

THE EXECUTIVE MAYOR/ MUNICIPAL MANAGER INTERFACE

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ABSTRACT

The introduction of the current system of local government and administration has resulted in the transformation of the political and the administrative systems of municipalities. The transformation is most obvious in municipalities making use of the type contemplated in section 7 of the *Local Government: Municipal Structures Act, 1998* (Act 117 of 1998). The types *inter alia* provide for a mayoral executive system for the three categories of municipality. The mayoral system provides for the election of an executive mayor. Duties are assigned to the executive mayor (Section 56) corresponding to a large extent with those of an executive committee system (section 44). However, the main difference is in the relationship between the executive mayor and the administration on the one hand and the executive committee and the administration on the other hand.

The functioning of the executive mayoral system allows the political office bearer to perform particular functions that may be considered to be the responsibility of the municipal manager. The latter is appointed as head of administration and as such is accountable for the proper functioning of the administrative support system. However, the executive mayor may endeavour to follow hands *on approach*, bringing the two components into conflict with one another. The paper clarifies the relationship required to ensure efficient and effective municipal government and administration, focussed on service delivery and obviating the danger of conflict hampering the achievement of goals.

INTRODUCTION

The relationship between a politician and a chief executive official is probably one of the most complex situations within any public institution. This is the convergence of politics and administration and the point where political values and administrative realities have to be reconciled. The interaction is, however, complicated by the fact that the

CEO most probably has his/her own value system determined by political, social, cultural, religious or other considerations. In interpreting policies or considering proposals from managers or technical experts, the CEO may tend to attach a weighting factor to the requests in accordance with own preferences or particular experiences concerning matters

In this paper attention is devoted to the interaction between the municipal manager and the executive mayor. This implies that the attention will mainly focus on the municipal type using the executive mayoral system. Reference will be made to the executive committee type of as well, but only to identify the salient characteristics of the executive mayoral system concerning the complex relationship between politics and administration / management in a municipality incorporating the legislative and executive functions in one structure i.e. the council.

GOVERNING FUNCTION

In a system of representative democracy, such as in a municipality, members of a particular community are elected by an electorate to make decisions on behalf of that particular segment of society. The representative body that is created as a result of such an election normally consists of a relatively large number of members. This composition of a large elected body makes it cumbersome and even impractical to *formulate* decisions or to develop complex policies requiring technical knowledge and factual information to ensure that policies would reflect reality and meet the needs of the inhabitants of a particular geographical area. Therefore, a committee is usually appointed to assist the council in formulating guidelines (policies) for operation; to monitor the operations of the appointed officials; and to evaluate results on behalf of the representative body.

In the national sphere of government, Cabinet acts as a committee to assist Parliament in deciding on particular issues demanding the intervention of the state and to give guidance to the executive institutions i.e. to perform the governing function. In fact the origin of the term *govern* is the Greek word *gubernare*, which means: to steer (as in steering a boat). Thus, a governing body's primary responsibility is to provide guidance to the executive institutions concerning the policy directions at which they should focus their activities.

A similar arrangement has been introduced for the South African provincial sphere of government in which case the premier and the executive council perform the governing function. In the municipal sphere various possibilities exist e.g. the executive mayor and mayoral committee. The other types of executive, e.g. the collective executive system and the executive committee systems, are largely similar, but there are also differences especially as far as the interface is concerned. It is imperative to note at this stage that in the municipal sphere the council is both the legislative and executive authority (*cf. Constitution of the Republic of South Africa, 1996, section 152(1)(e); and section 11 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)*). Thus in the local sphere of government a committee, such as the executive mayor (and mayoral committee) has a different relationship with the council than the case is with Cabinet in the national sphere and the premier and executive council on the provincial sphere in regard to their respective legislatures.

COUNCILLORS AS POLITICIANS

It is important to refer to politics as one of the most significant phenomena in the public sector (thus including the municipal sphere). In this regard it does not imply only *party* politics, i.e. the politics of a political party, but *politics* referring to

- the process of decision-making;
- who receives what, when, where and how;
- a conflict resolution process which determines the apportionment of resources;
- the process by which power is applied in order to determine whether and how government is to be exercised in any given area; or
- the apportionment of values (Fox & Meyer, 1995: 98).

With this simplified definitions of a very complex process in mind, it is obvious that politics has many faces or facets. It could be argued that the *weighting* (i.e. applying a value) of the available facts and related information is done within a particular value framework. This framework could be that of a political party, an interest group (TAC, ratepayers association, agricultural union, religious group) or even a corporate body (e.g. Eskom, Telkom, SABC). Therefore, it could be argued that politics in the context of this discussion concerns the

- allocation of values as weighted by the ruling political party to the available facts;
- determination of the relative importance of requests, in relation to the availability of resources, by a community or a particular segment of the municipal community for a particular service;
- quantity (e.g. how often rubbish bins are emptied per week) of the services to be provided; and
- quality (e.g. accepted level of cleanliness of the streets and sidewalks) of the services to be delivered.

Thus, the political body governing (*cf* section 151(3) of the Constitution, 1996) in a particular municipality has the responsibility to oversee the executive actions of the appointed officials acting on its behalf. This does not imply getting involved in the *management* of the municipality, but monitoring the actions to ensure that the stated goals are achieved.

Councillors have to be able to judge, the often divergent and even conflicting, values and requests of interest groups or political parties representing segments of society within a municipality and determine the relative importance of such requests or demands. The complexity of this duty becomes clear if one considers the composition of most municipal communities e.g. different

- religious groups;
- language and cultural groups;
- economically active/inactive groups;
- residentially situated groups with divergent developmental needs;
- business and industrial concerns;
- labour unions;
- political parties with own agendas ; and

- age groups with each its own needs and expectations.

LEGISLATIVE/ EXECUTIVE AUTHORITY

The contents of section 151(2) of the Constitution, 1996, are reiterated in section 11 of the Municipal System Act, 2000 emphasise the council's dual authority. This implies that the council may legislate by way of by-laws or resolutions – i.e. authorising enforceable actions – and has to exercise the executive authority within its area of jurisdiction, including *inter alia* (Section 11(3))

- the adoption of policies, plans, strategies and programmes;
- promoting and undertaking development;
- establishing and maintaining an administration;
- implementing applicable national legislation, provincial legislation and its own by-laws;
- providing municipal services;
- monitoring municipal service delivery;
- preparing, approving and implementing its budgets;
- imposing and recovering taxes, levies, service fees and surcharges
- establishing and implementing performance management systems; and
- doing anything within its legislative and executive competence.

The legislative procedure is specifically prescribed in section 12 of the Municipal Systems Act, 2000. This *inter alia* requires council to:

- follow a prescribed procedure;
- give sufficient notice to members of the intention to introduce a measure; and
- publish proposed by-laws for comment.

A council may pass its own by-laws and the Minister of Provincial and Local Government or the MEC for Local Government in a province may, at the request of SALGA, by notice in respectively the *Government Gazette* or the *Provincial Gazette* make standard by-laws for local government.

A municipality is compelled to compile and maintain a register of all its by-laws (Section 15). Such compilation known as a *Municipal Code* must be made available on request to a member of the public (a reasonable fee may be charged for a copy in this regard).

Committees and office bearers

Mayor

A municipal council must elect a member of its executive committee (in cases where this type of committee has been instituted) as the mayor and may with the approval of the MEC elect a deputy mayor. The functions of a mayor include *inter alia* (S 49 of Act 117, 1998) to:

- preside meetings of the executive committee; and
- perform duties, including ceremonial functions and exercise the powers delegated to him/her by the council or executive committee.

The *Local Government: Municipal Finance Management Act, 2003*, deals with the responsibilities of the mayor with regard to budgetary and financial management. The mayor must in this regard:

- provide general political guidance over the fiscal and financial affairs of the municipality (s 52(a)), and establish a linkage between the processes required to review the IDP and budget
- take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's budget (s52(b))
- submit a report to council on the implementation of the budget and the financial affairs of the municipality
- exercise the other powers and perform the other duties assigned to the mayor in terms of the Act or delegated by council to the mayor
- take reasonable steps to ensure that a performance plan, called the service delivery and budget implementation plan, which must inform the performance agreement for the municipal manager is compiled
- take reasonable steps to ensure that a written employment contract and performance standards are set for the municipal manager
- consider monthly and quarterly financial reports, and take corrective steps in the event of poor performance
- report quarterly to the council.

The Act prohibits the mayor (or other councillors) from interfering in the financial management responsibilities assigned to the municipal manager or chief financial officer (s 52).

Executive mayor

Municipalities entitled to elect an executive mayor are

- metropolitan councils with a mayoral executive system
- metropolitan councils with a mayoral executive system combined with a sub council participatory system
- metropolitan council with a mayoral executive system combined with a ward participatory system
- metropolitan councils with a mayoral executive system combined with both a sub-council and a ward participatory system
- local councils (category B) with a mayoral executive committee system
- local councils with a mayoral executive system combined with a ward participatory system
- district councils (category C) with a mayoral executive system.

The functions of an executive mayor are to:

- identify the needs of the municipality
- review and prioritise the needs
- recommend to council strategies, programmes and services to address the needs
- recommend to council the relative most effective way of delivering the strategies (e.g. through partnerships)
- identify the criteria to measure the progress with the implementation of the strategies
- evaluate progress against key performance indicators
- review the performance of a municipality in order to improve efficiency and effectiveness
- monitor the administration of a municipality according to the council's policy directives
- oversee the provision of services to the community
- perform functions delegated to him/her by council
- report annually to council on community involvement
- ensure that regard is given to public views.

Mayoral Committee

If a municipal council, with an executive mayoral committee system, (*Municipal Systems Act, 2000, s 60*) has more than nine members its executive mayor must appoint a mayoral committee from among the councillors to assist him/her

- may delegate specific responsibilities to each member of the committee
- may delegate any of his/her powers to the respective members
- may dismiss a member of the mayoral committee

In a case where a municipal council has designated a power or function to the executive mayor it must be exercised and performed by him/her together with the other members of the mayoral committee (*Municipal Structures Act, 1998, section 60(3)*). The executive mayor appoints members of the mayoral committee and may also dismiss them. The mayoral committee members remain in office for the term of the executive mayor who appointed them. Should the executive mayor vacate his/her office the mayoral committee appointed by him/her dissolves. The Act does not require mayoral committees to be representative of the parties represented in a council.

MUNICIPAL MANAGER: HEAD OF ADMINISTRATION

Administration could be defined as the enabling functions required to give effect to political decisions/policies. Administration primarily concerns the establishment of *an enabling framework* for the performance of duties. It could thus be stated that the municipal manager has to develop and maintain:

- systems and processes for policy making
- organisational structures for orderly policy execution
- a system for the appointment and utilisation of human resources

- a system for the acquisition and utilisation of financial resources
- a system to ensure that work methods promote efficient and effective service delivery
- a system to ensure effective control and that public accountability can be maintained.

A municipal council is obliged to appoint a municipal manager (s 82, Act 117/1998) who is the head of administration and also the accounting officer. A person appointed as municipal manager must have the relevant skills and expertise to perform the duties associated with the post (*cf* schedule 3 of Act 32 of 2000).

In terms of section 55 of the Municipal Systems Act, 2000 the head of administration is the municipal manager. As such he/she is *inter alia* responsible and accountable for

- the formation and development of effective, efficient and accountable administration
- managing a municipality
- implementing the IDP
- managing the provision of services
- appointment of other personnel
- maintenance of discipline
- promotion of sound labour relations
- advising political structures and political office bearers
- managing communication between the administrative and political structures
- carrying out decisions of the political structures and office bearers
- administering and implementing by-laws
- facilitating community involvement in municipal affairs
- performing other functions that may be assigned by the council.

As the accounting officer of a municipality (section 55(2) of the Municipal Systems Act, 2000) the municipal manager is accountable for all assets and liabilities of a municipality; and for the diligent compliance with applicable municipal finance management legislation.

Management, put in simplified form may be viewed as the way in which the system is operated. It *inter alia* concerns the decisions taken regarding the different actions within the system as well as the way in which managerial staff operate to ensure that the resources are utilised effectively and efficiently by the line functionaries.

The relationship between administration/management and politics is not one of a servant – master relationship (Cameron, 2003: 55). The relationship is much more multi-faceted and complex. Therefore, it is necessary to consider the respective roles of the politicians and of the personnel corps more closely to be able to comprehend the administrative political interface.

It can be argued that council is the major authority to determine municipal policy. This approach negates the politics-administration dichotomy, according to which policy-making is the task of the legislator, whilst the execution of the policy is the task of the executive government institutions (the so-called administration). Although council is responsible for passing by-laws and resolutions (which could be regarded as written statements of policy), the municipal manager and other managers in the municipal departments as well

as civil society contribute to the formulation of policy (cf. section 16(1)(a) of the Municipal Systems Act, 2000 regarding the obligation of council to encourage communities to participate in the preparation, implementation and review of its integrated development plan) within the framework of their respective spheres of operation and within the parameters of policies passed by council.

The participation of the municipal manager in the formulation of public policy does not imply the *involvement in, but the acknowledgment of politics*. When an official proposes policy options through the municipal manager in the course of the execution of his/her duties, he/she performs a *political function* (in the sense of attaching an administrative value judgment to facts within the current political framework and interpreting societal requirements) and operates within the *ambiance* of politics. As soon as the two terms are brought into relation to each other, the 'separation' fades away. Politics and administration are like the two sides of a coin: an absolute separation is impossible. The legislation pertaining to local government is quite clear in this regard. By assigning functions and powers to municipalities it implies the duty to formulate policies and to perform the assigned functions to deliver services (see section 83 and 84 of the Municipal Structures Act, 1998). Consider as well the contents of chapter 5 of the Municipal Systems Act, 2000 concerning the integrated development plan. Section 11(3) of the latter Act specifically assigns the responsibility to develop and adopt policies to municipalities.

In practice, municipal managers should be able to distinguish when the decisions to be made fall outside their administrative sphere of authority and within the political domain of council or a political office-bearer. The implication is not that the managers should leave the important *qualitative* decisions to the political office-bearers, concerning themselves with making only unimportant (or less important) *quantitative* decisions. As a matter of fact, their decisions regarding the practical steps necessary to give effect to the political office bearers' decisions are definitely no less important than the decisions made by the latter. It is, however, necessary for managers to be able to distinguish between political activities, i.e. allocating *political value* considerations (to be performed by the political office-bearers) and administrative as well as managerial activities to be performed by the officials consciously recognising the values and needs of the community they serve. Even though these activities are performed respectively by politicians and managers they have to be integrated to achieve the goals of the municipality.

INTERFACE

The political/administrative interface is the grey area within which politics has to be distinguished from administration and management. If there is lack of trust or lack of clarity regarding the respective responsibilities, the executive institution cannot provide the services required. It should also be stated that to be able to separate the political and administrative functions to some extent, one has to assume that sufficient educated and talented people are available to fill both offices (Cameron, 2003:58) If this

condition cannot be met, an executive institution cannot promote the policy objectives of the particular executing authority and will not be able to integrate political values into the administrative and managerial systems.

The interface on the municipal sphere is much more complex than on the other two spheres of government. This is mainly due to the fact that the issues involved in municipalities concern the direct and daily lives of communities in clearly demarcated areas. Lack of service delivery is directly observable and often results in direct calls to the municipal councillor. The councillor in turn tends to liaise directly with the manager concerned, or worse still, with the particular official involved. This practice tends to cloud the distinction between the two functions. It also contributes to communication failures within the managerial system and detrimentally affects lines of authority within the system. (It is a requirement in section 53(5) (a) of the *Local Government: Municipal Systems Act, 2000* (Act 32 of 2000)). The Act specifically determines that when defining the roles and areas of responsibility of the political structures, the political office bearers and of the municipal manager a municipality *must* determine:

- the relationship among the political structures and the political office bearers and the municipal manager and the manner in which they must interact;
- appropriate lines of accountability and reporting for those political structures and the political office bearers and the municipal manager;
- mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping responsibilities between the two groups of role players;
- mechanisms, processes and procedures for resolving disputes; and
- mechanisms, processes and procedures for interaction between those political structures and office bearers; between the municipal manager and other staff members of the municipality; between councillors and the municipal manager; and between the council and other staff members of the municipality.

The challenge in obtaining an effective interface lies in the politicisation of the administration and management. It appears as though councillors and in particular executive mayors, tend to intervene in the administration of a municipality. The excuse used is that they want to have a *hands on* knowledge. However, the danger in this argument is that normal administrative and managerial duties become clouded by political concerns. The issue often seems to be whether the municipal manager and other managers will support the ruling party, not whether they will deliver services or satisfy the needs of the municipal community. The problem currently experienced in the lack of administrative credibility may partly be due to politically motivated appointments. If municipal managers are appointed on the basis of their professional knowledge and skills politicians need not concern themselves with the administration or management or doubt the commitment of the municipal manager to efficient and effective administration. The post of the municipal manager should again be professionalized. This will ensure that municipal managers are qualified to administer and to manage. They should also be appointed on five year contracts (renewable) to encourage them to develop long term policies and commitments to the community they serve.

CONCLUSION

The discussion focussed mainly on the type of municipality using the executive mayor and mayoral committee. Although the political administrative interface is also present in the other types of executive structures, the former complicates the relationship more. The executive mayor does not in all cases clearly distinguish between the political oversight role and the administrative responsibilities of the municipal manager. It also appears as though some municipal managers view their responsibilities mainly in promoting the manifestos of the ruling party than in managing a municipal personnel corps to render services to the community. In this regard some managers are more concerned with the promotion of party-political goals to keep the executive mayor in his/her position to safeguard his / her own employment than to promote efficient and effective administrative systems and managerial practices. The interface is thus indeed founded on politically inspired goals than on the delivery of services.

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