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EFFECTIVE MUNICIPAL GOVERNMENT AND ADMINISTRATION AS PRECONDITIONS FOR EFFICIENT SERVICE DELIVERY

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ABSTRACT

A new system of municipal government and administration has been introduced in 2000. This required new geographical, political, administrative and managerial arrangements to render municipal services within the total area of South Africa. Not only were newly elected councillors faced with extensive challenges, officials were also required to render a wider variety of services on the local sphere of government than ever before in South Africa's existence. The *Constitution of the Republic of South Africa*, 1996 demands that local government must provide democratic and accountable government for local communities; ensure the provision of services to communities in a sustainable manner; promote social and economic development; promote a safe and healthy environment; and encourage the involvement of communities and community organisations in the matters of local government. The Constitution also assigns the municipalities with a developmental duty. These conditions clearly indicate that democratic principles must be adhered to which *inter alia* require the participation by communities in the governmental processes.

With the development of the concept of *governance* a new dimension was added in the area of the operation of the public sector. Governance requires co-operation among the governmental bodies, the administrative/managerial sectors and society in providing services public services. In the case of municipal government and administration governance implies that provision has to be made for the involvement of civil society in rendering services directly affecting them. The challenge facing the municipal council, its executive departments as well as its public-private-partnerships require accommodating civil society without compromising efficiency and effectiveness. The paper addresses the complex relationship required to acknowledge the democratic ideals of consulting and even utilising civil society, thus accommodating the concept of governance, but still adhering to the administrative requirements for efficiency and effectiveness.

INTRODUCTION

The system of municipal government and administration in South Africa is relatively new within the context of governmental systems. It has been in operation since 2000 while the current municipal councils have been in office for a mere six months. It could, therefore, be argued that time should be allowed for newly elected councillors and even newly appointed municipal managers to gain experience. However, municipal communities have no interest in the time politicians and officials have spent in office. Services have to be rendered. Blocked drains must be cleaned; burst water pipes repaired; potholes repaired; and refuse must be removed. This requires continuity in administration and management within a municipality irrespective of the council in charge of the legislative and governing functions or of the experience of the municipal manager and other officials.

The availability of financial and physical resources and the capacity of its human resources are important. However, the quality of the administrative infrastructure could be viewed as one of the most important prerequisites for efficient service delivery. This paper considers the characteristics of an effective and efficient municipal administrative structure. Attention will also be devoted to the managerial qualities required to obtain efficient service rendering.

CHANGING ROLE OF LOCAL GOVERNMENT

Traditionally local government in the South African context was required to render only typically municipal functions e.g. water provision; electricity supply; refuse removal and some ancillary services. The South African scene was complicated by the policies of former governments with the introduction of segregated municipalities on the basis of the so-called race of the communities served. This resulted *inter alia* in the duplication of some services and the duplication of infrastructure. It also contributed to an unequal division of revenue accruing to the different categories of local authorities. No comparison was possible between the so-called White municipalities; the Black municipalities and the Coloured and Indian management and local affairs committees. No discussion is provided concerning the functioning of the disjointed structures. It is sufficient to register the historical background of more or less 1100 municipal structures responsible for municipal services in *urban* areas.

The new system of local government was initiated with the *Local Government Transition Act, 1993* (Act 209 of 1993). This Act provided for an interim phase during which segregated municipalities were consolidated and elections held on a non- discriminatory basis. This then resulted in the creation of 843 new municipalities including all the race groups into one municipal system. This served as the basis for the establishment of 284 municipalities after the adoption of the *Municipal Government: Municipal Demarcation Act, 1998* (Act 27 of 1998) and the passing of the *Local government: Municipal Systems Act, 1998* (Act 117 of 1998). These acts established non-racial municipalities for total area of the Republic of South Africa.

It is imperative to note that the new municipalities have to operate within the constitutional guidelines provided in terms of the *Constitution of the Republic of South Africa, 1996*. The most significant sections relating to the operation onf the local sphere of government are as follows:

- Section 2: the Constitution is the supreme law of the Republic and law or conduct inconsistent with it is invalid;
- Section 151(2): the executive and legislative authority of a municipality is vested in its municipal council;
- Section 151 (3): a municipality has the right to govern, on its own initiative the local government affairs of its community, subject to national and provincial legislation, as provided in he Constitution;
- Section 152 (1)(a): The objects of local government are to
  - provide democratic and accountable government for local communities
  - ensure the provision of services to communities in a sustainable manner
  - promote social and economic development
  - encourage the involvement of communities and community organisations in the matters of local government:
- Section 153: the developmental duties of municipalities require that its structure, and management should give priority to the basic needs of the community and promote social and economic development of the community;
- Section 195: the basic values and principles governing public administration (and thus municipal government *cf* section 195(2)) include the need to the promotion of efficient, economic and effective use of resources; the maintenance of a high standard of professional ethics; that services have to be provided impartially, fairly, equitably and without bias; and that people's needs have to be responded to.

Considering the above brief explanation of the recent historical developments in the establishment of the system of municipal government and administration and the requirements of the Constitution, 1996 it should be clear that it is not a case of *business as usual*. The total physical, social and economic environments of the local sphere of government have been changed dramatically. It could thus be stated that the system had indeed been transformed i.e. its outward appearance, character and functioning are totally different particularly in regard to the demand that municipalities have a developmental role to play.

DEVELOPMENTAL ROLE

The constitutional requirement that municipalities have to be developmental demands innovative policies and practices from municipalities. It should also be borne in mind that some of the newly demarcated category C and even a number of category B municipalities originated from a low economic base. Most of them operated in an unsustainable environment as they were compelled to render services in accordance with illogical government policies. To accept the developmental role they had to undertake a fundamental shift to include processes to identify, harness, and utilise resources to stimulate the local economy and more importantly to create the conditions necessary to operate in a sustainable manner (Harrison, Reddy & Nene in Reddy, Sing & Moodley. 2003.177).

Developmental implies to activities incidental to growth (The Concise Oxford Dictionary). It is therefore, clear that the *new* municipalities are no longer required to merely render basic services to the communities served, but must formulate new and untested policies; utilise financial resources available to them and explore the possibility new sources; and to appoint and utilise human resources within the terms of the plethora of labour legislation. In this sense councils and appointed officials should escape the safe cocoon established by legislation to merely give effect to the contents of acts of Parliament. The *spirit* of the Constitution, 1996 must be honoured i.e. the conduct of officials and councillors in their endeavours to meet societal needs should reflect the constitutional guidelines.

It should be noted that developmental does not only refer to the services that have to be rendered. Municipalities are also required to develop the communities they serve (*cf* sections 152(1)(c) and (e) of the Constitution, 1996. It could thus be argued that municipalities have to ensure that formerly marginalised communities as well as people who could not or cannot participate in the normal municipal activities are afforded opportunities to utilise their knowledge and skills. This is e.g. provided for in the ward committee system that requires *inter alia* (*Municipal Structures Act*, 1998, Sec.73) the inclusion of women in an equitable manner; and the representation of the diverse interests in a ward. Thus provision could be made for the inclusion of illiterate people, people with disabilities and the indigent who may not be able to attend council meetings or public hearings.

The developmental duties of municipalities are extended with chapter 4 of the *Municipal Systems Act, 2000.* Section 16 requires a municipality to encourage and create conditions for the local community to participate in the affairs of a municipality. Section 17 (3) of the Act clearly demands of a municipality to attend to especially people who cannot write; people with disabilities; women; and other disadvantaged groups.

The developmental role of municipalities could be promoted by the utilisation of municipal entities. Section 76 of the *Local Government*: *Municipal Systems Act, 2000* (Act 32 of 2000) provides for the establishment of *inter alia:*

- a municipal entity
- a water committee
- a licensed service provider
- a traditional authority
- a community based organisation or other non-governmental organisation legally competent to enter into such an agreement
- any other institution, entity or person legally competent to operate a business operation.

Regarding the latter mentioned option a municipality may utilise any of the following:

- *Corporatisation* – In some cases a municipality can improve the delivery of a service by corporating it – that is by creating a municipal company that will provide the service. The company belongs to council and is accountable to it for its performance. Municipalities have to deliver so many different services that it is not possible to focus on the best way to deliver certain specialized services.
- *Municipal service partnerships (MSPs)* – There are instances where a municipality might feel that instead of providing the service directly they would rather hire someone else as a service provider to do it. Other municipalities, organisations (NGOs or CBOs) or private companies may have better resources and management skills to provide the service.

The most important factor to consider here is the level at which the service is provided. The choice of the level of a particular service is influenced by affordability as well as community needs. If a municipality provides a service at a higher level the costs to provide the service increases and so does the price that the municipality will have to charge its customers. The following table lists the different service levels for the most important services:

Table 1: Service Levels

Service Type	Level 1 Basic	Level 2 Intermediate	Level 3 Full
Water	Communal Standpipes	Yard taps Yard tanks	In house water
Sanitation (Sewerage collection /disposal	VIP Latrine	Septic tanks	Full water borne
Electricity	5-8 Amp or non-grid electricity	20 Amps	60 Amps
Roads	Graded	Gravel	Paved/tarred & kerbs
Stormwater drainage	Earth lined open channel	Open channel lined	Piped systems
Solid Waste Disposal	Communal Residents	Communal Contractors	Kerbside

- *Service contracts*: A service contract is an agreement between a municipality and a service provider to provide a particular aspect of a municipal service on a short-term basis – only one or two years. The municipality provides the budget and monitors the performance of the service provider to ensure that the service provided is of a good quality and within the allocated budget.
- *Management contracts*: A management contract is an agreement between a municipality and a service provider for the service provider to manage a particular service. The type of agreement typically lasts between three and five years.
- *Leases:* A lease is an agreement between the municipality and the service provider where the service provider is responsible for the overall management and delivery of a municipal service. The operating assets of the council are hired by the service provider and used to perform the service. The service provider is also responsible for operating, repairs and maintenance for the service in provides.

- *Concessions:* A concession is an agreement between a municipality and service provider where the service provider is responsible for the management, operation, repair and maintenance of a particular service. The service provider is required to invest large sums of money to expand and improve the service.

When a municipality has decided to provide a service through a MSP it must then decide on an appropriate service provider – a provider that can meet the municipality's delivery goals at an affordable price and by means of affirmative procurement procedures.

The *Municipal Systems Act, 2000* provides guidelines concerning the factors to be borne in mind when deciding which mechanism to be used for service delivery. Section 77 for example requires a municipality to consider a request from a local community to participate in terms of chapter 4 of the Act (providing for community participation). Section 78 of the Act furthermore requires a municipality to assess *inter alia* the impact of the proposed mechanism for service delivery on development, job creation and employment patterns in the municipality. A municipality is also required to explore the possibility of providing the service through an external mechanism (Section 78 (2) (b)). Thus it is obvious that government promotes the utilisation of external entities to act as the providers of municipal services and consequently allows the municipality to assist in the development of communities.

CHALLENGES FACING MUNICIPALITIES

The current system of municipal government and administration certainly provides some significant and positive objectives to be achieved. However, these goals are not to be achieved without addressing the challenges posed. These challenges do not concern only the fact that extensive areas have to be served as in the case of district municipalities. Municipalities also have to develop the administrative and managerial capacity to provide the more comprehensive services demanded of them e.g. social and economic development.

Financial challenges

As already alluded to, municipalities have to develop the capacity of its community to participate in municipal affairs and more significantly to contribute to service delivery through public-private-partnerships, contracts, community based organisations and related entities. In utilising these structures, the municipality still retains overall accountability for the quality of the service. It also has to abide by the requirements of section 84 of the *Local government: Municipal Finance Management Act, 2003* (act 56 of 2003). This section sets out the financial considerations for the utilising a municipal entity.

It is obvious that the financial management of a municipality will be more complex than before. When using an external entity the municipal manager through the chief financial officer will have to provide for mechanisms to monitor the financial affairs of such entity. If an external entity should collapse as a result of financial mismanagement or corrupt activities, the municipality will be required to continue rendering the services, financing it from own resources. Ultimately the municipal manager as the accounting officer accepts responsibility for all financial matters (*cf* Section 63 (1)(a) which states that the accounting officer of a municipality is responsible for "the assets of the municipality ; and the liabilities of the municipality". The particular section also requires of the municipal manager to ensure the sufficient managerial arrangements exist to safeguard the revenue and assets of a municipality. A budget and treasury office is provided for in section 80 of the relevant Act to perform particular duties to assist the municipal manager in performing his fiduciary duties.

The argument could be made that the financial environment within which municipalities operate is complex and pose particular challenges. This is brought about by the need to utilise external entities not under the direct managerial responsibility of the municipal manager to perform typical municipal functions. The challenges are compounded by the extensive nature of the services required to achieve its developmental goals. These goals have to be achieved with limited resources and within a policy of the provision of free basic services to the indigent. This policy implies that a municipality has to consider other ways and means to recover the loss of expenditure due to the free basic services provided.

Human resources

One of the most significant developments in South Africa since the establishment of the democratic Republic of South Africa is perhaps the extensive legislation adopted regarding human resource management. This matter is not discussed at length as reference is only required to the challenges posed to local government. Section 67 of the *Municipal Systems Act, 2000 e.g.* requires a municipality to develop and adopt appropriate systems and procedures to ensure fair, effective, efficient and transparent personnel administration that complies with the *Employment Equity Act, 1998.*

One of the primary sources to ensure that equitability is obtained and maintained in the recruitment and selection of human resources is probably the *Employment Equity Act,* 1998 (Act 55 of 1998). The preamble to the Act reads as follows:

Recognising that as a result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the labour market …

- The Act, therefore, endeavours to: – promote the constitutional right of equality and the exercise of true democracy;
- eliminate unfair discrimination in employment;
- ensure the implementation of employment equity to redress the effects of discrimination;
- achieve a diverse workforce broadly representative of our people;
- promote economic development and efficiency in the workforce; and
- give effect to the obligations of the Republic as a member of the International Labour Organisation.

The Act applies to the private and the public sectors and is aimed at (S.2):

- promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and
- implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups (defined in the Act) in order to ensure their equitable representation in all occupational categories and levels in the work force.

It should be obvious from the purposes of the Act that recruitment and selection have to acknowledge the need to transform the composition of the human resource component of all employers, including municipalities. The point of departure would be the recruitment, selection (and appointment) phases. Unfair discrimination is expressly prohibited in the Act (S. 6). What is significant regarding the current approach to employment, is that prohibited discriminatory practices include a variety of categories e.g. race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth. Furthermore, the Act clearly states that it is not unfair discrimination to take affirmative action measures within the framework of the Act or to distinguish, exclude or prefer any person on the basis of an inherent requirement of a job (S. 6(2)).

The *Basic Conditions of Employment Act,* 1997 (Act 75 of 1997) gives effect to the constitutional requirements for fair labour practices. The Act also regulates the basic conditions of employment of employees and provide for various other matters connected therewith. Considering the Act in general, it provides for *inter alia:*

- the regulation of working time;
- leave;
- remuneration;
- termination of employment;
- prohibition of the employment of children and forced labour; and
- the possible variation of the basic conditions of employment to acknowledge sectoral differences.

As is the case with various other policy directives, the Act provides for an *Employment Conditions Commission* (S. 59) to advise the Minister of Labour on conditions of employment and related issues. The Commission may also advise the Minister of Social Development on any matter considering the employment of children; and advise the Minister of Public Service and Administration on matters concerning basic conditions of employment in the public service. Although the Act refers to the Mister it may seem as though the Act is inapplicable to the local sphere of government, the basic conditions of service apply to municipalities as well.

The *Occupational Health and Safety Act,* 1993 (Act 85 of 1993), requires employers to provide for the health and safety of persons at work and for the health and safety of persons in connection with plant and machinery. Provision is also made for the establishment of an *Advisory Council for Occupational Health and Safety* (S.2). The Council has to advise the Minister on matters of policy and of, or in connections with, the application of the provisions of the Act (S.3).

One act that requires specific attention in a discussion on safety in the workplace is the *Tobacco Products Control Amendment Act,* 1999 (Act 12 of 1999). This Act *inter alia* prohibits smoking in public places (S3). The result of this prohibition is that an employer has to safeguard non-smokers and non-smoking clients. It again emphasizes the obligation of a municipality as an employer to provide a safe and healthy environment for all employees or workers operating in a closed environment.

The Bill of Rights in the Constitution, 1996 (S.9) establishes equality as a basic right. The *Promotion of Equality and Prevention of Unfair Discrimination Act,* 2000 (Act 4 of 2000) was adopted to give effect to the right to equal treatment. This right does not apply to only individuals in accessing services provided by the private and the public sectors. It also prevents and prohibits unfair discrimination in the work place. Harassment is prohibited while hateful speech and discriminatory practices are also excluded. The Act under consideration thus enacts the constitutional principle by prohibiting unfair discrimination and simultaneously promoting the achievement of equality. The Act clearly defines the different actions that could be considered discriminatory or that may hamper sound interpersonal relationships. The Act specifically binds the state (S.5) and consequently municipalities.

One of the first acts passed by Parliament to give effect to the constitutional principles regarding labour rights was the *Labour Relations Act,* 1995 (Act 66 of 1995) (Passed in accordance with the interim Constitution, 1993). The LRA's purpose is to advance economic development, social justice, labour peace and the democratisation of the workplace by fulfilling the primary objects of the Act i.e. (Section 1) *inter alia* to

- give effect to and regulate the fundamental rights conferred in the Constitution (Section 27 of interim Constitution, 1993 and later Section 26 of the current *Constitution,* 1996);
- give effect to obligations incurred by the Republic of South Africa as a member state of the International Labour Organisation; and
- promote employee participation in decision-making in the workplace.

The LRA is not dealt with in detail as the objects of the discussion are more extensive than one Act. However, as the Act forms part of the broad labour policy framework a brief reference is considered justifiable. Democratisation is part and parcel of the constitutional principles. In this regard the LRA provides extensive rights to employees' rights to freedom of association (Section 4). Even prospective employees' rights are protected as they may not be discriminated against if they exercised any rights conferred by the LRA (Section 5). As a counter right, employers such as municipalities have similar rights e.g. the freedom of association (SALGA) and prohibition of discrimination against an employer for exercising any right conferred in terms of the Act (Section 7).

The abovementioned acts provide the legal framework within which municipalities have to appoint and utilize its human resources. In this regard it should also be considered that the newly appointed staff members may lack municipal experience and may not be fully *au fait* with the policy framework of a municipality or the legislative framework within which the local sphere of government operates.

Human resource development adds to the responsibilities of an employer. This is mainly due to the fact that development programmes should be focused on employees'

skills and competencies to be on the cutting edge of the institution's area of operation. Employers are afforded the opportunity to facilitate such extensive human resource development through the *Skills Development Act,* 1998, (Act 97 of 1998).

The purpose of the *Skills Development Act,* 1998, is quite extensive and is *inter alia* aimed at

- strategies to improving the skills of the South African workforce;
- integrating the strategies within the National Qualifications Framework;
- providing learnerships that lead to recognized occupational qualifications;
- providing a mechanism to finance skills development through a levy-grant and a National Skills Fund; and
- regulating the various employment services.

As already explained earlier, the paper is not aimed at a clarification of all the legislation governing labour. The different acts are merely used to illustrate the legal requirements that municipalities as employers have to meet. In this regard the *Skills Development Act,* 1998, endeavours to develop the skills of the South African workforce, thereby improving the quality of life of workers and their prospects of work and labour. The Act furthermore encourages employers to use the workplace as an active learning environment; to provide employees with the opportunities to acquire new skills; to gain work experience; and to employ persons who may find it difficult to be employed by improving their employment prospects.

Just administrative action

An employer has the obligation to ensure that all administrative actions relating to his/her employees are carried out in a just and fair manner. This implies that in a similar manner as is required that an employer must act justly in dealing with his/her customers it should apply to the personnel matters as well.

The *Promotion of Administrative Justice Act,* 2000 (Act 3 of 2000) requires that any administrative action which materially and adversely affects the rights or legitimate expectations of any person to be procedurally fair (S. 3(1)). The Act clearly states that a fair administrative action depends on the circumstances of each case. However, the following prerequisites have to be met (S. 3(2)):

- adequate notice of the nature and purpose of the proposed administrative action must be provided;
- a reasonable opportunity to make representations must be provided;
- adequate notice must be provided of any right to appeal; and
- adequate notice must be provided of the right to request reasons.

It is important to note that an employer is obliged to honour this legislation in handling human resource matters. The Act clearly requires procedurally fair administrative action affecting *any person* and applies to any organ of state, a natural or juristic person when exercising a public function or public power (S. 1(b)). Therefore, in labour related issues this Act should be duly considered.

Access to information

One of the important prerequisites for the maintenance of democracy is the access to information concerning the activities of government and all organs of state. The Constitution, 1996, requires in the Bill of Rights (S.32) that everyone must have access to any information held by the state; and any information that is held by another person and that is required for the exercise or protection of any rights.

In view of the above constitutional provisions it is obvious that the employees of any institution also have the right of access to any information affecting their rights e.g. regarding appointment, promotion, disciplinary actions, supervision, termination of services, or related labour matters.

It should be borne in mind that the *Promotion of Access to Information Act,* 2000 (Act 2 of 2000) does not provide unlimited access to any kind of information held by e.g. an employer concerning staff matters. The Act applies to *records* held by any public and private body (S.3) with particular exclusions. In general it could be stated that access to any information that is held by the state (including municipalities) or "another person and that is required for the exercise of any rights" is facilitated by the Act. Thus it could be argued that an employee has the right to access any information held by his/her employer concerning a matter directly affecting him/her. Particular processes may be required (S.17) and a specific format for the enquiry may be prescribed (S.18). A mandatory protection of the privacy of a third party, that is a natural person, is granted by the Act (S.34). The same protection applies to certain confidential information regarding a third party.

Physical environment

Development facilitation

The *Development Facilitation Act,* 1995 (Act 67 of 1995) provides *inter alia* for the introduction of extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land; to make decisions and resolve conflicts in respect of land development projects; to facilitate the formulation and implementation of land development objectives by reference to which the performance of local government bodies in achieving such objectives may be measured; to provide for nationally uniform procedures for the subdivision and development of land in urban and rural areas so as to promote the speedy provision and development of land for residential, small scale farming and other needs and uses.

The Act sets out general principles (in Section 3) for land development requiring *inter alia* the promotion of integrated land development; the promotion of the availability of residential and employment opportunities in close proximity to or integrated with each other; to discourage the phenomenon of urban sprawl in urban areas; to contribute to the correction of historically distorted social patterns; to encourage environmentally sustainable land development practices and processes; and to obtain the active involvement of communities in participating in the process of land development.

Environmental Management

The *National Environmental Management Act*, (107 of 1998) provides for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment and for procedures that could promote co-operative governance regarding environmental functions exercised by organs of state. The principles of the Act apply throughout the Republic to all organs of state that may significantly affect the environment (section 2(1)). It also requires that environmental management must place people and their needs at the forefront of its concern and serve their physical, psychological development and social interests equitably. It also requires development to be socially environmentally and economically sustainable.

MANAGERIAL CHALLENGES

The challenges mentioned in the previous paragraphs already provide an indication of the complexity of the environment within which a municipality operates. To administer the system and to utilise the resources demand an informed council and a knowledgeable and committed workforce under the guidance of the municipal manager. The following administrative considerations are of particular importance.

Policy framework

A policy framework is required within which the municipality has to manage its financial and human resources; to provide the extensive services required of a municipality; to provide for the physical development of the area within which it operates; development its community to eradicate the inequalities of the past. In this regard it is imperative to note that the democratic system of local government requires the involvement of communities in determining policies. This implies that various mechanisms have to be pursued to ensure that the different communities are sufficiently consulted in policy making /e.g. the indigent, the disabled, the illiterate, women and in the deep rural areas where the traditional leaders play a significant role also these leaders.

The required policy framework should also acknowledge the extensive legislative framework of the national and provincial governments. Although municipalities are authorised to govern their own affairs (Section 155(3) of the Constitution, 1996) it is subject to national and provincial legislation. Again this emphasises the need for councillors and the municipal manager to note the broad policy framework within which they have to determine municipal specific policies.

Financial requirements

Municipalities are expected to provide sustainable services and as such must also be financially viable. This requires of municipalities to utilise their sources of revenue fully. However, it should also be noted that revenue from the *traditional* revenue sources e.g. electricity, water provision, refuse removal and sanitary services are now being affected by the requirement that basic services should be provided free of charge to the indigent (even if there are particular limits). Furthermore, new responsibilities are assigned to municipalities e.g. environmental management, housing, health services and welfare services. (*cf* schedules 4 & 5 Constitution,1996).

Limited support is obtained through the equitable share from Treasury and the provisions of the annual *Division of Revenue Act.* However, municipalities still are required to utilise their own resources fully. In this regard criticism is often expressed as a result of the failure of municipalities to collect the revenue due to them. Lubbe & Rossouw indicated in their article (JOPA.40 (4) Dec2005.785) in 2005 already amounted to R 17 969 686 010. They also argued that the debt situation is going from bad to worse and that it has reached alarming proportions.

The foregoing reference highlights the need for municipalities to improve their financial management to at least collect the revenue they are entitled to. As a matter of fact, they should also ensure that their financial obligations to suppliers are honoured to prevent penalties and embarrassment to the municipality. Thus, revenue collection and expenditure control go hand in hand and should be managed efficiently to ensure the viability of the municipality.

The *Municipal Finance Management Act, 2003* provides in chapter 11 specifically for supply chain management to ensure the proper acquisition of goods and services for a municipality. This is probably one of the most contentious issues in a municipality and one that is rather susceptible to corruption and malpractices. Therefore it is important for councils and municipal managers to adhere to the prescribed guidelines as well as to the spirit of the Constitution demanding just administrative action.

Human resource management

Human resources is probably on e of the most expensive resources and also one of the most complex to manage. The efficiency and effectiveness of a municipality is almost exclusively determined by the efficiency of its human resources. Therefore in its endeavours to deliver services to its community a municipality is dependent on the capacity and the commitment of its labour force. Labour legislation lays down specific guidelines for the appointment and utilisation of staff. Municipal councils are obligated to operate within this framework and the human resources managed accordingly.

To be able to provide the extensive services require from municipalities its human resource management should provide for the implementation of effective performance management schemes. It should not only be a case of paying lip service to the requirement, but clear and measurable performance indicators should be introduced e.g. in the case of the municipal manager the amount of revenue collected and the amount of outstanding debts as one of the criteria. Similarly for other staff members clear performance indicators should be developed.

Accountability requirements

Accountability simply stated, means to give reasons for action or inactions. It is a statutory requirement that municipalities must report on their activities. Section 105(1)(b) of

the *Municipal Systems Act, 2000, e.g.* requires the MEC for local government to establish mechanisms, processes and procedures to monitor the development of municipalities. In the case of non-performance and maladministration in a municipality, the MEC must by written notice request the municipal council or the municipal manager to provide the MEC with the required information. Section 107 of the Act under discussion the MEC may require a municipality to submit to a specific organ of state such information concerning their affairs as may be required .

Of particular importance in the public sector is the need for accountability in financial matters. It is, therefore no exception that the *Municipal Finance Management Act, 2003,* contains explicit requirements in this regard. Except for the requirement to report on the annual budget (Sections 71 & 73) specific provisions relate to financial management. Section 74 (1) of the Act obligates the accounting officer of a municipality to submit to the National Treasury, the provincial treasury, the department of local government in the province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.

The Auditor-General is on of the constitutional bodies supporting democracy *cf* Section 188 of the *Constitution, 1996.* The Auditor-General is required in terms of section 188(1)(a) to report on *inter alia* the accounts and financial statements of all municipalities. Thus the provincial legislature (in terms of section 188(3) of the Constitution) is afforded the opportunity to determine what the financial status of each municipality under its jurisdiction is. An issue of concern currently is that many municipalities fail to submit their annual statements to the Auditor-General on time or at all. This poses a serious threat to the maintenance of accountable local government. If it is considered in this regard that municipalities are the public service provider nearest to the community and that they are the major role player affecting the daily lives of communities. This omission of accountability demands urgent attention.

MEETING EFFICIENCY STANDARDS

Having considered the environment within which municipalities operate and the challenges facing local government it is obvious that efficiency should be a prerequisite. However, it is also obvious that efficiency depends largely on the quality of government at the local sphere of government. This implies that a council should exercise its governing functions promptly and without fear or favour .In this regard it implies that guidance must be given to its employees; that progress must be monitored; and that accountability must be demanded for action, inaction or failure to meet set standards. Sufficient legislative measures exist to enable a council to enforce its authority. However, it appears as though party political considerations sometimes impede the exercising of the powers assigned to councils to govern.

The municipal manager is the head of administration (*cf* section 55(10 of the *Municipal systems act, 2000* and in this capacity he)/ she is responsible and accountable for the " formation sand development of an economical, effective, efficient and accountable administration". In terms of section 60 of the *Municipal Finance Management Act, 2003,* the municipal manager is the accounting officer of a municipality. As such must take all reasonable steps to ensure that the resources of the municipality are used effectively, efficiently and economically (Section 62(1)(a)) He/ she is also required to ensure that all resources are used in accordance with prescribed norms.

CONCLUSION

The results from municipal reports indicate that a number of municipalities fail to adhere to the basic guidelines required to obtain efficiency in their administration and service delivery. This failure is not due to alack of legislative measures or lack of policy guidelines. The failure to operate efficiently is mainly due to inability or unwillingness to give effect to policy guidelines. In some cases the lack of experience is also quoted as a reason for inefficient administration and ineffective service delivery. However, it could be argued that although councils may be rather inexperienced as they had only been elected earlier in 2006, officials are normally appointed for fixed terms or for periods that could indicate careers. Therefore, officials as the advisors of council should promote efficiency in service delivery.

Lack of commitment and lack of perseverance may be the most important factors inhibiting efficient service delivery. Party political influence unfortunately is also a significant stumbling block in the achievement of the goals of municipalities. Municipalities should endeavour to set clear goals, set and adhere to set performance standards and demand that the standards be met. Action should be taken against officials for non-performance, corruption or other malpractices. Furthermore provincial government should use their authority to take decisive action against councils who do not comply with the accountability requirements of the appropriate legislation. Efficiency can only be achieved if a commitment is obtained from the officials and the councillors to act in the best interest of the communities they serve and to act without fear or favour.

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THE RECONSTRUCTION OF BRIDGES FOR AFRICA'S CONTEXTUAL SOCIAL DEVELOPMENT AND LEARNING

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ABSTRACT

The Western notion of building bridges for Africa's social development is deceiving in that it implies that Africa never had bridges. Should the notion of the building of bridges be accepted, questions arise as to who is building bridges for whom, which materials are being used, and for the purpose of achieving which specific objectives. These questions require responses. In this paper, the applied rationale is against the background that indigenous African bridges for human resource development and learning have been demolished by colonial regimes. The demolition of these bridges was not unconscious on the side of the colonial powers, but purposeful. The acceptance of these sentiments culminates in the notion of *reconstruction*. Hence the subject of this inquiry is the *reconstruction* of bridges for Africa's contextual social development. In destroying these bridges, the colonial regimes deprived themselves of a lifetime of learning experiences at the interpersonal, cultural and institutional levels. They opted for the formulation of myths about and against African sons and daughters, the physical conditions of their beloved continent and the way of living of all Africans around the globe. The emphasis in this paper is contextual in that the *reconstruction* process requires both context and scope. The *reconstruction* should be carried out from African perspectives using materials that have relevance to Africa's situation. The aspect of *development* does not communicate that Africa is underdeveloped. The paper moves from the premise that development is never stagnant, and accepts that by its standards, Africa is adequately developed. This developmental state is, however, continuous. If it is contended that Africa is underdeveloped, the criteria and standards used to reach such a judgment require attention mindful of long struggles wielded against colonial powers to end foreign interference. The linkages in this paper of colonial regimes in Africa, long after political liberation, serve as a concrete foundation upon which **reconstruction** should be based.