jurisdiction of the local authorities.

(b) Wholesale *versus* retail:

Many functions that are most efficiently performed on a large scale could be managed by the City of Tshwane Services Board, such as water purification, sewage treatment and waste disposal. The provision of these services to the ultimate consumer in the form of water distribution and billing, sewage collection and billing and waste collection should be managed by the local authorities.

(c) Services to people across local authority boundaries versus service to property and from buildings:

The City of Tshwane Services Board's major responsibility would be the provision of social services (area wide) including fire, ambulance services and public transport while local authorities dealt with services to properties, including the supply of water, electricity, zoning and the inspection of buildings. Services provided from buildings such as health services, culture, recreation and community liaison would also be the responsibility of local authorities. Table 20 depicts the proposed functional division between the City of Tshwane Services Board and the three local authorities.



TABLE 20: FUNCTIONAL DIVISION BETWEEN THE CITY OF TSHWANE SERVICES BOARD AND THE THREE LOCAL AUTHORITIES

LOCAL GOVERNMENT FUNCTION	CITY OF TSHWANE SERVICES BOARD	LOCAL AUTHORITIES
<p>1. Water supply and environmental protection 1.1 The provision of water</p> <p>2. Waste water treatment and Conveyance</p> <p>2.1 Purification of waste water</p> <p>3. Solid waste management</p> <p>4. Integrated environmental Management</p> <p>5. Electricity supply 5.1 Power generation</p>	<ul style="list-style-type: none"> • Water system planning • Water service development • Engineering of water system components • Construction of water system components • Water system operation and maintenance (bulk) • Rietvleidam and purification works • Acquisition and supply of water • Sale of water to clients • Planning of sewerage systems • Sewerage service development • Engineering of sewerage systems • Construction of system components • Project Planning • Departmental construction control • Sewerage system operation and maintenance (bulk) • Planning of purification works • Engineering of purification works • Construction of purification works • Operation of purification works • Maintenance of purification works • Laboratory services • Collection and removal of solid waste • Disposal of solid waste • Planning and engineering of operational facilities (bulk) • Water pollution control • Noise control • Environmental protection • Operation of power plant <ul style="list-style-type: none"> - Pretoria West - Rooiwal 	<p>(Autonomous and delegated functions)</p> <ul style="list-style-type: none"> • To operate and maintain water conveyance systems • To issue accounts for water usage • To supply information on water usage • To repair and replace components • To operate and maintain sewerage conveyance systems • To maintain norms and standards • Project planning • Local construction control • To operate and control sewerage conveyance systems • To capture and analyze maintenance information • To repair and replace components • To liaise with the community • To collect solid waste • Disposal of solid waste • To attend to street reserves • To attend to vacant stands • To operate and maintain garden refuse sites • To provide a household refuse removal service • To provide a general refuse removal service • To manage rubbish littering • To manage noise control • To provide information and encourage joint actions • To maintain developing areas • To process geographical information • To supply a programming service • The operating and maintenance of computer services • Secondary power supply and management • Power consumption service • To provide a power maintenance service • To provide an engineering service at power stations



<p>5.2 Primary power distribution</p>	<ul style="list-style-type: none"> • Network planning • Network data handling • Personnel assignment • Network project execution • Maintenance engineering 	<ul style="list-style-type: none"> • To provide an administrative service • To provide a power development service • To provide a power operating service • To provide a power generating service • To provide and maintain a central control room
<p>5.3 Secondary power distribution</p>		<ul style="list-style-type: none"> • To provide a general maintenance service • To provide a mechanical service • To provide and maintain turbines and related equipment • To provide and maintain an assembly and maintenance workshop • To maintain external plant and equipment • To execute network projects • To provide a tariff and consumption service • To provide a power connecting service • To provide an installation and inspection service • To provide a client information service • To provide an emergency maintenance service • To provide a protecting service • To provide an H.T. measuring service • To provide a service testing service • To provide a power interruption service • To provide a lighting service • To install traffic lights • To install street lights • The maintenance of street and traffic lights • To provide a meter reading service • The installation and maintenance of optical cable communication • The supply and maintenance of fibre equipment • The supply and maintenance of cables • Financial support • Payment services • Human resource support • Secondary budget control • Training • Drawing office facilities
<p>5.4 Power management</p>	<ul style="list-style-type: none"> • Tariff services • Operations engineering • Operation systems • Power system control • Power system supply • Connections supply 	
<p>5.5 Power user services</p>	<ul style="list-style-type: none"> • Marketing of power • Urban development 	
<p>5.6 Delivery of electro-technical services</p>	<ul style="list-style-type: none"> • Electronic services • Testing support services • Lighting service • Power measurement service • Land line communication service 	



<p>6.3 Development and operation of the transport network</p>	<ul style="list-style-type: none"> • Maintenance of operational plan • Co-ordination of elements in the road reserves of metropolitan roads • Project management 	
<p>6.4 Engineering of transport system Components</p>	<ul style="list-style-type: none"> • Roads planning (metropolitan roads) • Storm water system planning (metropolitan system) • Planning of special engineering work • Design of system and structures (metropolitan system) • Tender process and quotations • Development control (metropolitan system) • Departmental construction • Construction by contractors • Construction by developers 	
<p>7. Promotion of harmonious Urban Development</p>	<ul style="list-style-type: none"> • Guideline planning • Physical development service (architecture, urban design and quantity surveying) • Surveying and cartographic services 	<ul style="list-style-type: none"> • Guideline planning • Land use rights • Physical development control • Urban development control • Land surveying • Financial and administrative control • Personnel and logistical services • Information service • To control and manage land use applications • To control and manage township planning schemes • To provide a physical development service • To manage urban development • To handle building applications • To supply information. • To provide a health service for the local community • Nursing service • Professional medical service • Supply and maintenance of clinics • Information service • Management and control .
<p>8. Promotion of community health</p>	<ul style="list-style-type: none"> • Primary health service (policy formulation) • Professional health service • Health information and training service • Environmental health service (policy formulation) • Mental health service (policy formulation) 	



<p>9. Community safety and orderliness 9.1 Fire and ambulance services</p>	<ul style="list-style-type: none"> • Education and liaison services • Fire safety • Fire operational and rescue • Fire and emergency medical services • Fire and incident pre-planning 	<ul style="list-style-type: none"> • To provide and maintain a reporting centre • To promote preparedness • To provide and maintain a fire and ambulance service • To implement and maintain a fire safety system • To provide a fire brigade and operational rescue service • To provide an ambulance and emergency medical aid service • Fire prevention planning • To provide a support service • Financial and administrative management service • Human resource support • Operational logistical service • Control room service • Operational disaster management • To monitor and control local community areas • Data collecting and information supply • To provide a traffic safety system • To manage and monitor policing • To provide a patrol action service • To provide a radio control and information system • To perform environment investigations • To provide and maintain a radio control office • To monitor and control operational planning • To manage and control road traffic incidents • To provide road traffic information • To undertake general investigations • To provide and maintain security services • To provide a crime prevention service • To provide a licensing service • To provide a vehicle registration service • To provide a service for road worthiness • To provide a drivers' license testing service • To provide a service for the issuing of trade licenses
<p>9.2 107 Emergency number</p>	<ul style="list-style-type: none"> • Control centre service (107 number) • Information systems 	
<p>9.3 Disaster management</p>	<ul style="list-style-type: none"> • Disaster handling • Government and private sector preparedness • Integrated emergency management 	



9.4 Traffic matters	<ul style="list-style-type: none"> Residential area preparedness 	
	<ul style="list-style-type: none"> Traffic helicopter Tow-in service Traffic control policing Public transport policing Road traffic bureau Traffic education 	
9.5 Law enforcement	<ul style="list-style-type: none"> Metro law enforcement 	
9.6 Security services	<ul style="list-style-type: none"> Operational security services Crime investigation Security evaluation services 	
9.7 Licensing service	<ul style="list-style-type: none"> Test centre - vehicle road-worthiness - drivers' licenses (more than one local council) 	
10. Property valuation service		
10.1 Property tax base determination	<ul style="list-style-type: none"> Valuation role Ad-hoc valuations Evidence to Valuation Board 	<ul style="list-style-type: none"> To value property in local context To administer applicable legislation
10.2 Valuation of Council goods	<ul style="list-style-type: none"> Negotiations with regard to acquisition and alienation of goods Specialised valuations Training Expert evidence to Supreme Court 	
10.3 Advice to other departments and Organisations	<ul style="list-style-type: none"> Negotiations with regard to township establishments Negotiations with regard to compensation claims (ordinances) Advice to departments/directorates and other Councils Contributions by Sport Clubs External liaison with other organisations 	
10.4 Special projects	<ul style="list-style-type: none"> Collection and processing of information Pre-feasibility studies Negotiations with developers 	
11. Trade and industry		
11.1 Tourism	<ul style="list-style-type: none"> Tourism climate Tourism infrastructure 	
11.2 Products and services of Councils	<ul style="list-style-type: none"> Products and service information Consultation 	

<p>12. Culture and recreation</p> <p>12.1 Museums</p> <p>12.2 Community libraries</p> <p>12.3 Recreation</p> <p>12.4 Horticultural site development</p> <p>12.5 Community culture liaison</p>	<ul style="list-style-type: none"> • Resource development • Exhibitions • Education and information services • Inter-disciplinary activities • Outreach actions • Community library services at main library • Mobile library service • Depot library service • Professional support service to departments • Sport • Resorts and caravan parks • Swimming pools • Nature areas and reserves • Trails • Trim parks • Recreation centres • Sports fields • Recreation facilities • Parks • Traffic islands • Gardens of remembrance • Decorations • Street trees • Cultural development of metropolitan significance • Stakeholders 	<ul style="list-style-type: none"> • To provide and manage libraries • To provide and maintain recreation facilities • Community liaison • To maintain parks and open spaces • To provide information • To market and maintain museums • To provide art and culture support services • To provide and maintain mobile libraries • To provide and maintain sports facilities • To provide an environmental education service • To manage and maintain caravan parks and resorts • To manage and maintain swimming pools • To manage and maintain nature reserves • To maintain walk routes and trim parks • To develop and maintain gardens • Financial and administrative management • Cemetery maintenance • Landscape planning
<p>13. Fresh produce market</p>	<ul style="list-style-type: none"> • Facility service • Marketing service • Operating service 	<ul style="list-style-type: none"> • Product control and management • Financial management • Logistical services • Maintenance of store facilities
<p>14. Economic Development</p>	<ul style="list-style-type: none"> • Economic base research • Industrial, technical and investment promotion • Trade promotion • Promotion of small, medium and micro-enterprises • Economic empowerment • Community empowerment 	<ul style="list-style-type: none"> • SMME support
<p>15. Public transport services</p>	<ul style="list-style-type: none"> ◆ Bus Service - Operational execution - Operational planning 	
<p>16. Wonderboom Airport</p>	<ul style="list-style-type: none"> ◆ Facility management ◆ Operational Execution 	

10.4. CONCLUSION

In democratic systems of government, local government is an independent form and tier of government consisting of autonomous local authorities as the

constitutional institutions through which the residents of a city, town or area govern themselves and deal with local interests within the national framework of the state. Autonomous local authorities are, therefore, fully-fledged government institutions with legislative and executive powers. The autonomous fiscal powers of local authorities are a critical determinant of local autonomy.

As a universal feature of modern democratic systems of government, autonomous local authorities play an important role in bringing government closer to the people, promoting responsible political participation, providing certain functions and services at a local level and protecting basic freedoms. Directly elected, autonomous local governments must be protected as a basic democratic right in any new constitutional dispensation.

A new system of local government, like central and regional systems of government, has to make provision for democratic, political participation, the elimination and prevention of group domination, the protection of minorities, a free and independent community life, the elimination of discrimination, the taking into account of the right to freedom of association and a commitment to negotiation as a method of change.

Affordability is a prerequisite for any new system of local government in South Africa. This means that a new local government system must be efficient and cost-effective and must contribute towards administrative rationalization, improved manpower utilization and savings for local authorities and the public. This involves, *inter alia*, the sharing of resources and the rationalization of management and administration. Under no circumstances must the provision of essential services be disrupted or the present expert staff of local authorities be disadvantaged or lost.

Local government is a fully-fledged level of government and negotiations on establishing a new constitutional dispensation for South Africa must take place in

respect of local government, and at a local government level. South Africans have the right to play a role in determining the future of their towns and cities.

The choice of a local government category must adhere to the restructuring principles of democracy, accountability, responsiveness, fairness and efficiency. A combined Category B and C model has been proven not to be workable in the City of Tshwane. The City of Tshwane does not comply with all the criteria to be categorized as a Category A local authority. It is, therefore, recommended that individual Category B local authorities with a City of Tshwane Services Board to replace the Category C local authority to co-ordinate the delivery of regional services be established in the City of Tshwane. This local government category comprised of a City of Tshwane Services Board and autonomous local authorities, complies with the restructuring principles of democracy, accountability, responsiveness, fairness and efficiency.