INTRODUCTION AND PROBLEM STATEMENT

"To empower people is a code-word not only for strengthening the capacity to act as individual people, but also for the empowering of groups of people...."

- Pres. Thabo Mbeki, 3 June 1998

INTRODUCTION

In terms of section 151 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Local Government Transition Act, 1993 (Act 209 of 1993), and the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) local government has been elevated to a distinct sphere of government faced with the ambitious task of bringing government as close to the people as possible. According to section 152 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) these challenges include meeting the development needs of the communities, building financial capacity, improving local-provincial intergovernmental relations, facilitating economic development, and ensuring effective service delivery. From this it can be deduced that municipalities have, therefore, become the center of service delivery and development in communities.

The responsibility for meeting these challenges and developing sustainable and autonomous municipalities in South Africa lies predominantly with the 843 demarcated local councils – this number will be reduced to approximately 285 after the December 2000 elections. (Solace International and CEPAD Report, 1998 : 1-2; Blake Mosley Report 1997 : 12; Green Paper on Local Government, 1997 (Government Gazette no. 18370 of 1997 : 113).

Councillors and officials are faced with challenges of integrating budgets, meeting the basic needs of communities, and managing scarce resources and finances. These challenges have to be met in the framework of democratic, accountable and developmental local government. If municipalities are to successfully fulfil their new mandate of development and delivery, a human resource development environment that will meet the capacity building needs of councillors and municipal officials in supervisory positions will have to be created and sustained (Solace International and CEPAD Report, 1998 : 2-3).

The research need is emphasised in regard to the challenges facing the development of human resources in general, and councillors specifically. The manifestations of these challenges will consequently lead to the definition of the problem statement and the formulation of a hypothesis. Finally, the research approach and methodology will be discussed. This approach will identify critical training areas in which newly elected councillors need to be skilled in order to effectively govern and represent the electorate.

The research for this thesis was conducted in the period 2 November 1995 (first fully democratic local elections in South Africa) to 5 December 2000. Where applicable, reference would be made to new legislation and white papers that would have a bearing on the governing and representative responsibilities of councillors after the December 2000 elections.

INSTITUTIONAL AND ORGANISATIONAL ROLES OF COUNCILLORS

In terms of section 155 (6) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) councillors play many roles on a council, but a distinction can be drawn between the **institutional** roles derived from the election and their **organisational** roles, which relate to the way municipalities are structured to operate. In this regard a councillor is both an elected **representative** and a **political** person (Botes, 1997 : 3-4). These institutional roles are brought to a

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council by election and they are the roles, which constitute a municipality as a political institution based on representative democracy (Stewart, 1998 : 145-146). Councillors are political persons whether or not they are elected as members of a political party, although during the 1995 municipal elections 97% of councillors elected in Gauteng were members of a registered political party (Local Elections, 1999 : Internet). They are political persons because they become members of a council through the political process of election, operate through political processes of debate and are subject to political processes of demand, pressure and protest (Hollis, 1994 : 5-6). It can be concluded that due to this fact, councillors will base their decisions predominantly on political considerations. The fact that they represent different political parties will in all probability lead to conflicting viewpoints during council deliberations. From a training perspective this will necessitate not only an understanding of the South African political environment and legislation, but also an ability to negotiate, a willingness to change and to resolve conflict.

Councillors are elected representatives and in this regard they represent the people who live in a particular geographical area. According to Stewart (1998 : 148-149) councillors are also representatives in another sense in that they represent the community beyond a municipality. Councillors thus bring a perspective from outside the municipal organisation (Botes, 1997 : 5). The nature of that perspective will vary from individual to individual; it will vary with the party and the area represented and it will vary too with the individual's experience (Van der Waldt and Helmbold, 1995 : 125). Apart from the fact that 34% of the 1043 councillors elected in the 1995 municipal elections in Gauteng indicated that they are full time councillors and have no other form of employment; 32% indicated that they were businessmen and –women; 9% were retired pensioners; 6% involved in education; whilst the balance of 19% were made up of amongst others medical professionals, accountants, petrol attendants, musicians, truck-drivers and clergymen (See Appendix A). A total of 550 questionnaires were distributed in the period November 1998 to February 1999 to 51 councils in the Gauteng Province,

with a response rate of 70% or 387 completed questionnaires. This high response rate can be attributed to the fact that 114 of the 387 completed questionnaires were obtained through personal interviews with councillors.) From this it can be deduced that councillors bring to council a varying degree of interests and attitudes. This implies that the composition is not determined by the municipal organisation, but is largely influenced from outside the municipal organisation. However, from the electorate's point of view a councillor is in principle chosen to represent them. It can be concluded that from a training perspective councillors should have an understanding of what representivity in the context of a municipality would entail.

The institutional roles are constituted outside the organisation of a council, but other organisational roles are created by the work of a council (De Beer and Lourens, 1995 : 43). According to Stewart (1998 : 147) a councillor can be called upon to play, or can play, various organisational roles. In this regard he/she could be the leader of a council, chairperson of a committee or a member of a committee. Apart from this a councillor could be a representative of the authority on outside organisations; a spokesman for the authority; an advocate for the area represented; or a caseworker.

Some of these roles are formally created by the municipal organisation, whether played in settings such as committees within the local authority or played outside the local authority. Some, such as those of advocate and caseworker, are roles developed by councillors themselves expressing aspects of their representative role, but which are recognised by the organisation to the extent that it responds to them (Botes, 1997 : 12-13). The institutional roles are inherent in the position of councillor – constituting the essential nature of that position (Hollis, 1994 : 32-33). A councillor remains an elected representative and a political person in all facets of the work of a council. These roles constitute the institutional contribution of a councillor to the work of a council.

Within the organisational roles the individual councillors can have role interpretations of the parts they play. According to Stewart (1998 : 148) a councillor can be a community leader; a policy-maker for the local authority or its services; an organisational guide; and a scrutinizer of ongoing business. A councillor could also be a performance monitor; a committee person dealing with the agenda; a constituency spokesman; a consumer advocate; a caseworker; and an opposition debater. In this regard councillors can, in effect, interpret their organisational roles in different ways. This is in part a product of their own abilities and inclinations but is necessarily influenced by their position on a council (Hall, 1996 : 12-13). The chairperson of a committee, for example, can play a greater role in policy-making than many other councillors (Hollis, 1994 : 43). Equally there is a difference between councillors in the majority party and those in an opposition party in the way they play their roles (Botes, 1997 : 11).

What has to be recognised is that there is no clear job definition for a councillor or even normally for the formal organisational roles such as chairperson of a committee. How the roles are played depend upon role interpretation (Stewart, 1998 : 152-153). A chairperson of a committee can interpret the role in a limited way, seeing it as little more than the formal task of chairing its meetings. At the other extreme a chairperson can interpret the role in quasi-ministerial terms as being in charge of a department. A chairperson may see the role as virtually a full-time job, or one requiring only an occasional meeting (Botes, 1997 : 9-10). It could be argued that once the role and function of a council has been defined in terms of the legislative framework (formal) and in terms of the needs, desires and demands of the electorate (informal) it provides a clear indication as to what kind of training is needed in order for councillors to function effectively, both as governor and representative.

MEETING THE HUMAN RESOURCE DEVELOPMENTAL CHALLENGES WITHIN LOCAL GOVERNMENT

On 2 February 1990, former South African President, Frederick Willem De Klerk, announced the unbanning of the African National Congress (ANC), the South African Communist Party (SACP) and the release of all political prisoners, paving the way for negotiations towards a new democratic South Africa (Kendall and Louw, 1992 : 35). On 27 April 1994, the ANC obtained 62,65% of the national votes in the country's first non-racial elections to become the majority party in the Government of National Unity (GNU). South Africa's political transformation from an apartheid driven society to a democratic non-racial country had commenced (Craythorne, 1997 : 235-236; Bekker **et al.**, 1996 : 2-3; (The Financial Mail, 14 January 1996 : 7-8). The South African local government elections of November 1995 and July 1996 ushered in new, democratic municipalities faced with political, economic and social challenges. The majority of South Africans looked forward to experiencing democratic government in their communities (Gildenhuys, 1997 : 3-4; Ismail **et al.**, 1997 : 67-68).

The newly elected leaders of municipalities were faced with a novel task of resolving issues that developed over centuries. The majority of the 11 300 councillors were first time councillors presented with the challenge of transforming old administrative structures into centers of fully fledged democracies and development orientated structures (Green Paper on Local Government, 1997 [Government Gazette no. 18370 of 1997 : 113]).

The determination of objectives for this research project is based on the results of a number of surveys; interviews; observations; contemporary literature and information gathered from the Gauteng Local Government Association (GALA) on the 1043 councillors in the 51 councils in the Gauteng Province (Encarta, 1999 : Internet; See Appendix A). In this regard:

a. 64% of the councillors were elected to office for the first time in the November 1995 elections;

b. 28% of the councillors have not obtained a matriculation certificate;

c. 37% of the councillors have tertiary qualifications;

d. 34% are full-time councillors and do not have any other form of employment;

e. 71% of the councillors were members of the African National Congress (ANC); 19% represented the New National Party (NNP) and the remaining 10% were made up by independents and parties such as the Freedom Front, the Democratic Party, and the Inkatha Freedom Party.

f. 87% of the councillors are male; and

g. the average age of a councillor in Gauteng is 44 years.

From this it can be deduced that councillors elected in the 1995 Gauteng municipal elections are predominantly male with a varying degree of expertise and qualifications. Training of councillors will therefore have to accommodate, not only people with tertiary qualifications, but also those without a matriculation qualification. Apart from this, the training of councillors will have to make provision for members that are seasoned councillors and for those that have been elected for the first time.

The human resource development and training needs that were the consequences of the transformation of local government were, and still are extensive (Ismail **et al.**, 1997 : 66). The Green Paper on Local Government, 1997 (Government Gazette no. 18370 of 1997 : 87) states that: *"Developmental local government requires new skills and attitudes. Municipalities are therefore faced with an entirely*

new human resources development challenge, and the training system should be restructured to meet this."

The Mosley Report on the *Review of the Local Government Training Sector* and the Solace International and CEPAD Report on *Proposals for the Future Organisation of Education, Training and Development in the Local Government Sector* forms the basis for discussions regarding the restructuring of training in local government. According to the Mosley and Solace Reports local government training in South Africa is uncoordinated, fragmented, and largely of poor quality (Mosley Report, 1997 : 17-18; Solace and CEPAD International Report, 1998 : 6-7). Outdated teaching methods have not been updated and most training is conducted in the absence of any effective system of monitoring and control. In addition to this, training has been underfunded and what funds have been available have been spent more on personnel and infrastructure than on the actual provision of training (Assistant Director in the Department of Provincial Affairs and Local Government, 1997 : Interview).

Training has been carried out unevenly with a focus on metropolitan areas and larger towns. For the most part rural areas have been neglected. This bears testimony to the lack of an overall strategy for local government training (Theron and Schwella (ed), 2000 : 111; Director Human Resource Development for the South African Local Government Association, 1997 : Interview).

It is imperative that a more coordinated strategy for municipal training is devised that is guided by a national vision and a set of priorities is worked out (Mosley Report, 1997 : 42). Such an approach will ensure that the human resource capacity of municipalities is raised in order to meet the needs, desires and demands of the electorate. Apart from this, 96% of the respondents to the questionnaire in Appendix A, stated that they felt that councillor training should be accredited by a tertiary institution. This will allow a councillor not only to receive appropriate training, but it will also provide a councillor with an accredited

qualification that can either be used to further his/her studies, or used in obtaining alternative employment.

Although the new structures for the coordination of municipal training have not yet been formally established, stakeholders such as the Local Government Training Board (LGTB), the Department of Provincial Affairs and Local Government, the Department of Labour, the Local Government Education and Training Board (LGETB), the Joint Committees of Ministers and Members of the Executive Committee (MINMEC), the South African Local Government Association (SALGA), the Development Bank of Southern Africa (DBSA), and the South African Mine Workers Union (SAMWU) do agree on the following as a basic departure point (Solace International and CEPAD Report, 1998 : 12-14):

a. The establishment of a Local Government Sector Education and Training Authority (SETA) as the single co-ordinating body for municipal education and training.

b. The SETA will be registered as an Education, Training and Quality Assurance Body (ETQA) for municipalities to undertake the quality assurance of training provision and should contribute to the standards generating and monitoring process through close co-operation with appropriate national standards bodies and standards generating bodies.

c. The establishment of education and training boards in each province to undertake the co-ordination of training needs in conjunction with municipalities.

d. The provision of training should be competitively tendered and municipalities and training centers that wish to be both purchasers and providers should establish clear organisational separation between the two roles.

The National Qualifications Framework (NQF) provides a set of principles and guidelines which provide a vision, a philosophical base and an organizational structure for construction of a qualifications system. It is a national effort aimed at integrating education and training into a unified structure of recognized qualifications. The notion of developing an integrated training strategy for councillors and officials through the local government SETA will result in a democratic, developmental and economically viable local government sector. In this context it is important that the training needs of councillors and officials be considered within the context of the Skills Development Act, 1998 (Act 97 of 1998) and the South African Qualifications Authority Act, 1995 (Act 58 of 1995) (Solace International and CEPAD Report, 1998 : 8-9). From this it can be deduced that training should ensure that both councillors and municipal officials are given the capacity to build and sustain democratic, developmental and accountable municipalities (Gildenhuys, 1997 : 45-46).

It is the responsibility of the local government SETA to ensure that training received by councillors and municipal officials will be accredited by tertiary institutions. Each training course attended becomes a stepping stone on a logical career path for each individual. This approach will raise the human resource capacity for municipalities.

It can be concluded that the South African Local Government Association (SALGA), through its representation on a SETA, should be fully responsible for the training of councillors and should play a pivotal role in building the capacity of municipal officials in supervisory positions. Such an approach could ensure a holistic integrated approach to training and capacity building that should lead to effective and efficient councils, building strong democratic and developmental local government (Director Human Resource Development for the South African Local Government Association, 1997 : Interview). In this regard SALGA could develop its own in-house capacity in order that it and the provincial associations are able to take full responsibility for the training of councillors as elected municipal

representatives (Assistant Director in the Department of Provincial Affairs and Local Government, 1997 : Interview). It will build the capacity of councillors to play an active role on all the structures where SALGA has representation, such as the Local Government Education and Training Board (LGETB); the Bargaining Council and its divisions; the National Council of Provinces; The Fiscal and Financial Commission and all other national or provincial structures where SALGA has representation.

Councillors are required on a daily basis to promote development despite financial and institutional crises (Ismail **et al.**, 1997 : 76-77; Gildenhuys, 199711-12). SALGA has identified some urgent short-term training needs that will provide councillors and municipal officials in supervisory positions with the capacity to make meaningful interventions in municipal budgets (Murphy, 1998 : 2-3). Such training topics are **inter alia**:

a. integrated development planning;

b. municipal budgeting and finance;

c. local economic development;

d. legislation impacting on local government;

e. strategic planning and service delivery; and

f. change management.

SALGA envisages developing a set of core training modules that every newly elected councillor should receive on being elected to office. The determination of a set of core training modules should include the following topics (Murphy, 1998 : 5-6):

a. a comprehension of the structures, powers and functions of municipalities;

b. a discernment for municipal finance and budgeting;

c. an understanding of the ethical and procedural environment in which a council operates; and

d. the development of basic management skills such as decision-making, conflict management, change management and negotiation skills.

However, the focus of this thesis is on the determination of the core modules and relevant subject matter for the training of newly elected councillors. This is done by analysing what the responsibilities of councillors are in terms of their governing and representative functions.

PROBLEM STATEMENT AND HYPOTHESIS

The **problem** is that the training of councillors in South Africa has been uncoordinated and fragmented to the extent that the municipal training centers in the different former provinces had the monopoly in deciding the scope and content of training (Director Human Resource Development for the South African Local Government Association, 1997 : Interview; Director of the Institute for Local Government, 1995 : Interview). This means that councillors in South Africa do not have similar training exposure, which could impact on their ability to perform their representative and governing functions. It can be deduced that if a set of core training modules for the training of municipal councillors is accepted by SALGA and implemented by the education and training boards in each province in conjunction with municipalities, it will ensure a more coordinated approach to councillor training. Such an approach will ensure that the human resource

capacity of municipalities is raised in order to meet the needs, desires and demands of the electorate.

Given the disparity between the percentage of re-elected councillors versus the percentage newly elected councillors; the gap that exists in educational qualifications; and the balance of political power, it is the **hypothesis** of this thesis that effective local government can be brought about if councillors receive appropriate training. The development of a set of core training modules would provide councillors with a common knowledge base regarding their institutional and organisational roles.

RESEARCH AIMS AND OBJECTIVES

In determining the research objectives for this thesis consideration has been given to the priorities as identified by SALGA, surveys, interviews, observations and information gathered from GALA on the profile of councillors in Gauteng. In deciding what a set of core modules for the training of councillors should entail, the emphasis of this thesis is on equipping councillors with the required expertise to govern and represent their municipalities in an effective and efficient manner.

As a departure point theory and practice regarding local government is considered in a logical composite. Given the fact that this research is aimed at determining what is expected of a councillor in terms of his or her representative and governing functions and on that basis to develop a set of core modules for the training of newly elected councillors, the study objectives are as follows:

a. The **first** objective is to examine the institutional and organisational environment in which councillors function, with specific reference to their governing and representative roles. In this regard the pivotal role SALGA plays in being responsible for the training of councillors, is emphasised.

b. The **second** objective is to establish the powers, functions and structure assigned to municipalities. It provides councillors with a discernment of their role in the administrative environment of a municipality.

c. The **third** objective is to delineate the policy-making process in municipalities as well as the policy environment in which councils function, with specific reference to the role of stakeholders in the policy process and the forces that shape the various policies.

d. The **fourth** objective is to examine municipal finances and the management there-of, the budgeting process, aspects relating to sound financial management and financial challenges confronting municipalities.

e. The **fifth** objective is to consider the utilisation of human resources in municipalities in order to ensure that municipal officials are used in such a way that a municipality obtains the greatest possible benefit

f. The **sixth** objective is to determine how control is exercised over municipal activities in order to ensure that they are accomplished as planned and that any significant deviations are corrected.

In achieving these six research objectives it is the aim of this thesis to identify critical functions expected of a councillor in terms of his or her representative and governing functions. These functional requirements would have to be included when determining guidelines for the training of newly elected councillors.

RESEARCH APPROACH AND METHODOLOGY

The research theme will predominantly be approached from an empirical and problematic-critical perspective. Chapter 1 (Local Government and Administration) will be examined by means of historical-critical research explaining a councillors'

institutional and organisational role in municipalities; as well as providing a detailed discussion of the organisational design in terms of service rendering.

Chapter 2 (Policy-making in Local Government) will be explored from an empirical perspective in order to determine the policy framework within which councillors function; how policy decisions impact on the community and to determine under which circumstances policies change.

Chapter 3 (Utilisation of Resources) and Chapter 4 (Control) will be examined in terms of explanatory and empirical research in order to focus a councillors' attention on identifying and overcoming financial hindrances that impinge on the effectiveness of a council. The research is aimed at identifying the primary responsibilities associated with political control and responsibilities as well as focussing on critical skills that will enable a decision-maker to function more effectively. This research approach and methodology could identify the representative and governing responsibilities of councillors that would ultimately need to be included in the guidelines for the training of newly elected councillors.

CLARIFICATION OF TERMINOLOGY

In order to master a particular field of study it is important to master the meanings, applications, definitions and interrelationship of concepts. Phenomena and issues pertaining to local government are continuously debated resulting in a specific technical meaning of words. Councillors should master these meanings in order to enhance communication and deliberation in their decision-making process. Failure to do so results in terminological confusion leading inevitably to ineffective decision-making. Lewis Carrol in **Alice Through the Looking Glass** asked the following: "*The question is*" said Alice, "*whether you can make words mean so many different things?*" "*The question is*" said

Humpty Dumpty, "*which is to be the master – that is all?*"

To eliminate the possibility of more than one meaning being attached to a specific word, a common source of reference should be provided that attributes an exact explanation to technical language.

Accountability

Accountability is a duty or compulsion to render a full account of deeds and misdeeds. In this regard councils, as the representatives of their communities in terms of section 151 (2) of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996) have a duty to render full account to their electorate for all their actions and inactions. (Thornhill and Hanekom, 1995 : 119-120; Coopers and Lybrand, 1995 : 18-19; Fenwick, 1995 : 46-48; Fox and Meyer, 1995 : 1)

Administration

The classical meaning given to the Latin verb **administration** had two distinct senses: to help, assist or serve and; to manage, direct or govern. Several nuances can be attributed to the English version of administration by identifying fifteen possible meanings of administration. According to Cloete (1989 : 12) administration "*... takes place when two or more persons work together to realise a goal*" and as consisting of six interrelated generic administrative functions, **inter alia** policy-making, work procedures, personnel, financing, organising and control.   In this regard administration can be seen as an ever-present phenomenon encountered in any group activity and to be found in all organised actions aimed at achieving an objective (Botes, 1997 : 295; Toad, 1959 : 2; Pitt, 1993 : 142; Roux, 1971 : 79; Dunsire, 1973 : 228-229). The administration of a municipality is set within a political-administrative system and the role of elected councillors are to provide effective political leadership whilst officials are appointed to support the legitimate political process of a municipality. In this regard a council

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should legislate and govern while officials are required to administer and give effect to decisions.   Administration therefore embodies the municipality that delivers municipal services to local residents, and consists of officials who are employed by the municipal council.

Apartheid

The foundation for the policy of separation or apartheid was rooted in the assumption of the common humanity, the common rights and therefore the common loyalties of all members of a complex society.   It is based on the contention that differences of race and cultural inheritance are fundamental and antipathetic in association (Ballinger, 1969 : 15-16). This manifested in the Black (Urban Areas) Act, 1923 (Act 21 of 1923); the Black (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945); the Urban Black Councils Act, 1961 (Act 79 of 1961); the Black Affairs Administration Act, 1971 (Act 45 of 1971); the Community Councils Act, 1977 (Act 125 of 1977) and the Black Local Authorities Act, 1982 (Act 102 of 1982).   Blacks were not regarded as permanent citizens of South Africa and their presence in the urban areas was linked to their contribution to the urban economy.   Apartheid legislation led to racial segregation of settlements; racially-divided local authorities; and gross racial disparities in access to services and housing. Apartheid local government was based on the idea that towns and cities could be separated and administered by separate local authorities with their own fiscal, administrative, legal and representative systems (Cameron, 1991 : 12-13; Johnson, 1994 : 1-2).

Bureaucracy

The word *"bureaucracy"* derives from the French word **bureau** or the writing table where officials worked. The suffix derived from the Greek work meaning to rule. Bureaucracy therefore means to rule by offices. According to Weber (1962 : 71-73) the bureaucratization of an administration always results in the specific

development of administrative tasks. In the local government context bureaucracy refers to a municipality that consists of appointed officials whose primary function is to implement the policies of the decision makers. In this regard a municipality is a rational system of organised structure designed to permit the efficient and effective execution of local policy. A bureaucracy or municipality operates in accordance with a fixed set of rules and procedures; has a clearly recognised chain of command through which responsibility flows from the council to municipal officials. The job of the bureaucracy or municipality is to apply policy guidelines to particular situations. It is a method of organisation that enables a municipality to operate with some uniformity and in a manner that is rational and subject to internal supervision and control (Roskin, **et al**. 1997 : 303-304).

Community

A community is a group of people living in a demarcated geographical area where their needs are identified and addressed through interdependent relationships. It implies that inhabitants identify themselves with the geographic area concerned, and with one another, and have common interests and objectives and exhibit a distinct measure of co-operation (Kotze, 1986 : 49).

Control

Control refers to the regulation of activities in such a way as to facilitate goal achievement (Griffin, 1993 : 474; Robbins and De Cenzo, 1998 : 110; Smit and Cronjé, 1997 : 397). According to Robbins and De Cenzo (1995 : 345), control may be defined as "... *the process of monitoring activities to ensure they are being accomplished as planned and of correcting any significant deviations*". According to Du Toit and Van der Waldt (1997 : 15), control in the municipal environment refers to the generic process of ensuring that all administrative and functional activities are carried out in such a manner as to achieve the efficient and effective

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provision of goods and services to the community. Thornhill and Hanekom (1995 : 226) state further that "... *the exercising of control is only one of the functions that must be carried out in order to complete the joint actions required to achieve a common goal. Only if effective control measures are introduced will it be possible to ensure that the most advantageous results are achieved through the most economical utilisation of all the resources*". The control process involves informal communication and interaction, by means of, **inter alia**, memoranda, meetings, conversation, and even by such signals such as facial expressions. In addition to these informal activities, there are formal controls such as measuring, comparing and correcting (Anthony and Dearden, 1980 : 19).

Councillor

In terms of section 1 of the <u>Local Government : Local Government : Municipal Structures Act</u>, 1998 (Act 117 of 1998) councillor means a member of a municipal council. Councillors are elected delegates from a local community tasked with the responsibility to govern and represent a specific municipal area.

Democracy

The word *"democracy"* literally means *"the government of the people"*. It is derived from the Greek word **demos** (the people or masses) and **kratos** (to govern). The concept developed first in the small Greek city-states, and the Athenian democracy (roughly between 450 B.C. and 350 B.C.) when Pericles, the great Athenian statesman stated: *"Our constitution is named a democracy, because it is in the hands not of the few but of the many. But our laws secure equal justice for all in their private disputes and our public opinion welcomes and honors talent in every branch of achievement ... on grounds of excellence alone ... Our citizens attend both to public and private duties and do not allow absorption in their various affairs to interfere with their knowledge of the city's ... We decide or debate, carefully and in person all matters of policy, holding ...*

that acts are foredoomed to failure when undertaken undiscussed." (Thucydides, 1951 : 111-112).   From this definition stems a common conception that democracy ensures self-determination and self-government through popular consultation, popular participation, competition of ideas and policies, basic individual freedoms, equality before the law and access to opportunity to influence policy (Reddy, 1996 : 14; Venter, 1998 : 16-17; 205-206).   Democracy is a political system wherein decision-making power, is distributed among members of the society (Lipson, 1970 : 300-301; Macridis, 1980 : 62-63). Democracy in local government stresses the potential ability of people to cooperatively identify and solve issues and problems they encounter collectively. Common problems cannot be effectively resolved without participation of those affected by the solution (Ready, 1967 : 100-102; Levine, 1982 : 53; Van Der Waldt and Helmbold, 1995 : 5-6). The objective of local government democracy is to create conditions under which each individual may achieve the greatest measure of welfare and prosperity.   In order to achieve local government democracy, the machinery of local government should be organised in a manner allowing mutual deliberation and consultation. Local democracy is that form of government seeking to unite its citizenry as a community which constantly pursues the happiness of the largest number of its people

Govern

The word **government** is derived from the Greek word **kubernetes**, which, if translated refers to the person guiding a sailing ship. According to Botes (1997 : 3-4) the word **kubern** refers "*… to the art or craft of balancing a sailing ship with its large sails against the pressure of the wind in order to achieve the maximum speed in the water while balancing the sailing ship*". Political theorists such as John Locke (1965 : 180) have viewed governments as devices to protect the rights and property of the people.   Government represented an agreement between the rulers and the ruled, who would support those in power as long as the government served in their interests.   According to Wit (1953 : 3-4)

government exists whenever an organised control, directed toward the attainment of an orderly community life, operates on a community-wide or territorial basis and involves the right to make itself effective through resort, if necessary, to physical coercion. In the municipal context to **govern** means that a councillor has the ability to communicate with its community and to control the flow of the administration in the direction of their needs, desires and demands. The council should consult with all relevant policy-makers in the process of formulating policy, **inter alia** officials, residents and interest groups. This will not only render comprehensive policy-relevant information, but will probably ensure the legitimacy of a council's decisions.

Local government

In terms of section 151 (1) of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996) local government refers to the local sphere of government that consists of municipalities which must be established for the whole of the territory of the Republic of South Africa.

Local government management

Local government management refers to the process of completing activities with and through other people within a municipality for the explicit purpose of governing, serving the best interests of the community, and promoting the general level of quality of life of all citizens in the community (Ismail, **et al.**, 1997 : 3).

Management

Management refers to the process of getting activities completed efficiently with and through other people. The process represents the functions or primary activities engaged in by managers. These functions are typically labeled planning, organising, leading and controlling. (Robbins and De Cenzo, 1995 : 4; Keeling·

1972 : 32-33; Rapp and Patitucci, 1977 : 5; Thornhill and Hanekom, 1995 : 11-12).

Municipal administration

In terms of section 1 of the <u>Local Government : Local Government : Municipal Structures Act</u>, 1998 (Act 117 of 1998) municipal administration refers to the organisational structure (municipality) that delivers municipal services to local residents. It consists of officials who are employed by the municipal council.

Municipal council

In terms of section 1 of the <u>Local Government : Municipal Structures Act</u>, 1998 (Act 117 of 1998), the municipal council consists of politicians who are democratically elected by local residents. A council is responsible for representing and governing the local area.

Municipality

A municipality is a political subdivision which is constituted in terms of sections 151 and 152 of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996), and has substantial control of local affairs, including the powers to impose taxes or to exact labour for prescribed purposes. A municipality therefore refers to a local institution comprising elected representatives and appointed officials, which functions within a specific geographical area to provide services to its local community. Although a municipality has a right to govern and administer on its own initiative, it is in terms of section 156(1) of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996), subject to constitutional provisions as well as national and provincial legislation. Regarding its obligation to provide services to communities, to promote social and economic development, to promote a safe and healthy environment, and to encourage the involvement of communities in

local matters, a municipality may not in terms of section 156(3) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), enact by-laws that conflicts with national or provincial legislation.

Personnel administration

Personnel administration is that part of management concerned with people at work and their relationships within an enterprise. Its aim is to bring together and develop into an effective organisation the men and women who make up an institution and, having regard for the well-being of the individual and of working groups, to enable them to make their best contribution to its success (Graham and Bennett, 1995 : 147)

Planning

Planning is a contemplative activity that requires imagination, farsightedness and deductive reasoning in order to visualise a desired state of affairs in the future, and to determine the steps that should be taken to achieve this. The end result of planning is a plan, which consists of a carefully worked out programme or programmes of intended action. A plan will, however, remain a plan and in this regard is not a final guideline for action, because a council should first decide whether it is acceptable. After a council has deliberated the merits of the plan it will be accepted and translated into a policy (Dunn, 1994 : 341-342; Hilsman, 1971 : 122).

Political decisions

The term *"politics"* is defined by Laswell (1958 : 1) as a conflict resolution process that determines *"who gets what, when, and how"*. Dolbeare and Edelman (1974 : 8) define politics as *"the process by which power is employed to affect whether and how government will be used in any given area."* A

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"decision" is but a moment in an ongoing process, but the decision-making process could take some considerable time. Decisions are about choices that involve the objective consideration of available information and the analysis of various possibilities and preferences (Dahl, 1973 :128-129). According to Easton (1953 : 32) citizens' needs, desires and demands are felt by the political decision makers, who process them into authoritative decisions and actions. These outputs make an impact on the social, economic and political environment that the citizens may or may not like. According to Hattingh (1998 : 158) political decisions involve the necessity for applying different skills in the utilisation of various facts and values, in order to finally make a deliberate choice between a number of alternatives. Political decisions can therefore be regarded as a norm or norms laid down by an authority, such as a municipal council, to engender actions for the realization of local objectives.

Policy-making

Policy-making involves the thought processes and actions, which precede the statement of a goal. It implies the formulation of a strategy based on the deliberation a number of alternatives. The result of the local policy-making process is a policy or a desired course of action or interaction which is to serve as a guideline in the allocation of resources to realise local goals and objectives, decided upon and made publicly known to the community. (Hanekom, 1996 : 8-9; Halachmi, 1978 : 92-94; Keeling, 1972 : 35; Kotze, 1986 : 17; Hanekom and Thornhill, 1983 : 63).

Represent

John Locke's (1965 : 22-23) idea of representative government was based on the notion that political authority derives from people. The majority and its elected representatives can make all and any decisions. John Stuart Mill (1958 :41-43) did not subscribe to the *"one man, one vote"* principle. He feared that if

the mass of people were given the right to vote, then the many (the poor) would use their numerical strength to take care of their interests at the expense of the middle and upper classes. He favoured education and property as prerequisites for the right to vote and to be elected. Despite his fears representation and representative government gradually spread, and with it majoritarianism, the right for the majority to form a government and make decisions for all, gained legitimacy. To represent refers to the right to make binding decision on behalf of the body or person that is being represented. In this regard a council acts as the representative of the local community by enforcing decisions which are binding on the citizens within its area of jurisdiction (Kotze, 1986 : 200). This role is the result of the election process and constitute a municipality as a political institution based on representative democracy.

Training

Training refers to all those planned and purposeful activities which improve the knowledge, skills, insight, attitudes, behaviour, values and working and thinking habits of learners in such a way that they are able to perform designated or intended tasks more efficiently (The Public Service Staff Code, Chapter C, Section 3.1 [g]).

CONCLUSION

South Africa's transition from being segregated racially based and undemocratic to becoming a non-racial, democratic state brings about various training challenges. The process of integrating budgets and amalgamating administrations, and the fact that the majority of the 11 300 elected councillors at the 1995 elections were first time councillors presented the challenge of transforming former administrative structures into centers of democracy and development, creating new training needs. Councillors elected in the 1995 Gauteng municipal elections were predominantly male with a varying degree of expertise and qualifications. Training

of councillors will therefore have to accommodate, not only people with tertiary qualifications, but also those without a matriculation or secondary school leaving qualification. Apart from this, the training of councillors will have to make provision for both people that are seasoned councillors and for those that have been elected for the first time. The restructuring of the local government training system therefore has to be pursued within the wider context of challenges facing municipalities to transform from its narrow service delivery orientated character, to one that is more development orientated, participatory and responsive to the needs of the community.

The South African Local Government Association will be fully responsible for the coordination of training of councillors and in this context envisages developing a core set of training modules that every newly elected councillor should receive on being elected to office. This research postulates that despite the fact that councillor training in South Africa has been uncoordinated and fragmented it is possible to develop a set of core modules applicable to the training of all newly elected municipal councillors.

In determining the research objectives for this research project, consideration was given to the priorities as identified by section 151 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); the Local Government Transition Act, 1993 (Act 209 of 1993); the White Paper on Local Government, 1998 (Government Gazette no. 18739 of 1998); the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998); and the Municipal Systems Bill, 1999 (Government Gazette no. 20357 of 1999). In deciding what a set of core modules for the training of newly elected councillors should entail, the emphasis of this research is on equipping councillors with the required expertise to govern and represent their municipalities in an effective and efficient manner. The fact that councillors represent different political parties will in all probability lead to conflicting viewpoints during council deliberations. From a training perspective this will necessitate not only an understanding of South African political environment

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and legislation, but also an ability to negotiate, a willingness to change and resolve conflict.

In Chapter 1 the political environment in which councillors function, with specific reference to their governing and representative roles will be examined.   This Chapter will depict the powers, functions and structure assigned to municipalities. It provides councillors with a discernment of their role in the administrative environment of a municipality.

CHAPTER 1

LOCAL GOVERNMENT AND ADMINISTRATION

"...even in democratised South Africa, the role of councillors needs to be defined; councillors still need an organisation to give practical effect to their policies; and the town, village or district must still be administered..."

- D. Craythorne, 1997 : 65

1.1   INTRODUCTION

In terms of section 152 (1) of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996) political systems in local government are organised to ensure that municipal councils are accountable, transparent and respond to the needs of their constituencies by allowing the local community to participate effectively in the policy formulation process. The local political leadership is ultimately responsible to ensure that the needs of the community are translated into workable programmes. The Local Government Negotiating Forum (LGNF) was established in 1992 as the main negotiating forum on local government and assigned municipalities with powers and functions which were required to render services for the maintenance and promotion of the well-being of inhabitants of municipalities in South Africa (Reddy, 1996 : 57-58). The administration of a municipality is set within a political-administrative system and the role of elected councillors are to provide effective political leadership whilst officials are appointed to support the legitimate political process of a municipality. For example, in 1999 a R32-million Olievenhoutbosch housing project, planned to be the showpiece for the Centurion Town Council, was unsuccessful. The residents were caught in the political crossfire and intimidated into not moving into the houses. The Council

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refused to let anyone move into the new township until they had settled their debts. However, approximately 90% of the residents are unemployed and are unable to pay the Council the R50 per month rental and levy charged for each stand (Minutes of Centurion Town Council Meeting, 2/1999 : 7; Pretoria News, 15 March 1999 : 8). In this regard the Council therefore made a legitimate decision and the municipal officials acted on the authority of the Council.

The aim of this chapter is to introduce the political and administrative environment of the local sphere of government, and to determine what the responsibilities of councillors are in terms of this environment. The structures, objectives and constitutional provisions that apply to municipalities are discussed. This is followed by an exposition of the different responsibilities councillors fulfil, with specific reference to their governing and representative responsibilities. In the final instance the administrative relationship will be addressed and deductions made regarding councillor training.

1.2   THE RIGHT TO EXISTENCE OF MUNICIPALITIES

According to Craythorne (1980 : 18) a person in modern society has basic needs, for example, water, power, sewerage removal and disposal, clinics, roads, and transport. In order to promote the physical and mental growth of people, facilities such as sports fields, swimming baths, parks, libraries, music, art, theatres, nature reserves and botanical gardens should be provided (Cloete, 1989 : 51-52; Cloete, 1989 : 14-15; Cloete, 1997 : 45-46).

Due to the extent of services to be provided and the spatial disposition of communities it would be contra productive for national government to be the provider of services to a variety of small communities with diverse needs. If national government did, however, endeavour to supply these services in every community it could be costly and may lead to an ineffective utilisation of national revenue. A municipality is in a more advantageous position to determine the

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needs of the inhabitants in its area and to provide in the needs of a particular community (Reddy, 1996 : 58-59).

According to Craythorne (1997 : 9-10) a municipality deals primarily with such matters that concern the inhabitants of a particular geographical area. Such area is usually a part of a regional or subregional section of a state. According to Adlem **et al.**, (1997 : 40) it is in this sphere that the community experiences government as being active or inactive, relevant or irrelevant, and democratic or authoritarian. The rights of existence of municipalities are based on at least two considerations, namely civic considerations and utilitarian considerations.

1.2.1. Civic considerations

It is the responsibility of a municipality to create opportunities for direct and representative participation for its inhabitants. Community participation takes place in terms of section 158 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) through a variety of means, **inter alia** the right of qualified voters to vote; to serve as community representatives; and the opportunity for the community to voice their opinions at public meetings where local issues are debated.

Thus, local inhabitants, whether they are voters, visitors or other inhabitants could play a role in making known their needs. Various mechanisms are available e.g. civic associations to ensure organised approaches.

1.2.2 Utilitarian considerations

Municipalities, have in terms of section 152 (1) (b) and 153 (b) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and clause 86 of the Municipal Systems Bill, 1999 (Government Gazette no. 20357 of 1999) the responsibility to *"… give priority to the basic needs of the community, promote the*

social and economic development of the community, and ensure that all residents and communities in a municipality have access to at least the minimum level of basic municipal services". The fact that unlimited demands for services must be satisfied with limited resources implies that municipalities have to utilise a system of prioritisation. The establishment of realistic objectives is important in order to facilitate the realisation of the set priorities in a logical manner. The Greater Johannesburg Metropolitan Council budget priorities for 1999/2000 for example, included tackling basic needs, maintaining existing infrastructure, enhancing revenue collection, enforcing credit control measures, improving income generation and reducing emphasis on revenue absorption services (Chief Engineer for the Greater Johannesburg Metropolitan Council, 1999 : Interview; Business Day, 25 June 1999 : 3). This was made possible by reducing other expenses such as allocating only R400 million to infrastructure development whilst at least R800 million was requested initially for it. However, the chairman of the executive committee of the Greater Johannesburg Metropolitan Council, Collin Matjila, announced at a news conference in Johannesburg on 27 June 1999 that infrastructural development will be financed with money raised from disposing of assets such as the metropolitan bus company, the Johannesburg Zoo and the fresh produce market. In this regard the Council managed to finance infrastructural development and basic services by being innovative.

Citizens have a legitimate expectation to receive municipal services. A municipality is the sphere of government closest to the people and needs therefore to be orientated to optimise access to services for all citizens. To this end eight principles have been identified in the <u>White Paper on Transforming Public Service Delivery</u>, 1997 (Government Gazette no. 18340 of 1997) for transforming service delivery, **inter alia** consultation; service standards; access; courtesy; information; redress; value for money and; openness and transparency.

It could be deduced that councillors should have a discernment of the right of existence of municipalities and on that basis be able to determine what role a

council can play in effectively representing and governing the community and at the same time provide the community with the required services effectively and efficiently.

1.3   POWERS AND FUNCTIONS OF MUNICIPALITIES

In terms of section 160 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) municipal councils should ensure the provision of services to local communities. To deliver these services, a council has to appoint municipal officials and pay for services such as water and lighting. If a municipality does not have adequate income, it will not be able to afford to introduce or continue providing services. Municipalities, therefore, need financial resources and administrative systems in terms of Chapter 4 of the Municipal Systems Bill, 1999 (Government Gazette no. 20357 of 1999) to collect revenue from rates, tax and service charges. These systems will ensure that service delivery is sustainable. Municipal councils should also promote the social and economic development of their local communities (Barton and Chappel, 1985 : 143). Municipalities are responsible for services that aim to make cities, towns and rural areas under their jurisdiction prosperous and suitable places to live and work in. For example, municipalities should develop plans for their local areas to ensure that residential homes are close to schools, clinics and shops. Municipal planning can enhance the economic potential of an area. For example, through ensuring that there is transport for people to travel from home to work. Municipalities can develop programmes to support the economic growth of the local area, such as small business development programmes. It can be concluded that councillors need to have an understanding of what powers and functions are allocated to a council to establish the nature and extent of the services that could be provided.

Municipal councils are responsible for governing the local area in a way that is democratic and accountable to the communities that elected them (Plunkett, 1993 : 67-69). Municipal councils take important decisions on behalf of the

communities they represent. For example, they should decide which services are most urgently needed and on what basis to allocate limited resources. Each municipal council should ensure that the decisions it takes are aimed at meeting the needs of the local community, and benefit the local area. It should account to local residents for the decisions that it takes, and for the way in which it spends public funds (Ismail, **et al.**,1997 : 76-77). Municipal councils should ensure that local residents have a say in decisions they take. In this regard they should encourage the involvement of communities and community organisations in governing the local area. It can be concluded that municipal councils should be organised in such a way that they can fulfil a broad range of obligations.

The powers and functions of municipalities are derived from a number of constitutional provisions. These provisions emphasise the necessity, as well as the objectives and characteristics of the local sphere of government.   It is important for councillors to understand these provisions because it delineates its parameters of legitimate authority. These provisions are briefly discussed in the ensuing paragraphs.

In terms of sections 43(c) and 151(4) of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996) local government is no longer a listed legislative competence of another sphere of government. The Constitution stipulates in sections 43(c) and 104 the extent of the legislative powers the national and provincial spheres of government have over the local sphere of government. Chapter 7 is not the only relevant part of the Constitution relating to local government affairs. Municipal affairs are affected by various sections of the Constitution, 1996 – ranging from equality in section 9 to the role of traditional leaders in section 212.

Co-operative government in terms of Chapter 3 of the Constitution, 1996 establishes local government as an independent sphere of government. In terms of Section 41(1)(g) national and provincial governments are not permitted to

exercise their powers and functions in a manner that encroaches on the geographical functional and institutional integrity of local government. A municipality has the right in terms of section 153(3) to govern on its own accord the local affairs of the community. Any other sphere of government can not compromise a municipality's ability and right to exercise its powers or perform its functions. Provincial governments have a responsibility to encourage the development of a municipality's ability to empower them to perform their functions and manage their own affairs. From this it can be deduced that councillors need to have sufficient understanding of the impact the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) has on the powers and functions of municipalities.

1.4   OBJECTIVES OF LOCAL GOVERNMENT

In terms of section 152(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the objectives of municipalities are to provide democratic and accountable government to local communities; to promote social and economic development; to encourage the involvement of communities and community organisations in the affairs of municipalities; to promote a safe and healthy environment; and to ensure the provision of services to communities in a sustainable manner. This implies that a municipality has to ensure that services are provided, which imply that alternative methods may be utilised in the rendering of services to the community.

Municipalities have a responsibility to meet the basic needs of communities and to promote the social and economic reconstruction and development of South African society. In terms of section 152 (1) (a) and 152 (2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), it is the objective of municipalities to provide democratic and accountable government with restricted financial and administrative resources. Municipalities should ensure the provision of sustainable services and promote social and economic development in a safe

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and healthy environment.   In previously disadvantaged communities e.g. Soshanguve there may be a more urgent need for the provision of water, whereas in Mamelodi primary attention may have to be given to economic upliftment.

From a training point of view, councillors should have an understanding of the envisaged paradigm shift from mainly rendering and maintaining existing services to a developmental one. According to Fourie (1999 : 12-13) this could be achieved if the focus of municipalities contain the following:

a. **Catalytic municipalities.**   Municipalities take on the real role of steerer (governing) rather than rower by creating an enabling environment and bringing together various groupings in the community to enhance and stimulate economic innovation and job creation.

b. **Community owned municipalities.** The empowerment of communities and the restriction of dependency through the promotion of ownership and control of public services by communities.

c. **Competitive municipalities.**   Competitive municipalities are created by introducing competition into service delivery.   This should be done on a compulsory tendering basis with the private sector, creating opportunities to save costs and to teach a council and municipal officials the importance of, and skills involved in working more productively.

d. **Mission driven municipalities.** Mission driven municipalities allows a council and municipal officials to be creative in the pursuit of a municipality's goals. Although municipalities can never be free from rules and regulations, opportunities should be created to seek for – and implement the most effective work methods within the framework of existing policies, which may be embedded in legislation or regulations.

e. **Results orientated municipalities.** Performance should be based on outputs rather than inputs, for example not focussing on how many kilolitres of water were supplied, but rather on the utilisation of the water and whether the revenue derived reflect the cost of provision.

f. **Customer orientated municipalities.** The needs of communities should be addressed through participation and not that of the bureaucracy.

g. **Anticipatory municipalities.** Addressing problem areas in a pro-active manner, rather than letting it become a crisis, which necessitates the application of extreme measures.

h. **Participatory management.** Participatory management is realised through decentralisation of decision-making, encouraging teamwork and the provision of the necessary training to ensure competent implementation of decisions.

i. **Leveraging change through the market place.** This is done by using influence to structure the market sector to provide incentives to business and individuals to assist in meeting the needs of the community at large.

From the abovementioned classification it could be deduced that councillors should have a thorough understanding of the objectives of local government and the operation of municipalities, and should therefore be included in the training programme for newly elected councillors.

1.5 CHARACTERISTICS OF MUNICIPALITIES

According to Craythorne (1997 : 10-11) a number of principal characteristics of municipalities can be identified. Firstly, municipalities are corporate bodies which, when constituted, becomes a juristic person with specific powers and capacities. Secondly, municipalities have the distinction of perpetual succession independent

from the existence of their individual members. Thirdly, municipalities are under the direction and control of an elected council and form an independent sphere of government subject to the provisions of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996). Fourthly, municipalities are limited to a specific area and deal with issues of mainly local interest. Fifthly, municipalities are democratic and accountable, and strive to be effective and efficient in the rendering of services; and finally are responsive to the needs, desires and demands of the community (Cloete, 1997 : 46-51).

It could be argued that municipalities possess distinct characteristics. These distinguish them from other public institutions and spheres of government operating in the regional or national sphere of government. In this regard it is important for councillors to understand their designated responsibilities.

The activities within the different categories of municipalities can be classified into four distinct categories i.e. the political, executive, administrative and operational. According to Cloete (1990 : 15-16) these four categories within the municipal structure are as follows:

a. The **political** area embodies the elected political representatives who formulate policy (i.e. a council) and are directly accountable to the community for all decisions made in respect of that policy.

b. The **executive** area embodies the senior local officials within municipalities which, include the CEO and the departmental heads who act as policy advisers to the political representatives and initiate new policy initiatives and propose changes to existing policies.

c. The **administrative** area embodies those municipal officials who hold middle-management positions and are primarily responsible for the administrative functions. The CEO is the head of the administration – in this regard senior

local officials in a municipality assist him or her. These officials have the responsibility to monitor the results of the effects of existing policies and effect decisions with regard to the implementation of resolutions.
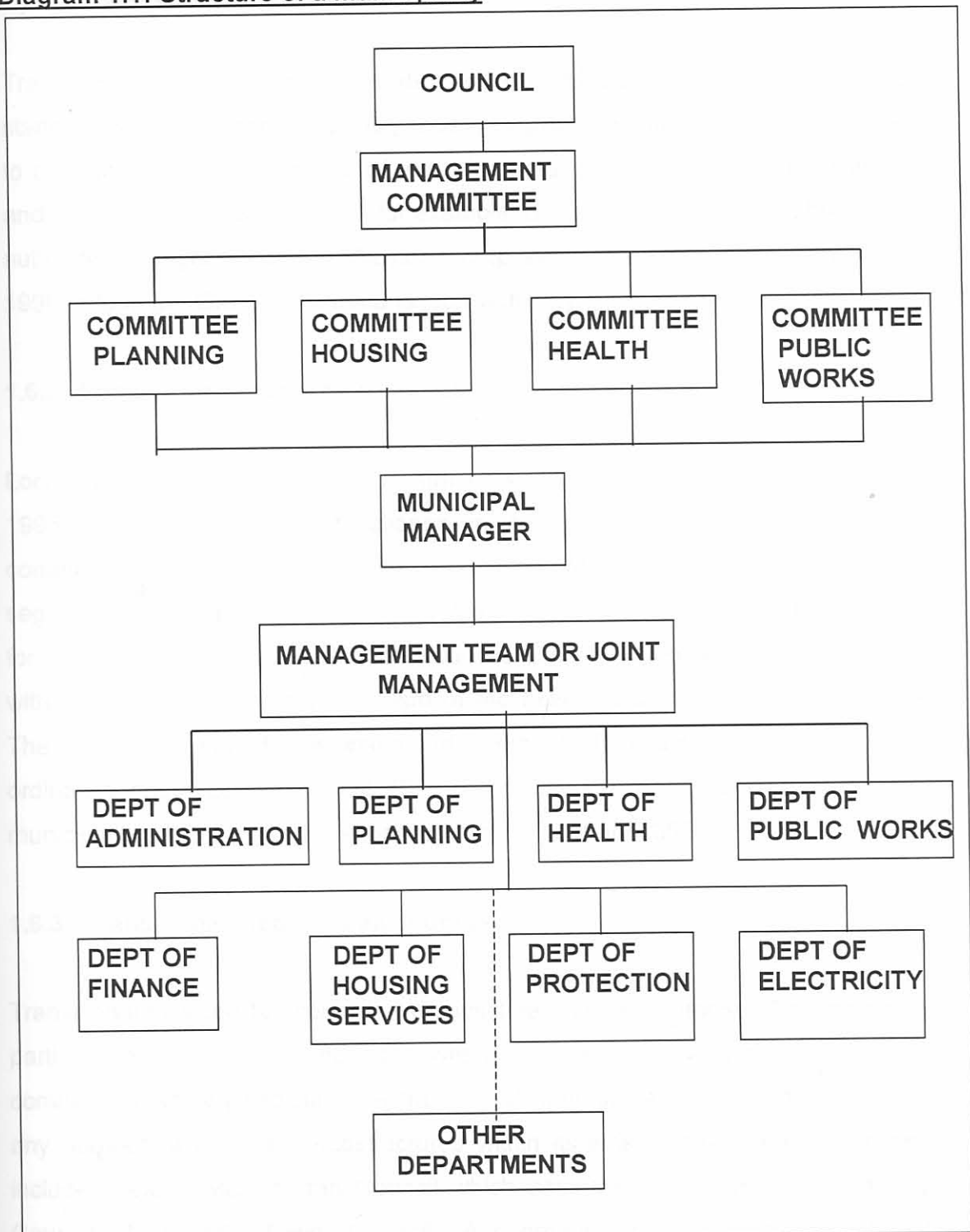
d. The **operational** area embodies the officials at the lower levels of the hierarchy. These officials have the responsibility to give effect to the designated work in order to achieve the objectives and resolutions of the political representatives and executive officials.

It can be concluded that a council assumes the directional role, the executive supervises the general trend of the services, and the administrative component has to guarantee that the administration would provide for efficient and effective service delivery. The operational officials are responsible for the activities through which the set policies have to be realised. In order to function effectively and efficiently in terms of their governing responsibility councillors should have a proper understanding of the responsibilities entrusted to the different role-players in a municipality. In diagram 1.1 the structure of a municipality is depicted in its most common form.

1.6   MUNICIPAL STRUCTURES

Municipalities in South Africa are in a state of transition and development in order to eradicate the inequalities based on race that was a characteristic of the dispensation before 27 April 1994 (Rossouw, 1999 : 22-23). In terms of section 155 (1) (a), (b) and (c) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); section 8 of the Local Government Transition Act, 1993 (Act 209 of 1993) and section A of the White Paper on Local Government (Government Gazette no. 18739 of 1998) provision is made for categories of metropolitan, urban and rural municipalities with differentiated powers, functions and structures according to considerations of demography, economy, physical and environmental conditions.

Diagram 1.1: Structure of a municipality

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                          ┌─────────────┐
                          │   COUNCIL   │
                          └─────────────┘
                                 │
                          ┌─────────────┐
                          │ MANAGEMENT  │
                          │ COMMITTEE   │
                          └─────────────┘
                                 │
        ┌────────────┬───────────┴────────────┬───────────────┐
  ┌───────────┐ ┌───────────┐ ┌───────────┐ ┌───────────┐
  │ COMMITTEE │ │ COMMITTEE │ │ COMMITTEE │ │ COMMITTEE │
  │ PLANNING  │ │ HOUSING   │ │ HEALTH    │ │ PUBLIC    │
  │           │ │           │ │           │ │ WORKS     │
  └───────────┘ └───────────┘ └───────────┘ └───────────┘
        │
                     ┌──────────────┐
                     │  MUNICIPAL   │
                     │  MANAGER     │
                     └──────────────┘
                            │
              ┌─────────────────────────────────┐
              │ MANAGEMENT TEAM OR JOINT         │
              │ MANAGEMENT                       │
              └─────────────────────────────────┘
                            │
      ┌──────────┬──────────┴──────────┬──────────────┐
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 │ DEPT OF │ │ DEPT OF │ │ DEPT OF │ │ DEPT OF     │
 │ ADMINI- │ │ PLANNING│ │ HEALTH  │ │ PUBLIC WORKS│
 │ STRATION│ │         │ │         │ │             │
 └─────────┘ └─────────┘ └─────────┘ └─────────────┘
      │
 ┌─────────┐ ┌─────────┐ ┌─────────┐ ┌─────────────┐
 │ DEPT OF │ │ DEPT OF │ │ DEPT OF │ │ DEPT OF     │
 │ FINANCE │ │ HOUSING │ │ PROTECT-│ │ ELECTRICITY │
 │         │ │ SERVICES│ │ ION     │ │             │
 └─────────┘ └─────────┘ └─────────┘ └─────────────┘
                     ┌──────────────┐
                     │   OTHER      │
                     │ DEPARTMENTS  │
                     └──────────────┘
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Source: Rossouw, 1999 : 231.

1.6.1   Transitional local councils

Transitional local councils are established in municipal jurisdictions of so-called stand-alone towns where previously racially segregated municipalities have agreed to amalgamate under one council, e.g. Krugersdorp, Brits, Rustenburg, Witbank, and Westonaria. In Westonaria, for example, Bekkersdal (previously a black local authority) amalgamated with Westonaria (previously a white local authority) in 1996 to form the Greater Westonaria local authority.

1.6.2   Local government co-ordinating committees

Local government co-ordinating committees were only valid until 1 November 1995.   Such committees functioned in specific areas on the basis of a compromise.   Their main function was to co-ordinate the activities of racially segregated municipalities in particular areas and to prepare these municipalities for integration into transitional local councils after 1 November 1995; in keeping with the policy aims of non-racialism of the newly elected national government. The racially segregated Westonaria and Bekkersdal for example, established a co-ordinating committee in August 1995 to co-ordinate the integration of the two municipalities into a transitional local council in February 1996.

1.6.3   Transitional metropolitan councils

Transitional metropolitan councils were instituted with the purpose of co-ordinating particular activities of a number of towns and/or cities, which coincided with their common areas of jurisdiction. A transitional metropolitan council may comprise any number of municipal substructures within its jurisdictional area. Examples include Pretoria Metropolitan Council which comprises the former Pretoria City Council, Mamelodi Town Council, Attridgeville Town Council, Eersterust Management Committee, Akasia-Soshanguve Town Council, Centurion Town Council, and Ladium Management Committee.

1.6.4 Rural and district councils

Rural and district councils have been established in terms of the Local Government Transition Act, 1993 (Act 209 of 1993) to exercise powers and provide services in non-metropolitan areas, e.g. Coalville, Rashoop, Derby, Walkerville and Vandyksdrif. All the abovementioned municipal structures were established with the purpose of transforming apartheid based municipal structures into the structures implied and envisaged by non-racial and democratic local government. For this reason they are referred to as "transitional" structures. These structures will however be replaced and/or adjusted with the intended repeal of the Local Government Transition Act, 1993 (Act 209 of 1993) and its replacement with a new act.

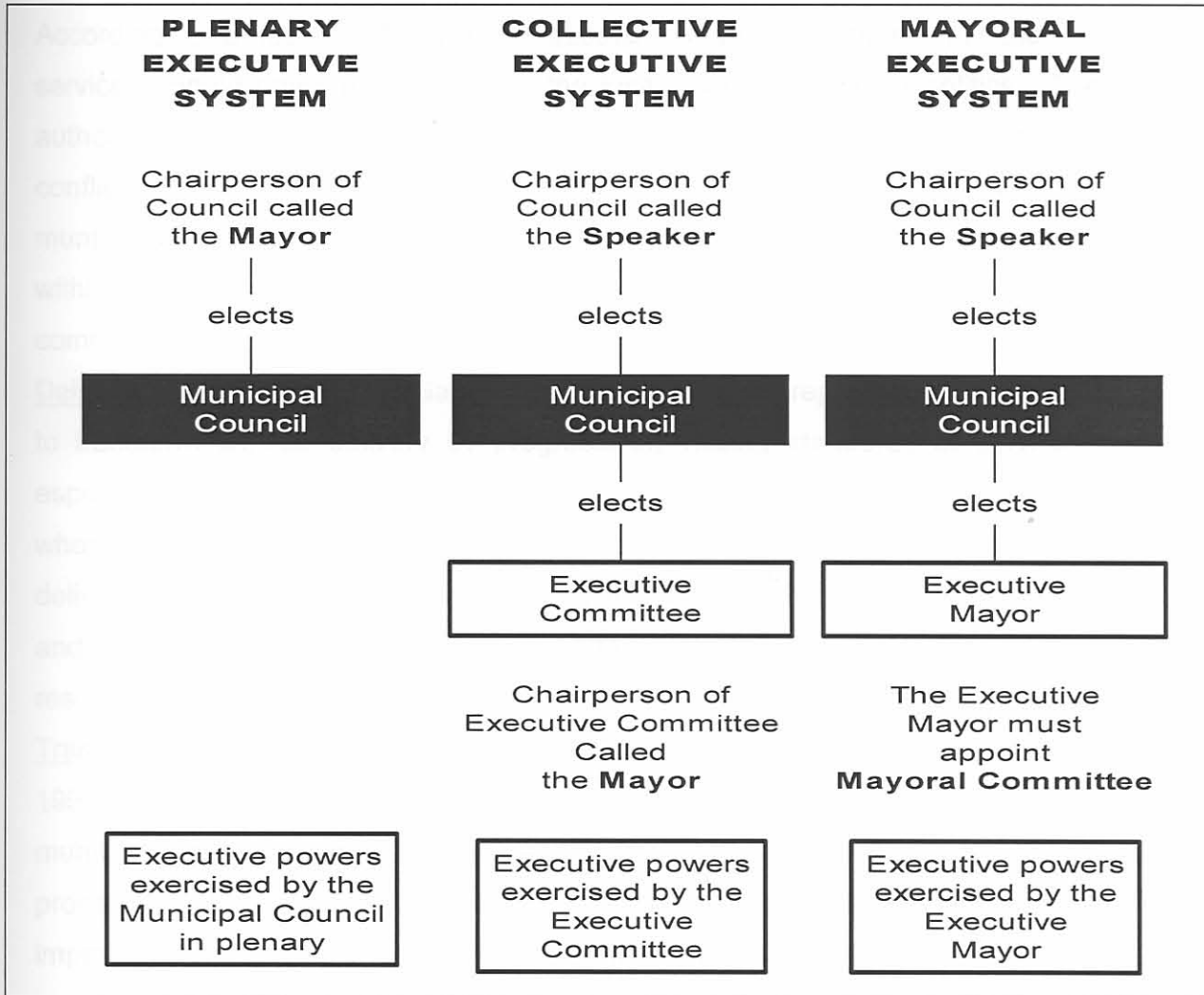## 1.7 PROPOSED NEW MUNICIPAL STRUCTURES

Sections 7, 8, 9 and 10 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) describes the different ways in which municipal councils could be organised to perform their powers and duties effectively and efficiently. The different types of municipalities defined, take into account that not all municipal councils are the same. The Act stipulates metropolitan wide administrations with centralised powers for densely populated urban areas. There are currently six metropolitan areas in South Africa, namely Greater Johannesburg, Pretoria, Khayalami and the Lekoa-Vaal region in Gauteng; the Cape metropolitan area and Greater Durban in KwaZulu-Natal. In terms of section 61 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) urban areas should be regarded as metropolitan areas if the region is characterised by high population density, an intense movement of people, goods and services, extensive development, multiple business and industrial districts and a complex, diverse economy.

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In terms of section 7, 8, 9 and 10 of the <u>Local Government : Municipal Structures Act</u>, 1998 (Act 117 of 1998) new systems of municipal government or combinations of these systems, as illustrated in diagram 1.2, will come into place after the municipal elections in December 2000. These are, **inter alia** collective executive system, mayoral executive system, plenary executive system, subcouncil participatory system and ward participatory system. The Member of the Executive Committee (MEC) responsible for local government in each province will decide on the type of council, in consultation with a municipality concerned. In order for a council to function effectively and efficiently it is important for a council to have an understanding of the applicable municipal structures, and what impact the changes in structures will have on the governing and representative function of councillors.

It can be concluded that each council would propose its own policies within the framework prescribed by the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996). However, every municipality will reveal common characteristics although they differ in size.

In the ensuing paragraphs the needs, desires and demands of the community will be addressed. These are discussed to establish the nature and the extent of services provided by a municipality. It is an indication to a council of the peculiar character of the municipal sphere of government.

Diagram 1.2 : Municipal systems

PLENARY EXECUTIVE SYSTEM	COLLECTIVE EXECUTIVE SYSTEM	MAYORAL EXECUTIVE SYSTEM
Chairperson of Council called the **Mayor**	Chairperson of Council called the **Speaker**	Chairperson of Council called the **Speaker**
elects	elects	elects
Municipal Council	**Municipal Council**	**Municipal Council**
	elects	elects
	Executive Committee	Executive Mayor
	Chairperson of Executive Committee Called the **Mayor**	The Executive Mayor must appoint **Mayoral Committee**
Executive powers exercised by the Municipal Council in plenary	Executive powers exercised by the Executive Committee	Executive powers exercised by the Executive Mayor

Source, Encarta, 1999 : Internet

1.8   THE NEEDS, DESIRES AND DEMANDS OF THE COMMUNITY

From an institutional and constitutional viewpoint local government is the third sphere in accordance with section 40(1) of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996). However, from the perspective of the residents, local government is regarded as the first or immediate form of government with which they come in contact with. The community experiences

municipalities as intensively personal and immediate – e.g. through the utilisation of the local sports ground, library, electricity, water, streets and pavements. According to Botes (1997 : 17) the question of which of these multitude of services should enjoy precedence in the local budget, is one of politics. The authoritative allocation of values is an attempt by human beings to resolve conflict regarding social issues (Strong, 1966 : 17).   This implies that municipalities should endeavour to maintain and improve the living conditions within the local area to satisfy the needs or even expectations of the local community.   In this regard the White Paper on Transforming Public Service Delivery, 1997 (Government Gazette no. 18340 of 1997), represents one attempt to transform service delivery by progressively raising standards of service – especially for those whose access to services have been limited in the past and whose needs are the greatest.   It has far reaching implications for service delivery and for improving the conflicting relationships between public officials and the citizenry. In this regard it is important for municipalities to live within the resources the community can afford.   A key part of the White Paper on Transforming Public Service Delivery, 1997 (Government Gazette no. 18340 of 1997), is a search for increased efficiency and the reduction of wastage in municipal government.   Every rand wasted in cumberstone, inefficient processes, in delays and duplication, is money which could be invested in improving services.   This indicates that a council should have the ability to identify and prioritise the most urgent needs within the community. It should be stated clearly that councillors should discern between party political objectives and the real interests of the community and which may differ significantly.

A municipality, according to Botes (1997 : 34), remains the most important means whereby the needs, desires and demands of the residents can be deliberated, allocated and resolved. Policies and budgetary allocations are implemented through the administrative arrangements within the area of jurisdiction in order to achieve local policy objectives. A municipality requires sound policies and strategies, demanding committed local officials to be

considered effective in its operations (Bateman and Zeithmal, 1993 : 23-25). Thus administrative decisions are effected to give practical application to the political issues. Botes (1997 : 35) states that "...*politics and administration cannot be separated and they can be seen as the two sides of a coin, separate but unified*".

Within the democratic political system the residents of any municipality have specific political rights, such as the need to be represented, to determine their future within a particular constitutional arrangement in a free and fair manner. Apart from this, residents according to Cloete (1990 : 16-17) have specific *needs* (e.g. the need for water, electric power, streets, refuse disposal); *desires* (e.g. the provision and maintenance of streets, parks) and *demands* (e.g. demands for free trade areas, demands for lower taxes and tariffs, demands for environmental protection). A community's needs, desires and demands are communicated to a council by means of political campaigns prior to local elections; in the form of a memorandum or petition; or more militantly by means of protest marches, public meetings or passive resistance such as boycotts. The relevant personnel deal with these needs, desires and demands, within the prevailing political policies. For example, petitions regarding the establishment of a petrol service station in Willem Botha street in Centurion (Centurion, 17 July 1998 : 1) or boycott action against the payment of electricity and water tariffs in the 1980's (The Star, 12 October 1984).

Action plans are formulated after resources have been evaluated to determine if the implementation of such proposals are possible, such as the determination of human resources required, funds and infra-structure. Finally, an evaluation is made in order to determine whether the political needs, desires and demands of the community will be met. In the event of unforeseen needs, desires and demands a municipality may be able to provide the necessary resources to address them. This is reflected in the municipal council' s annual budget that deals with matters within a period of 12 months. Furthermore, a long-term plan

is compiled to establish future personnel and financial requirements over a period of e.g. 5 years. These long-term requirements make provision for meeting needs, desires and demands as they arise such as the building of streets as traffic increases.

It could be argued that a council should be capable of accurately identifying and prioritising the community's most urgent needs, desires and demands; and be able to put action plans in place that would effectively deal with them. Apart from being aware of the needs, desires and demands of the community, a council is expected to address these needs, desires and demands in a specific manner. These expectations are addressed in the ensuing paragraphs.

1.9   COMMUNITY EXPECTATIONS

According to a study conducted by the Institute for Local Government (INLOGOV) in 1996 and Stewart (1988 : 168-169) communities have particular expectations of the manner in which their representatives address their needs, desires and demands. These expectations are in terms of determining of the needs, desires and demands of the community; the collection and assimilation of information; initiating measures to the advantage of the community; objective judgement and decision-making; promoting local democracy; promoting efficiency; execution and control over personnel and projects.

1.9.1 Determining the needs, desires and demands of the community

It is a council's responsibility to obtain information to determine the needs of the community for which it is responsible. Such information include **inter alia** age distribution of the community, level of employment, basic services required, the availability of land for development, stability and policy options subscribed to by the electorate. Each council's capacity to address the information requirements is dependent on its senior officials' ability to obtain and process the information.

The elected councillors have to make value choices and interpret the information.

1.9.2 The collection and assimilation of information

A representative in council should obtain information regarding the needs, desires and demands of the community and assimilate it. This information should be collected by municipal officials and serve as the basis for matters to be discussed and considered when decisions are made by a council. For the purposes of identifying the requirements for a refuse dump site the Pretoria Metropolitan Council, as a case in point, had to obtain information regarding a possible site; composition of soil; accessibility; volume of refuse collected daily; expected increase in dumping annually; life span of dumping site; value judgements of community; and environmental impact (Transport Planner for the Pretoria Metropolitan Council, 1999 : Interview). On the basis of this information the Council could make an appropriate decision.

1.9.3 Initiating measures to the advantage of the community

Councillors should pro-actively identify potential critical issues and implement measures to eliminate, alleviate or reconcile opposing or conflicting matters whenever possible. The issues should be investigated on behalf of the community and be placed on the agenda for discussion during a council meeting. Thus, in the case of determining the steps to be taken to alleviate the Pretoria Metropolitan Council's financial situation due to the non-payment of service charges the Council instructed municipal officials to determine the level of non-payment, establish the reasons for the non-payment of services and implement a community awareness programme in order to raise the level of payment. Apart from this the Council had to implement refined ways of collecting debt; identify alternative sources of income; and identify possible

savings in the current budget (Minutes of Pretoria Metropolitan Council Meeting, 3/99 : 4-5).

1.9.4 Objective judgement and decision-making

The representatives argue viewpoints through debate in order to reach consensus. Own interests should not prevail and efforts should be made to make decisions based on the most comprehensive data. It has to be borne in mind that policy judgements are usually based on facts and values. Usually it is relatively easy to establish relevant facts (Stewart, 1988 : 168). The reconciliation of divergent values is much more complex e.g. in establishing whether a tree should be removed to make way for visitors to the three tenors concert at the Union Buildings in 1999 the Pretoria City Council had to consider amongst other the historical value of the tree and its representation of a species against the fact that the tree had become an obstacle for a particular occasion (Pretoria News, 17 March 1999 : 4).

1.9.5 Promoting local democracy

In order to make local democratic government a reality there are, according to Van Niekerk (1994 : 41), different roles which councillors should fulfil. These are to firstly, represent their wards as advocates for and protectors of the interests of the community and the individual. Secondly, it implies a responsibility to represent political parties or interest groups and to be committed to serving the political and party principles or values of the groups they represent. Thirdly, to act as overseers who, in the final analysis, should be responsible for the decisions of a council and execution of the decision by the employees of such council.

Before the introduction of non-racial municipalities in 1995 the elected councils were normally composed of councillors who represented only one population

group. In most cases councillors were elected on a non-party political basis. All councillors were also elected on a ward basis. The 1995 local elections were held in terms of section 179 of the <u>Constitution of the Republic of South Africa</u>, 1993 (Act 200 of 1993) and councillors were elected partly on a proportional and partly on a ward basis. Since 1995 elections are mainly held on a party political basis, with independent councillors being the exception to the rule. Many of the newly elected councillors were not previously exposed to formal democratic elections. In the case of the Pretoria Metropolitan Council 69% were first time councillors (Director Human Resource Development for the South African Local Government Association, 1997 : Interview).

Councils had to devise ways and means to debate in a political paradigm different to a council's composition. Since 1995 councils consist of representatives with widely divergent needs, desires and demands. Thus, councils are compelled to reconcile the expectations and needs of areas with widely divergent characteristics. Councillors representing former disadvantaged groups could be inclined to focus on eradicating backlogs (e.g. in Attridgeville only 46% of the households had electricity and water borne sewerage), whilst councillors from well-established areas on the other hand, may tend to focus on promoting culture and maintaining the level of services.

1.9.6 Promoting efficiency

It is the responsibility of a council to ensure that sufficient mechanisms are in operation to achieve efficiency in the delivery of services to the inhabitants as well as other users of such services e.g. industries (Van Niekerk, 1994 : 342-343). The future economic development of a town or city largely depends on the perceived efficiency of its services. Industrialists, for example, will probably want to be assured of a regular supply of water, electricity and refuse removal before opening a factory. Similarly towns largely dependent on the tourist industry, such as Dullstroom and Pilgrims Rest, will require other indicators of efficiency. This

indicates that councillors should have the capacity to promote efficiency in terms of the expectancy of all sectors of its community.

1.9.7 Execution and control over personnel and projects

It is the responsibility of councillors as members of an elected legislative body to implement measures to control the activities of the appointed personnel. A council has for example, a particular responsibility to exercise control over the expenditure and income of a municipality. Councillors are involved in compiling the budget of a municipality. As the budget is a monetary expression of actions to be undertaken it could also serve as a control measure. Thus councillors can use the budget as a mechanism to establish to what extent executive actions succeeded in achieving the set goals. It appears as though councillors seldom use the budget for this purpose. In the case of the Westonaria Town Council (in 1998) it was evident that quarterly reports on the progress of projects were either non-existent, incomplete or overdue. Where reports were submitted it tended to be verbal reports instead of documented proof of progress. Documented reports were only submitted once a project had been completed. The downside of this approach was that it does not allow for proper determination of the progress of a project and therefore effective adjustments can in all probability not be made (Personnel Officer for Westonaria Municipality, 1998 : Interview).

It could be argued that communities expect a council to be able to identify their needs, desires and demands; consider relevant information and embark on measures to address their needs, desires and demands. In doing this the community expects a council to be objective in its decision-making, to promote democracy and to control the utilisation of municipal resources (Personnel Officer for the Greater Johannesburg Metropolitan Council, Interview : 1999).

1.10 REQUIREMENTS AND DISQUALIFICATIONS FOR COUNCILLORS

A councillor is an important role-player in a municipality and fulfils numerous functions in this regard. There are however, particular requirements to be complied with in order to be eligible to be elected as a councillor. In terms of section 21 of the <u>Local Government : Municipal Structures Act</u>, 1998 (Act 117 of 1998) every citizen who is qualified to vote for a local government is eligible to be a member of that council, except a person who in terms of section 158 of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996) is appointed or in the service of a municipality and receives remuneration for that appointment or service; or is appointed or in the service of another municipality or sphere of government; or is an unrehabilitated insolvent. A councillor will be disqualified from his/her position if he/she is declared to be of unsound mind by a court of law; or is convicted of an offence and sentenced to more than twelve months imprisonment without the option of a fine; or owes money to a municipality concerned for longer than three months. In order to avoid the possibility of dismissal, councillors should have an understanding of what could lead to their disqualification.

Since the 1995 municipal elections a number of reasons were put forward for the dismissal of councillors in the Greater Johannesburg Metropolitan Council. In this regard four councillors were disqualified for owing the Council money for longer than three months - two of whose businesses went bankrupt; two councillors were appointed as Members of the Executive Council (MEC) in the Gauteng Provincial Government; one councillor was convicted of fraud; and one councillor was disqualified for not attending 5 council meetings without a written apology (Chairman of Executive Committee for the Greater Johannesburg Metropolitan Council, 1999 : Interview).

It could be argued that councillors have to be fully aware of the requirements to remain in office. Thus, awareness regarding what type of actions or behaviours

could lead to disqualification should be included in the training of newly elected councillors.

1.11 MOTIVATION TO BECOME A COUNCILLOR

According to Reddy (1996 : 61) the role that councillors play after their election is influenced by their motivation as to why they made themselves available for election. In this regard a number of motivational factors exist.

a. The need to influence a policy relating to a specific service, for example a councillor who has a special interest in influencing environmental policies such as pollution control or conservation.

b. He/she might strive to support individual community members through their interaction with a municipality, for example, providing support to small-scale farmers within the geographical boundary of a municipality.

c. The need to find an alternative means of self-actualization, i.e. a retired resident who has a desire to make an active contribution to society by being elected as a councillor. In the Greater Johannesburg Metropolitan Council, for example, 8 retired residents had been elected as councillors; 15 councillors were unemployed at the stage of their election and the remainder were economically active (Personnel Officer for Westonaria Municipality, 1998 : Interview).

d. He/she could have a need to make his/her expertise and knowledge available for the benefit of the community, for example a skilled social worker whose presence in council ensures a special emphasis on the right of children and women in the formulation of local policy. The professions represented in the Greater Johannesburg Metropolitan Council in 1998 were diverse, ranging from 7% with a background in education, 11% in health services, 64%

involved in commercial activities and 18% ex-public servants (Chief Engineer for the Greater Johannesburg Metropolitan Council, 1999 : Interview).

e. A demand from a specific segment in the community, for example lobbying by small businessmen to ensure that they are represented by someone who will look after their interests in council (64% of councillors in the Greater Johannesburg Metropolitan Council are active in the formal business sector).

f. He/she might have a need for status and prestige.

g. The need for possible financial advantages. According to the World Fact Book (1999 : Internet) the average allowance of a councillor in Gauteng in 1999 amounted to R3850 per month, which is marginally lower than the average income of South Africans which is R4025 per month.

From this it can be deduced that there are a number of reasons as to why people make themselves available to be elected as councillors. It is however important that councillors are made aware of implications of their governing and representation function.

1.12 DUTIES ENTRUSTED TO A LOCAL COUNCIL

In terms of sections 157 and 158 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and sections 21 and 22 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) the system of local government in South Africa empowers residents, who comply with the legal requirements to become registered voters, to make their needs, desires and demands known through the election of an independent candidate or party which according to them would elect councillors to meet their needs through proportional representation. Through ward elections individuals are elected according to their perceived abilities to promote an area's needs. Local politics

deals largely with local matters, such as water supply, street construction and maintenance, sewerage disposal, health clinics, electrification, traffic arrangements, property taxation, and street lighting (Ismail **et al.**, 1997 : 2-3). The residents within a local community are normally divided on many of these issues which inherently could lead to conflict. Once elected a council assumes its representative and government functions and is expected to reconcile divergent views in an effort to satisfy the needs, desires and demands of the community it serves and to address their expectations.

Stewart (1998 : 15-18) identifies a number of functions of local government representatives. Councillors are representatives and as such should represent the interests of the electorate and should, through consultation with the representative body, consider the interests of their voters in comparison to the interests of the local community as a whole. Councillors should serve and ensure the welfare of their community in order to promote the interests of residents; and make responsible decisions which can act as guidelines for officials to execute.

Ismail **et al.**, (1997 : 73-74) state that the task of a representative is one of governor and policy-maker and not that of an executive official or administrator. According to Schumann (1984 : 45-46) the municipal representative as an individual is powerless. A council is the authority and fulfills the real functions while the task of a representative should be seen within the group context. The basic task of a representative is to participate in the deliberation of council in a decision-making capacity and not in an executive capacity. In terms of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the authority of a councillor thus lies in the corporate body regarding authorizing a municipal council to make decisions, employ personnel, pass laws, whilst section 160(3) requires a majority of councillors to be present before a vote may be taken on any matter. In a similar manner section 160(4) requires that members should be given sufficient notice before a by-law is passed. No

provision is made in the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996) for an individual councillor to act independently, although it is common practice for municipal councils to delegate specific responsibilities to an individual councillor or to mandate an individual councillor to act on its behalf. In terms of section 160(2) of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996), a municipal council may not delegate the passing of by-laws; the approval of budgets; the imposition of rates and other taxes, levies and duties; and the raising of loans.

In addition to the abovementioned restrictions, municipal councils may not delegate the approval of, or amendment to, their integrated development plans (IDP'S). **Integrated development planning**, in terms of Chapter 5 of the <u>Municipal Systems Bill</u>, 1999 (Government Gazette no. 20357 of 1999), means that municipalities should have clear plans and strategies for all its areas of operation, and that these should link together so that they are mutually reinforcing. A municipality should allocate its resources, and set its budget, according to this integrated development plan. This can be achieved by prioritising needs according to the limited resources available and by making the necessary choices. Integrated development planning is a way for municipalities to identify strengths and weaknesses, threats and opportunities, so that only the most important and relevant actions are taken. It is important for municipalities to be familiar with the environmental conditions they are dealing with and ensure that they have the capabilities to cope with these conditions. It can be concluded that councillors should be able to determine development priorities, operational strategies and a financial plan to give effect to the objectives of an integrated development plan.

In terms of section 152 of the <u>Constitution of the Republic of South Africa</u>, 1996 (Act 108 of 1996) the municipal council has to promote development and move progressively towards social and economic upliftment of communities, and ensure access to quality services. In terms of clause 23 of the <u>Municipal Systems Bill</u>, 1999 (Government Gazette no. 20357 of 1999) the newly elected

municipal councils will have to, within the first 12 months following the December 2000 elections, adopt a single, inclusive plan for the development of a municipality. The priorities and objectives of the integrated development plan should reflect a municipality's most critical development needs for each priority identified, integrate activities and resources to achieve these objectives and specify time-frames. Municipal councils have to provide accountable leadership and direction by facilitating the participation of the community in its own government; promote communication and cooperation between community and government; ensure integrated development and management of the municipal area; provide infrastructural, household and community services; facilitate housing and township establishment; engage in development planning and local economic development and; ensure local safety and security.

A municipal council is expected to address its responsibilities to the greatest extent possible within the constraints of available resources and abilities. This implies that municipal councils cannot satisfy all the needs, desires and demands of their communities, and have to prioritise its responsibilities in terms of available resources.

In terms of clause 28 of the Municipal Systems Bill, 1999 (Government Gazette no. 20357 of 1999), the operational strategies would have to ensure that a municipality, either alone or through service delivery agreements, has the institutional and organisational capacity to realise its development objectives. A copy of the development plan will have to be submitted to the MEC for local government in the relevant province. A municipal council should give priority to the basic needs of the community, promote the social and economic development of the community, and ensure that all residents and communities have access to at least basic municipal services.

The Municipal Systems Bill, 1999 (Government Gazette no. 20357 of 1999) outlines a **code of conduct** for municipal officials, who will be prevented from

using their positions and access to information to gain contracts or benefits. They will be obliged to disclose if their spouse, partner, business associate or close family stand to benefit from any municipal contract. They will not be allowed to influence a council, its structures and councillors to obtain any appointment, promotion, privilege, advantage or benefit for a family member, friend or associate, or be involved in a business venture with a councillor without prior consent of the council. From this it can be deduced that councillors will need to have a proper understanding of the implications of the code of conduct.

Councillors should have a comprehensive understanding of a council's powers in terms of sections 151 through to 164 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) as well as the Local Government Transition Act, 1993 (Act 209 of 199); Local Government : Municipal Structures Act, 1998 (Act 117 of 1998); and the Municipal Systems Bill, 1999 (Government Gazette no. 20357 of 1999).

According to Schwella and Van Rooyen (1992 : 6) government and representivity are value concepts. According to Craythorne (1997:10) **to govern** means the exercising of authority. This, in terms of the Constitution of the Republic of South Africa, 1996, (Act 108 of 1996) implies local government's competency to make decisions which can influence the rights of other people, either positively or negatively [section 152(1) (a), (b),(c),(d), and (e)]; deliver services, limit services, discontinue services (e.g. as a result of non-payment of charges) or not to deliver services [section 152(1)(b)]; allocate resources and determine priorities [sections 152 (2) and 153(a)]; enforce by-laws and regulations [section 156(2)]; appoint personnel and direct their activities [section160 (1) (d)]; and impose taxes [section 160(2)(c)]. From this it can be deduced that councillors should have an understanding of what the governing function of their responsibilities entail.

In order to represent, Craythorne (1997:10-11) and; Schwella and Van Rooyen (1992:7) list a number of competencies in terms of the Constitution of the

Republic of South Africa, 1996 (Act 108 of 1996). It includes being sensitive to public opinion [section 152(1)(e)]; reacting to the needs of the community [section 153(a)]; the right to govern, subject to national and provincial government legislation [section 151(3)]; exercise its powers without undue impediments by national or provincial government [section 151(4)]; making balanced decisions based on the principles of fairness and justice for everybody and not specific individuals, and determining policy based on feedback from the community. These indicate that councillors should have a thorough understanding of what the representative function of their responsibilities entail.

Botes (1997 : 6) provides a more comprehensive account of the functions entrusted to councillors, **inter alia**:

a. **Legislative function.** A council has the power to enact, alter or revoke by-laws. In this regard councillors have to participate in committee meetings, such as the executive committee, in order to effectively deliberate the details of the legislative process as well as the financial and executive details of proposed policies.

b. **Adjudicative function.** A local council sometimes has to act as if it is a court of law, for example at disciplinary meetings, appeals to the full council and adjudicate cases of petitions. The highly technical nature of the law necessitates that the adjudication function should always be performed after consultation with law advisors.

c. **Political function.** Due to the political nature of their positions councillors have to defend or criticise political objectives and policies in order to shape the direction of a municipality. In the case of the Pretoria Metropolitan Council the composition is as follows – 62% African National Congress (ANC), 26% New National Party (NNP), 7% Democratic Party (DP), 3% independent candidates and 2% Freedom Front. (DCD Library, 1999 :

Internet) It should be obvious that each political party could express views and propose policy options to promote its political ideals. It can be assumed that it would be fairly easy for the ANC to obtain a majority in this particular council should the issue require a party political standpoint.

d. **Representative function.** It is the responsibility of councillors to take active steps in determining the needs, desires and demands of the community in order to convert them into policy frameworks, provide financial support and executive programmes. In a survey conducted by the Institute for Democracy in South Africa (IDASA), in June 1999, to determine the extent of local communities satisfaction with their local councils, it was established that 57% of residents in the Greater Johannesburg Metropolitan Council region were dissatisfied with the Council's overall performance, 12% were neutral and 31% were satisfied with the Council's achievements. It is evident that provision would have to be made in training programmes to capacitate councillors in how to take active steps in determining community needs, desires and demands in order to obtain a satisfied corps of inhabitants.

e. **Deliberation function.** Councillors are public speakers, who have the responsibility to oppose proposals not acceptable to them in council meetings and submit constructive proposals to solve policy issues. During the period 1995 to 1999, 234 motions were debated in the Pretoria Metropolitan Council. In these deliberations the ANC members contributed 47% to deliberations, the NNP 32%, the Freedom Front 11% and the Residents Associations 10% (DCD Library, 1999 : Internet). The fact that the Pretoria Metropolitan Council is made up of 62% ANC members, but only contributed 47% to deliberations indicate that contributions are not necessarily related to representation.

f. **Public relations function.** The mayor has to attend public functions, such as opening of shopping complexes, laying of cornerstones, inauguration of

officebearers, and making public speeches. It is the responsibility of a council to reflect a positive image of the municipality they represent. By implication councillors have to defend council decisions and improve the image of their municipality. It is therefore the duty of a council to motivate and inspire the local community to participate in e.g. the Masakhane project, to pay their rent and service charges.

g. **Control function.** It is the responsibility of a council to monitor the performance of municipal officials and give account of the revenue and expenditure in terms of the approved budget. This is usually done through questions or remarks. In 1999, 62% of questions asked in the Greater Johannesburg Metropolitan Council related to financial issues; 21% related to the performance of municipal officials and 17% related to other issues (Minutes of Greater Johannesburg Metropolitan Council, 1999 : no.1 –14). This seems to indication that councillors predominantly focus their attention on issues pertaining to finance and personnel matters.

In terms of Chapter 2 of the Municipal Systems Bill, 1999 (Government Gazette no. 20357 of 1999) municipal councils have to organise their administrations in a manner that is responsive to the needs of the residents, that facilitates a culture of public service among personnel and that is performance-orientated. Municipal councils will be obliged to provide, without favour or prejudice, democratic and accountable government for residents and communities and encourage the involvement of residents, communities and other stakeholders in the affairs of a municipality. They will be required to develop a culture of municipal government that shifts from strict representative government to participatory government, and should establish appropriate mechanisms, processes and procedures to enable residents, communities and stakeholders in a municipality to participate in local affairs in a municipality.

A council should promote and deal with aspects relating to citizen participation, specifically petitions, complaints and objections by residents and communities, public meetings, public hearings by councils and their committees, and surveys among residents.   Councils will have to build the capacity of residents and communities to participate in the affairs of a municipality.   They will have to give public notice of the time, date and venue of every meeting, and meetings of a council and its committees may not exclude the public and the media, except for executive meetings.   This indicates that councillors have a governing and the representative function.

1.12.1 Responsibility to govern

The exercise of legitimate power, is the exercise of political legitimacy. According to Mitchell (1979 : 13-14) "...*the legitimacy of authority is ultimately a matter of belief in the rightfulness of the institutional system through which power is allocated and authority exercised as well as perceptions regarding the rightfulness of the exerciser's incumbency in authoritative positions and of the commands themselves*".   In terms of section 156 (1), (2), and (4) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) municipalities have the power to legislate (adopt by-laws); to govern by resolution (to close a street due to maintenance work in the area) and; to administer (to issue licenses or permits).

The different political viewpoints of for example, the ANC in Attridgeville; the NNP in Akasia-Soshanguve; and the Inkatha Freedom Party (IFP) in Ulundi are all part of the politics of local government.   In the case of the Greater Johannesburg Metropolitan Council the parties are represented as follows – ANC 68%, NNP 16%, DP 12%, Freedom Front 2% and individual candidates 2% (DCD Library, 1999 : Internet) .   The issues that received the most frequent attention in the Council during 1998 and 1999 were policy announcements regarding development and the implementation of a financial restructuring plan (Egoli 2002) for the

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Greater Johannesburg Metropolitan area. Politics can differ between branches of the same ruling political party in different municipalities. For example, in the Akasia-Soshanguve Municipality the main policy concern of the ANC pertains to infra-structural development while in the Groblersdal-municipality the main policy concern of the ANC pertains to economic upliftment (Minutes of Akasia-Soshanguve Town Council Meeting, 8/1998 : 7-8; Minutes of Groblersdal Council Meeting, 2/1999 : 3). Coalitions are entered into to obtain support for policies e.g. in Nigel a coalition exists between the ANC and the NNP on the combating of juvenile delinquency. Although the ANC has the majority vote in Attridgeville and Akasia-Soshanguve their approach to governing varies on the basis of the perceived disparity in needs, desires and demands e.g. the ANC in Attridgeville argue that their residents have a greater need for the expansion of the business district in their municipal area whilst the ANC in Akasia-Soshanguve argue that their residents have a greater need for electrification, sewerage removal and the upgrading of the municipal roads (Minutes of Akasia-Soshanguve Town Council Meeting, 3/1999 : 14-15; Minutes of Attridgeville Town Council Meeting, 2/1999 : 5). Thus the needs, desires and demands differ from one community to the next, and that it is a council's responsibility to ensure that they have mechanisms in place that can effectively identify the community's priorities.

Political transformation in South Africa culminated in new unified non-racial, democratic local government with an equitable redistribution of resources among communities. The rejection of the apartheid system, local economic pressures, imminent societal changes, the uncertainty regarding expenditure increases and growing disillusionment with previously accepted racial solutions led to a new assertive style in local politics. Debates in councils are more focussed on eradicating disparities of the past and improving the living conditions of all inhabitants of a city or town. A council may debate the housing shortage in their municipal area in order to devise plans to alleviate the problem by means of, for example, promoting the national government's low-cost housing scheme; or to

attract foreign capital; or to convince the business sector to invest in their housing plan.

In the transformation process of local government in South Africa broad trends can be identified that has an impact on the governing role of councillors.

a.   Growth of party control

The 1995 local government elections resulted in 97% of municipalities having a majority party in control - of these 68% are governed by the ANC (Encarta, 1999 : Internet). The other 3% of the councils have no direct majority which necessitated the forming of coalitions between the political parties in order to effect decision-making.   This means that the majority party can, without having to go into protracted negotiations, control the direction of policy in a municipality. In terms of section 4 of schedule 1 to the Local Government Transition Act, 1993, (Act 209 of 1993) a quorum for a council meeting is at least half the total number of members of a council. Matters pertaining to the budget of a municipality must be decided by a resolution of a council sanctioned by a majority of at least two thirds of all its members. If a council consists of 16 members at least 11 councillors are required to approve the decision. If there are less than 16 councillors at a council meeting, 11 votes are still necessary for the approval of a budgetary decision. The ANC has a two-thirds majority in 29% of municipalities which means that in these municipalities the ANC would be able to pass budgetary decisions if members of the party vote loyal to the party, without requiring to make any compromises with opposition parties (DCD Library, 1999 : Internet). In terms of section 16(5)(a) of the Local Government Transition Act, 1993 (Act 209 of 1993) matters relating to town planning must be decided by a resolution of a council sanctioned by at least a majority of all its members. If a council consists of 16 members the support of at least 9 councillors are required to approve the decision. If 8 councillors vote for a decision, 7 vote against and one abstain the decision does is not carried because an absolute majority of all councillors is not attained. It could thus be argued that

councillors should have a proper understanding of the requirements that apply in making legitimate council decisions. Thus reference to these requirements should be included in training programmes.

b.   Differences between the parties over policy

The issues, which divided the major political parties - the National Party (NP) and the Conservative Party (CP) - in apartheid South Africa, were minimal. In this regard the differences between the parties regarding expenditure policy, segregation, decentralisation, and other services were marginal. This, however, has changed after the 1995 local government elections which resulted in a more developmental focus by the ANC in an attempt to address the imbalances brought about by the apartheid system through the implementation of social-welfare programmes (Venter, 1998 : 3-10; 229). Opposition parties such as the New National Party (NNP), Democratic Party (DP) and Inkatha Freedom Party (IFP) focus more on the safeguarding and expansion of the business sector; effective and efficient service delivery; and the reduction of crime. Thus, it is obvious that a greater division exists between political parties than had existed before 1995 and that compromises would have to be made to a certain extent. This will necessitate that councillors have an ability to manage conflict and negotiate.

c.   Newly elected councillors

In November 1995, 67% of the elected 11 118 councillors for all municipalities in South Africa were newly elected and predominantly from the ANC. Only 13% of ANC councillors had either served in the traditional Black municipalities or were members of other political parties before the elections, which means that 87% of its members had never served in any formal municipal structure (Local Elections, 1999 : Internet). Due to the nature of the political struggle towards the creation of a new democratic order it may be expected that the majority of councillors could have a more assertive political style, associated with a determination to secure

control over the working of a municipality in order to achieve their developmental policy aims. This is borne out by the fact that 84% of debates in the Greater Johannesburg Metropolitan Council in 1999 resulted in a vote being taken. Only 16% of decisions have been taken on a consensus basis during 1999 (Minutes of Greater Johannesburg Council Meetings, 1999 : no 1-14).

d.   Challenge to established patterns of working

A more assertive political style has affected not merely policy issues, but patterns of working relationships between councillors and municipal officials. According to a survey done by Rossouw (1999 : 11-12) municipal officials listed interference from councillors in administrative matters as the second highest demotivator in their work environment. This greater involvement in administrative issues reflects the emergence on the political agenda of issues concerning the functioning of a municipality e.g. decentralisation; value for money; contracting out; and responsiveness in service delivery. Local politicians have an inclination to focus not only on policy, but also on the way it is carried out. This is not in line with the requirement that politicians should govern and appointed officials should administer and give effect to policy. Thus, a situation is created for politicians to transgress. As party-politics intensifies, councillors and municipal officials in supervisory positions realise that new means of communication have to be found between the administrative and political structure. According to the Rossouw survey (1999 : 4) the attendance of senior administrative officials at executive council meetings to provide specialist administrative input has become an accepted practice. In the case of Benoni it has become custom that apart from the chief executive officer (CEO) (to be renamed the municipal manager after the December 2000 elections) and the heads of departments, at least two officials from each department attend council meetings on a regular basis (Minutes of Benoni Town Council Meeting, 2/1998 : 5). In Westonaria officials are only allowed to attend council meetings by invitation (Personnel Officer for Westonaria Municipality, 1998 : Interview). In the previous local government system only the

CEO and heads of department attended meetings on a regular basis.

## e.	Political appointments

The appointment of municipal officials in supervisory positions, such as the CEO, has become a politicised issue. In this regard CEO's have been requested to leave or resign and 103 new CEO's have been appointed in the 843 municipalities since 1995 (The Star, 12 November 1999 : 3). This results in diffusing the political and administrative functions. In such a working environment councillors are in a situation to influence or to dictate the internal functioning of a municipality although they may lack administrative or managerial expertise. It has to be emphasised that a council should legislate and govern while officials are required to administer and give effect to decisions.

The responsibility to govern is a complex task. It is essential for councillors to receive proper instruction in governing and the distinction between governing and administering.

## 1.12.2	Responsibility to represent

The representative responsibility councillors fulfil, is influenced by the attitude councillors have toward local points of view, interest groups, their geographical focus and attitude as well as their involvement in politics. This is borne out by the focus of arguments during council debates on, for example, the expansion of the business sector in Attridgeville due the large number of local businessmen that serve on the Council (Minutes of Attridgeville Council Meetings, 2/1997 : 13-14; 5/1997 : 3; 10/1997 :6-8). An important focus point, in respect of the roles they play, is a councillor's association with and attitude towards his/her ward, and the extent of autonomy they allow themselves in relation to the viewpoints of the local community and the general framework provided by the party regarding proportional representation. To a greater or lesser extent all councillors should

honour the representative role placed on them. The manner in which councillors choose to meet the expectations of their wards or in reconciling party political rhetoric and local conditions can be identified as one of the characteristics of being a representative.

Newton (1976 : 22) differentiates between the **trustee**, **delegate** and **politico** roles which indicate the degree to which councillors act as independent agents who exercise their own judgement, as opposed to the strict prescribed viewpoints of their voters, political party or other groups which require their allegiance. Representatives as trustees act on behalf of their voters by giving attention to their claims and needs by using their own judgement to promote the needs of the voters (Du Toit, 1985 : 23). In contrast, as delegates, councillors act as agents and messengers in their wards and convey the wishes of the people. The politically or **politico**-orientated councillor combines the two above-mentioned roles as representative and delegate. According to Magstadt and Schotten councillors (1984 : 86) "…*are political representatives who fight for the approval of bread and butter legislation favoured by their constituents, while taking forceful, independent stands on issues that do not directly engage the pocketbook interests of those constituents.*" It could therefore be argued that politically orientated councillors should act on any set of issues as a mirror image of their wards and/or their party political policy framework. In regard to other matters, however, own initiative, insight and experience are used concerning independent decisions affecting the community. Such representatives should use their judgement to decide whether they will act as trustees or delegates.

Councillors should, on a regular basis, investigate the manner in which they represent their respective communities and monitor how effective the results are. This monitoring function can only take place if there is effective communication between a councillor and the voters. According to the Local Government Board (1993b : 6) a councillor has to concentrate on three representative roles. A

councillor as a representative is a listener; an advocate; and a mediator between the community and a municipality.

Interaction with the community varies amongst councils. In Attridgeville councillors co-ordinate community meetings with residents at least twice a month. In Eersterust councillors are allocated a specific geographical area (which basically amounts to a number of street blocks) and community meetings are held once a month. In Johannesburg councillors have an **ad-hoc** approach to community meetings (Questionnaire : Appendix A). Of the 387 councillors that filled in the questionnaire in Appendix A, 17 admitted to never meeting with the electorate while on the other extreme some have weekly community meetings. It can be argued that those councillors who have regular contact with residents could have a better understanding of the residents' needs, desires and demands and therefore enjoy a stronger support base.

Thus, it could be argued that regular contact with the community is essential to keep contact with the needs, desires and demands of the residents, and should therefore be encouraged. Councillors should be made aware of the importance of meetings with the community; how to set up such meetings and how to conduct themselves at these meetings.

a. **Councillor as a listener**

The ability to listen to residents forms part of the functions of a councillor and requires listening skills. The manner in which a councillor listens or gives attention to people compromises more than simply waiting for the community to come forward with questions, inquiries and complaints. The argument is that a councillor should pro-actively establish the relevant issues that require the attention of council. According to Craythorne (1997 : 73), and Gyford (1991 : 80-105) specific methods can be used by councillors to communicate with the voters and improve their abilities to establish issues that require attention either directly

by council or indirectly. These are to attend meetings of service users and ratepayers associations as often as possible; to consult with the community in connection with issues about which a council should make decisions, for example planning applications; to receive telephone calls and letters from concerned residents; and to investigate formal complaints.

The ability to communicate include having discussions with voters and give advice; to use opinion polls and market research such as determining the residents' opinion regarding the granting of a license to businessman wishing to open a brothel in a relatively conservative community; to receive or initiating letters of complaint; and to appoint as a council special committees where community representatives can air their views. Finally, councillors could communicate with the community by publishing an invitation in the local newspapers, aimed at interest groups and individuals, to submit written proposals to a council in order to test the community's perception regarding a specific issue. The Warmbaths Town Council, for example, published an invitation to its residents to respond to their proposed plan to grant a license to a businessman to open a hotel with gambling rights (The Star, 15 October 1999 : 3). Thus councillors should receive training in the need to communicate, the methods and the skills required.

b.   Councillor as an advocate

A councillor is in a position to act as an advocate for the local community by virtue of his or her position. According to Botha (1996 : 13-19) this is required for a number of reasons. In this regard feedback can be given to a council regarding service standards, which are based on the public opinion and; problems and complaints heard while acting as mediator can be forwarded to a council for a decision. It is expected of councillors to ensure that results are achieved, by for example handling complaints and queries; collecting information and providing feedback; creating channels whereby voters can access a

municipality; enabling individuals to receive fair and just treatment from a municipality; and by helping residents to receive certain services. It implies supporting voters by representing their view points and needs to officials, committee chairpersons or a council itself; and debating about service standards and public complaints about poor performance is central to the role of advocate.

Within a council itself where decisions are made regarding service planning and service specifications, is where a councillor - as a mouthpiece of the voter - should act. A councillor can offer expert opinion concerning the needs and issues of the community because a councillor has personally consulted with the voter. A councillor can be the avenue whereby persons not satisfied with services and who are claiming compensation, or improved services can be heard in a council. A councillor can utilise various means to support the community in the public interaction with a municipality. These are to write or make a telephone call on behalf a person; to act as mediator or convener at a meeting between interested parties; to deliver letters of complaint to a council, committee or officials; to request a report regarding specific issues; to propose a motion in council; and to direct questions at a council or committee (Rossouw, 1999 : 93-95).

Council meetings are the only legitimate forum councillors, as a collectivity, can utilise to provide direction to a municipality by means of its policy decisions. In terms of Annexure to Schedule 1 of the Local Government Transition Act, 1993 (Act 209 of 1993) and specific requirements in Schedule 5 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) councillors have a number of responsibilities regarding council meetings.

a. Councillors are obliged to attend monthly council meetings. If councillors are absent without leave for three or more consecutive council meetings without an apology they can be removed from the office (para 3 and 4 in Schedule 5 of the Municipal Structures Act, 1998 [Act 117 of 1998]). In the case of the

Pretoria Metropolitan Council 3 councillors were disqualified in 1997 for not attending three consecutive council meetings without a written apology (The Star, 29 November 1997 : 2).

b. A councillor who chairs or forms part of a committee must attend these committee meeting and make an effective contribution (section 9 in Annexure to Schedule 1 of the Local Government Transition Act, 1993.

c. Councillors may not vote in matters in which their own financial interests are involved or when they have received gifts from the concerned parties (para 6 in Schedule 5 of the Municipal Structures Act, 1998 [Act 117 of 1998]).

d. Individual councillors can initiate policy proposals, but a council has to make decisions concerning local affairs as a collective entity (section 4 in Annexure to Schedule 1 of the Local Government Transition Act, 1993.

e. Councillors should at all times put the general interest of the community ahead of individual interest (para 2 in Schedule 5 of the Municipal Structures Act, 1998 [Act 117 of 1998]).

It can be concluded that councillors should have a proper understanding of Annexure to Schedule 1 of the Local Government Transition Act, 1993 (Act 209 of 1993) and Schedule 5 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998)

According to Meyer (1985 : 37-38), Craythorne (1997 : 169-170) and Stewart (1988 : 62-64) a councillor, in his or her capacity as committee chairperson, has a number of responsibilities. A committee chairperson may cast the decisive vote in cases where the prescribed regulations allow such casting vote; should ensure that the instructions and decisions of a council are carried out by the committee; should ensure that the committee considers all matters entrusted to it

by a council; is responsible to ensure that a council is advised by the committee and that recommendations are made to a council; and may be required to give feedback on committee affairs at monthly council meetings. A committee chairperson is responsible for acting as the convener of the meeting and to ensure that the meeting takes place punctually; signs the approved minutes of committee meetings; determines the sequence of speakers, receives and listens to motions, determines if these motions fall within the framework of the committee, and presents these motions to the meeting for discussion; and should prevent irrelevant debate taking place. Furthermore, a committee chairperson should ensure that the committee votes on an issue after it has been thoroughly discussed; should at all times be impartial; exercise control and order in the meeting and; may make decisions about procedural arrangements and insist that members adhere to these decisions. Finally, a committee chairperson must dismiss a meeting where a quorum is not present or in cases where the meeting becomes chaotic and cannot be restored in an orderly fashion; may introduce urgent matters for discussion; and should ensure that the prescribed regulations and procedures are adhered to and that debate is conducted in a constructive manner. It could therefore be argued that the chairperson has extensive authority at meetings. As such it could be argued that a chairperson should be trained to be able to fulfil these extensive functions.

c.   **Councillor as a mediator**

A councillor can act as mediator by helping individuals to convey their points of view.   This implies empowering individuals so that they can speak for themselves, listen and come to conclusions. The motivation to have a councillor in the role of mediator is based on a number of arguments. Firstly, the participation of informed communities in local affairs is best promoted by the voters who are able to take the responsibility upon themselves and rely on the support of councillors as opposed to relying on councillors to do everything for them. Secondly, the community is often in a better position than a councillor to

articulate their points of view. This could, for example, take place at a joint meeting with a council, committee or officials. Thirdly, councillors do not always have sufficient time to listen to the viewpoints of all stakeholders and to mediate on behalf of all concerned. From the above it can be deduced that the role of a councillor, and more specifically the representative role, can be carried out in various ways. The role of representative requires particular human skills. These skills include the following: communication, influencing, public speaking, dealing with the media, and dealing with local issues. Considering the composition of councils immediately after the elections of 1995 with 67% (699 out of 1043 councillors) first time elected councillors in the Gauteng Province it could be argued that the majority of councillors had to be trained for their governing and representative roles (Encarta, 1999 : Internet; Appendix A).

d.   The responsibilities of a mayor

According to Craythorne (1997 : 165 - 167) a mayor has a number of functions to fulfil in a municipality. The mayor is the chairperson of council meetings and executive meetings; convenes special council meetings; is expected to act in a dignified manner, regardless of party political considerations; signs the minutes of council meetings; ratifies certain documentation; receives an auditors report from the CEO and; may terminate the services of a worker if there is a reasonable suspicion that an offence has been committed which justifies dismissal. Furthermore the mayor is a member and chairperson of the voters' role revision court. The mayor should not become involved in the detail of administrative or political activities and any intervention in these activities should be limited to emergency situations and then only in a non-controversial manner. It is expected of a mayor to lead any delegation to political office-bearers of the provincial or national government. The mayor is provided with a ceremonial gown and chain which is worn during ceremonial gatherings; and as the first citizen of a municipality, holds a representative and ceremonial role. The mayor often promotes a specific cause in the interests of a municipality. The mayor

can, for example, play an important co-ordinating role in the establishment of a disaster fund to provide assistance to the victims of a disaster.

In the case of Springs the mayor opened a SANLAM shopping centre in June 1999 and a pre-natal clinic in August 1999 (Minutes of Springs Town Council Meeting, 10/1999 : 17); in Delmas the mayor received President Nelson Mandela in February 1999 and granted him the freedom of the town on behalf of the Council (Minutes of Delmas Town Council Meeting, 2/1999 : 2-3); in Warmbaths the mayor convened a special council meeting in June 1999 to discuss the fact that there was insufficient funds available in the bank account to pay the municipal personnel their salaries (Minutes of Warmbaths Town Council Meeting, 6/1999 : 4); in January 1999 the mayor of Centurion organised a disaster relief fund for more than 240 residents of Olievenhoutbosch whose houses burnt down (The Centurion, 24 January 1999 : 1-2); and in October 1996 the mayor of Westonaria led a delegation to the provincial government to request its assistance in the organisational restructuring of the municipal authority 1999 (Minutes of Westonaria Town Council Meeting, 11/1996 : 3-5).

In terms of section 54(1) of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) only municipalities of types mentions in sections 8(e), (f), (g) and (h), 9 (c) and (d) and 10 (b) may have an executive mayor after the elections in December 2000. An executive mayor will in terms of sections 55 and 56 receive reports from committees of the municipal council; identify, review, evaluate the needs of a municipality and recommend the best way to deliver programmes and strategies to the maximum benefit of the community; monitor the management of a municipality's administration; perform a ceremonial role; and report to the municipal council on decisions taken by the executive mayor.

It can be concluded that in terms of sections 55 and 56 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) a council may elect a mayor with executive powers, and it therefore becomes necessary to provide council

with an adequate knowledge base regarding the advantages and disadvantages of an executive mayoral system.

1.12.3.   ADMINISTRATION OF MUNICIPALITIES

According to Stewart (1988 : 4) the administration of a municipality is carried out within a political system and accordingly the administration or processes tend to support the political process as well as meeting the requirements of political controls. Councillors often identify priorities and determine as a corporate body the strategy that should be followed to meet the objectives of a municipality. Councillors, as mediators, convey information concerning the needs, desires and demands of the community to a municipality and then represent a municipality in those same communities. Elected representatives should ensure that decisions are carried out by the executive of a municipality.

The political and administrative processes cannot be separated because, effective administration of a municipality should be based on the objectives and intentions of a municipality. The political process determines the objectives and intentions of a municipality. To view the political process as a restriction on the administration of a municipality and to try and administer and manage a municipality as if it were not a political institution will, according to Stewart (1990 : 26), probably lead to frustration and conflict between councillors and officials. The political process promotes effective administration because the political process defines and determines effectiveness.   The administration of a municipality should be based on the acceptance that a municipality is the embodiment of a political system wherein political and administrative processes are interwoven.

According to Pitt (1993 : 2) a council links the political and administrative processes.   The objective is the effective administration of a municipality according to the political objectives and to this end a councillor should play a

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role. A councillor could, for example, complain that officials do not implement political policy or that they are ineffective administrators. Criticism can lead to a councillor becoming closely involved in administration which can result in officials complaining that councillors are trying to fill the roles of officials and are undermining effective administration (Stewart 1990 : 26). It can be argued that if officials are insensitive to politics, they are likely to draft reports or put issues before councillors in ways that may even indicate hostility.

1.12.3.1. Communication in the political-administrative setting

According to Craythorne (1997 : 73-74) councillors and officials meet and discuss municipal issues, yet they do not necessarily communicate effectively across the councillor-official divide. However, they are required to be skilled. These skills include report writing, and presentation at committee meetings. During 1998 the Westonaria Town Council considered 43 reports submitted by councillors and listened to 58 submissions (Personnel Officer for Westonaria Municipality, 1998 : Interview). There are special requirements for communication in a political-administrative setting. If communication is to cross the divide, there should be an understanding amongst officials of the set of beliefs and assumptions through which a councillor interprets communication. There should be understanding of the working environment of councillors, the pressures to which they are subjected and to which they have to respond. Although it differs significantly according to the area represented (in the case of ward councillors), they are all subjected to demands by a community or the more comprehensive society.

Although a committee is normally the setting in which councillors receive reports and advice; councils tend to explore issues wider than the formal constraints of a committee agenda. In this regard the utilisation of official-councillor working groups have become common practice. In the case of the Westonaria municipality each councillor sets up a working group in accordance with their allocated portfolio with officials (Personnel Officer for Westonaria Municipality, 1998 : Interview).

These working groups (i.e. working groups for housing; finances; education; sport and recreation; and small business development) keeps a councillor in contact with the community and the internal functioning of a municipality and provides a councillor with relevant information needed for effective decision-making.

The appointed official has to acquire the ability to work in a new political environment and to develop new approaches to handling political pressure in an informal arrangement. However in a formal committee or council meeting different rules apply. The official has to distinguish clearly between the different situations and act accordingly.

It could be argued that if the local administration is to support and respond to the political process, new approaches are required. The budgetary process of a municipality does not necessarily make it easy to establish political priorities, nor do the information systems in a municipality make it easy to monitor their achievement. Administration in a political setting should consider how reports can expose who gains and who loses or whether budgetary presentations can show how the authority's resources are distributed amongst different geographical areas or client groups and how they reflect a council's priorities.

According to Botes, **et al.**, (1996 : 219) it is the responsibility of councillors to make choices amongst priorities. A municipality's administrative officials should assist councillors to face those choices and challenges and take decisions that reflect the reality as well as value judgements of the particular community.   In this regard municipal officials should discuss the potential for conflict between professional attitudes and local political choice; be politically sensitive; build up knowledge of political choices and values; cope with the dilemmas implicit in councillor-official relations; communicate with councillors with divergent political views; develop administrative approaches to support and respond to the political process; and study political material, including manifestos, and analysing their management implications including green papers, white papers and draft bills.

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It can be concluded that councillors should have an understanding of the role municipal officials play to effectively communicate across the councillor-official divide.

1.12.3.2   Administrative role-players

According to Botes (1997 : 222-223) the chief executive officer and heads of department are key role-players in the administration of a municipality. According to Craythorne (1997 : 307-335) the CEO is the chief administrative and executive officer of a municipality. The CEO is the link between the policy-makers and the executives or administrators who carry out the decisions as promulgated by a council. It is therefore important that the CEO does not function as the head of any department so as to ensure unbiased communication between a council and the departments of a municipality, between a council and the community and between a municipality and the community (Botes **et al.**, 1996 : 235-236).

In order to effectively provide a wide array of services to its community, a municipality has to establish a number of departments. In the case of Vereniging, the departments are as follows: administration, health, public works, planning, electricity, protection, finance and housing services (Minutes of Vereniging Town Council Meeting, 5/1998 : 1). Smaller municipalities with limited resources and responsibilities will naturally require less departments. These departments are the executive and administrative arms of a council. They are further subdivided into divisions and sections, which are staffed by municipal employees who perform the functional work of a municipality. These divisions and sections are headed by heads of department such as the town secretary, town treasurer and principal officials such as the traffic chief, fire-brigade chief, medical health officer, electro-technical engineer, librarian, personnel manager, civil engineer and horticulturist.

Due to the fact that a council is reliant on the support of municipal officials in

carrying out their representative and governing responsibilities, it can be concluded that councillors should have an understanding of the roles and responsibilities of municipal officials in the administration of a municipality.

1.13   CONCLUSION

In terms of the <u>Constitution of the Republic South Africa</u>, 1996 (Act 108 of 1996), the <u>Local Government Transition Act</u>, 1993 (Act 209 of 1993) and the <u>Local Government : Municipal Structures Act</u>, 1998 (Act 117 of 1998) local government is an independent sphere of government with the responsibility to govern and represent the inhabitants of a specified geographical area. For this reason municipalities have been assigned powers in order to perform specified functions and services to the benefit of its community.

This chapter introduces the institutional framework that applies to local government in South Africa. In this regard the constitutional provisions that apply to municipalities were described. Apart from this the objectives and characteristics of municipalities were explained. This was followed by an exposition of the structure of a municipality. In the final instance the role-players in a municipality were identified with specific emphasis on the roles and functions of councillors.

A number of areas that would need to be included in the guidelines for the training of newly elected municipal councillors have been identified. The determination of guidelines for the training of newly elected councillors should include an understanding of the powers and functions that are assigned or delegated to a council and how to identify alternative sources of income and ways of providing new and better services with less resources. Councillors should comprehend the objectives of local government as well as the new structures and responsibilities as required in terms of the <u>Local Government : Municipal Structures Act</u>, 1998 (Act 117 of 1998).

Councillors should be able to identify and prioritise a community's most urgent needs, desires and demands; and be able to put action plans in place that would effectively deal with them. A training programme for newly elected councillors should provide an understanding of the implications of the code of conduct; how to promote and deal with aspects relating to citizen participation; basic communicative skills; as well as a comprehension of the roles and responsibilities of municipal officials in the administration of a municipality.

In chapter 2 an analysis of policy-making in local government will be made in order to determine what information base is required by councillors to effectively pursue their role as policy-makers in a municipality.