



Councillor Induction Programme

Handbook for Municipal Councillors



SALGA

South African Local Government Association

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SALGA and GTZ South Africa, March 2006

Acknowledgements

This Handbook for Municipal Councillors is part of SALGA's larger Skills Development and Capacity Building Initiative.

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Special appreciation is expressed to EISA and Planact for the preparation of the Handbook. Both organisations have provided invaluable knowledge and expertise in the field of local governance and municipal development.

We also thank GTZ's Strengthening Local Governance Programme for making this project possible.

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Councillor Induction Programme

**Handbook for
Municipal Councillors**



Executive Mayor Councillor Amos Masondo
Chairperson of SALGA

Foreword

The South African Local Government Association (SALGA) is indeed proud to produce this edition of the Councillor Handbook with the support of the Department of Provincial and Local Government, Masibambane and the German Technical Cooperation (GTZ).

Many municipalities across the country will witness the ushering in of a new cadre of councillors whose main responsibility will be to play a crucial role in accelerating service delivery to their respective communities. Moreover, councillors will be increasingly called upon to lend positive impetus to the process of public participation in the affairs of their municipalities, be the political custodians of good governance and accountability, and to vigorously advocate for the needs of their constituents – hence the publication of this Handbook to aid you with the challenging tasks that await you.

It is opined that this Handbook for Municipal Councillors, which is an integral component of the Councillor Induction Programme, will inculcate in councillors a broad understanding of their roles and responsibilities, the legislative framework, policies and procedures, and the express mandate of a developmental local government system.

In using this Handbook as a constant source of information during their term of office, councillors must be acutely mindful that in spite of the significant progress that has been acknowledged in all areas of service delivery, much more has to be done to counter the effects of poverty, increase the pace of job creation, and to give meaning and effect to local economic development programmes.

In wishing you every success in all your endeavors to create a better life for all South Africans, we are confident that all councillors will discharge their responsibilities with the highest degree of integrity in this Age of Hope. South Africans expect all municipalities to be at the cutting edge of quality and sustainable services.

I am sure that through our dedication and hard work, we will and shall deliver. Good luck!



Dr Makhosi Khoza
CEO: SALGA

Preface

First and foremost, I take this opportunity to congratulate you on being elected to your Municipal council. I believe that once the excitement of the election subsides you may well have just a little sense of apprehension at the responsibility entrusted on you. You are therefore now part of the democratic local governance system of the Republic of South Africa.

The 2006 Local Government elections have ushered in a new cadre of councillors, many of whom are women. The South African Local Government Association (SALGA) acknowledges that this is a critical time for the local government sector as municipalities are increasingly faced with resistance from communities on service delivery matters. While there are compelling reasons for services not being adequately delivered in certain areas, the strengthening of the capacity of councillors and officials remains a key factor. The elections provided an opportunity to re-look and re-think systems so that local government is able to deliver on its mandate.

Being mindful of the capacity constraints of the political and administrative echelons of municipalities, SALGA has initiated this induction and Handbook as a programme aimed at appropriately equipping councillors with the required knowledge and expertise. The Handbook covers the policy and legal framework guiding local government; the role of co-operative governance and municipalities' important role in this respect; roles and functions of councillors; key Municipal processes, such as the Municipal Integrated Development Planning, Municipal budgeting and financial management, performance management, public participation, personal and leadership skills as well as meeting procedures. It is expected that this Handbook will help you attain a clear understanding of the local government environment and processes and address the challenges of local development.

In making this Handbook possible, I extend my sincere gratitude to the German Agency for Technical Cooperation's (GTZ) Strengthening Local Governance Programme for their invaluable support.

In wishing you a successful, meaningful and fulfilling term as an elected representative, the following excerpt from President Thabo Mbeki's State of the Nation address in February 2006 offers every councillor valuable direction: "We must ensure that the local government sphere discharges its responsibility effectively and efficiently, honouring the precepts of *Batho Pele*".

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Abbreviations

CBO	Community Based Organisation
CBP	Community-based Planning
DBSA	Development Bank of Southern Africa
CDW	Community Development Workers
CFO	Chief Financial Officer
DG	Director General
dplg	Department of Provincial and Local Government
EPWP	Extended Public Works Programme
GTZ	German Agency for Technical Co-operation
IDP	Integrated Development Plan
INEP	Integrated National Electricity Programme
ITP	Integrated Transport Plan
KPA	Key Performance Area
KPI	Key Performance Indicator
LED	Local Economic Development
MC	Mayoral Committee
MEC	Member of Executive Council (of Province)
MFMA	Municipal Finance Management Act, 2003
MIG	Municipal Infrastructure Grant
MINMECs	Minister and Members of the Executive Councils
MSA 1998	Municipal Structures Act, 1998
MSA 2000	Municipal Systems Act, 2000
MTSF	Medium Term Strategic Framework
NGO	Non government organisation
NSDP	National Spatial Development Perspective
NT	National Treasury
PCC	President's Co-ordinating Council
PGDS	Provincial Growth and Development Strategy
PMS	Performance Management System
POA	Government's Programme of Action
PR	Proportional Representation
SALGA	South African Local Government Association

Introducing the handbook



*'We must ensure that the machinery of government, especially the local government sphere, discharges its responsibilities effectively and efficiently, honouring the precepts of **Batho Pele – The People First.**'*

Source: Excerpt from President Thabo Mbeki's State of the Nation Address to Parliament on 3 February 2006.

Local government is regarded as the sphere of government 'closest to the people' and municipalities are at the coalface of deepening democracy and accelerating the delivery of services.

The March 2006 local government elections are an important milestone as South Africans went to the polls for the second time within the new framework of democratic local government, to elect their municipal representatives. This juncture provides an excellent opportunity for the newly elected councillors to fulfill their mandates to the best of their abilities and to deliver quality services and promote development to improve the lives of all South Africans.

The building of capacity and extension of expertise of the new cadre of municipal councillors is at the core of SALGA's Skills Development and Capacity Building Initiative. This Handbook for Municipal Councillors is part of this overall programme. The **objective** of the Handbook is twofold:

- Providing an induction programme for newly elected municipal councillors through addressing the key areas of expertise and values that they will be expected to display while conducting their mandate and responsibilities; and
- Acting as a very practical resource document that highlights important policies and legislation, systems and processes relevant to their day to day work as councillors.

The councillor's mandate

The councillor's role is not an easy one and will demand expertise and knowledge about the local government system and municipal environment. Councillors require an in depth understanding of their mandate. High level of expectations of the community they serve, competing interests among the different groups of citizens living in the municipality, limited human and financial resources and tight timeframes for delivery of services are some of the difficult challenges that councillors will face during their five-year term.

The councillor's mandate must guide him or her in the conduct of their duties.

Three **important aspects of the councillor's mandate** are:

- acting as representatives of the community they serve
- providing leadership roles in the council, and
- acting as custodians or guardians of public finances.

Critical to all of these is the requirement that they work to **improve the lives of all the citizens in the municipality**. The improvement of the peoples' lives can be achieved through the provision of basic services, development and growth of the economy, recognising and harnessing the skills potential of people living in the municipality, mobilising the people to make their own contribution to improve their living conditions and job creation.

Effective representation requires that the councillor knows and understands the interests of the people in their municipality. This means all residents in the municipality. Councillors need to have a thorough understanding and knowledge of the main issues in their municipality. They are the **link between the public and the council** and owe their primary loyalty to their public. To fully represent their municipality and if they are ward councillors, their wards, **councillors should know:**

- who the people are in their municipality and/or ward (this would include things like gender, age, employment status, economic status)
- what the key issues of these people are (these issues may be competing depending on different interest groups)
- their perspectives and opinions of council plans including the municipality's Integrated Development Plan (IDP)
- the key infrastructure features of the municipality, such as the housing and health situation, sports and recreation facilities and access to transport
- the socio-political and economic features of the municipality (e.g. political parties, organised civil society, business organisations, investment bodies, etc).

This effective representation means listening to the people that they serve and working towards addressing their concerns and issues as a professional and committed councillor. It also requires **regular consultation and report backs** to the communities. It is often at this report back stage that councillors receive the most criticism. An often-heard comment is that councillors are only seen every five years when it is time for their re-election. Ongoing consultation and ensuring that the public is kept informed of council decisions in an honest and open way contributes towards government accountability and provides an impetus for the councillor to be re-elected into office.

Acting as representatives requires councillors to undertake the **following responsibilities**:

- policy making,
- decision making,
- passing by-laws,
- giving direction to the administration.

The objective of the Handbook is to provide councillors with specifics on how they can best fulfil their mandate. It places a strong emphasis on actual processes rather than theory, but recognises that the work of councillors needs to be contextualised within the overall policy and legal framework guiding local government and constitutional requirement of co-operative governance and intergovernmental relations. An overview of the policy and legal framework is covered in **chapter 1**. The work of national and provincial government will impact directly on the councillor's day to day work.

Chapter 2 highlights the importance of intergovernmental co-operation between the three spheres of government – local, provincial and national – and emphasises the need of the three spheres to closely work together.

Chapter 3 provides an overview of the roles and responsibilities of councillors and addresses the fundamental responsibility of representation.

Chapter 4 gives an overview of the core municipal processes: Intergrated Development Planning, Municipal Budgeting and Financial Management, Performance Management and Public Participation. The section on public participation and citizen involvement is crucial and looks at how councillors could effectively interact, communicate and consult with communities and how citizens participate and influence the work of councils through structures such as ward committees.

Chapter 5 highlights the great importance of personal and leadership skills. A good councillor is one who exhibits leadership qualities and is not afraid to make decisions that are in the best interests of the municipality. Leadership skills are based on a system of values that includes integrity, commitment, professionalism and honesty. Good leadership also requires that representatives from other political parties serving on the council be treated with respect and dignity despite having different views and ideologies. As a leader of their community, councillors may be required to manage conflict and resolve disputes. Serving on standing committees requires commitment to schedules, time management and the ability to ensure that they function effectively.

Despite some new councillors' relative inexperience they all have been greatly recognised by the public, through being chosen as elected representatives to serve on the municipal council. Political leadership is also reflected in the way that councillors monitor implementation. This includes providing guidance to municipal officials, requesting periodic reports and ensuring that they follow procedure and are hold accountable for their actions. This requires a thorough knowledge of the functions of the municipal officials. Non-interference in the administrative functions of council officials is however one of the key requirements of their mandate and adhering to this reflects both maturity and professionalism.

Chapter 6 addresses, in some detail, meeting procedures for councillors, an important personal skill that councillors are required to have.

Allegations of corruption and financial maladministration can result in a very negative perspective of councillors and municipalities. Councillors are the custodians of public money and as such they need to conduct financial activities of the municipality in a professional, open, transparent and accountable way. They should fight corruption in tendering and hiring. They are required, in terms of the Code of Conduct, to declare all their assets and business interests. Any potential conflict of interest must be declared.

When working with this Handbook councillors should not feel intimidated by the extent and depth of the information contained in its pages but rather see it as a tool that provides an opportunity of them to carry out their mandate to the best of their ability and realise government's programme of action to achieve a better life for all South Africans.

Chapter one

Policy and legal framework guiding local government

Objective

To familiarise councillors with the legislative and policy framework within which developmental local government operates. Reference will be made to specific legal requirements that a councillor should be aware of.

Introduction

This chapter provides an overview of the legal environment as applicable to local government. It outlines the principles that govern the development of laws, the local governing structures that have been established by law and the application of the laws in the day to day functions of a municipality. It also seeks to highlight individual councillor's legal obligations with respect to their duties as public servants. The chapter does not provide the detailed content of each specific Act and councillors are advised to consult specific documents where necessary.



The principles that guide the formation of local government laws

The Constitution of South Africa, 1996 provides for **three spheres of government**, namely **national**, **provincial** and **local** government. It also establishes local government as a **distinctive sphere of government**, which is inter-dependent, and inter-related with national and provincial spheres of government.

Municipalities fall within the local government sphere and there are presently **283 municipalities** across the country.

Local municipalities have a constitutional obligation to:

- ensure sustainable, effective and efficient municipal services
- promote social and economic development
- encourage a safe and healthy environment by working with communities in creating human settlements in which all people can lead uplifted and dignified lives.

There are six metro councils, 46 district councils and 231 local councils in South Africa

Municipal councils are central to local democracy and are meant to represent the collective interests and provide leadership to the whole community. Developmental local government underpins the programmes and projects that councils take to enable them to do so.

A **developmental local government** approach implies that a municipality has a duty to structure and manage its administration to give priority to the basic needs of the community, and to promote the social and economic development of the community.

‘Developmental Local Government is local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.’ (White Paper on Local Government, 1998)

A municipality also has a duty to participate in national and provincial development programmes in the spirit of co-operation to promote development.

Co-operative governance is particularly important where there are national or provincial programmes that may not be easily implemented without the participation of the local municipalities. Examples of provincial or national programmes are the Extended Public Works Programme (EPWP) and the Housing Subsidy Scheme.

The legislative framework

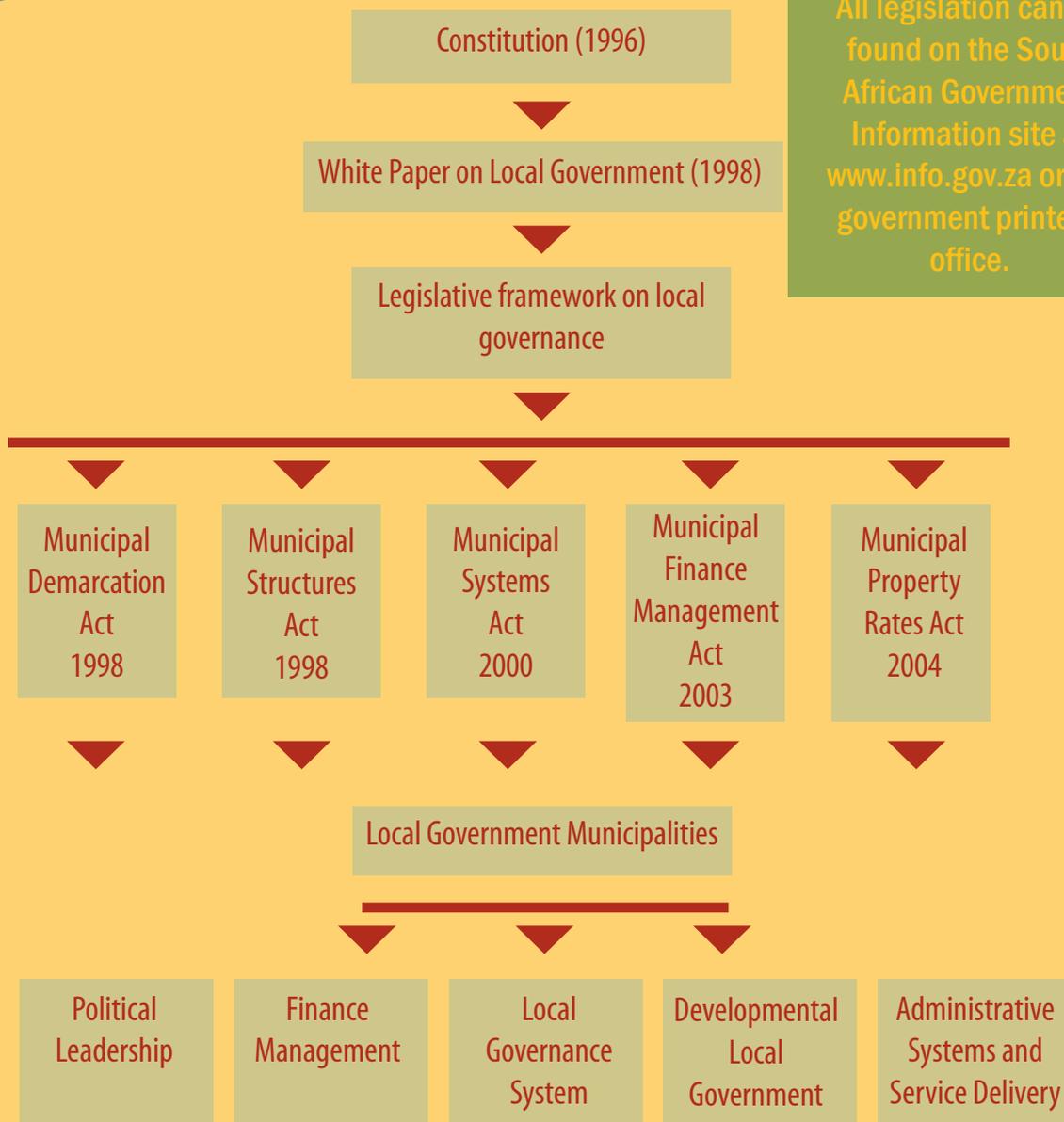
What are the relevant laws?

A number of laws that apply to municipalities have been passed by parliament since the establishment of South Africa’s democracy.

Legislation provides for the more general provisions in a legal framework. It informs regulations (developed and published by the executives of national or provincial government) which specify how the legislation is to be implemented. Municipalities have the authority to pass by-laws to regulate in more detail what kind of activity is permitted or not permitted within their jurisdiction, but in doing so must be conscious of national and provincial legislation, and cannot contradict it.

As a public official, a councillor should review and be familiar with the provision of these local government laws and their amendments. The municipal laws seek to support the application and upholding of the Constitution.

6 The White Paper on Local Government, 1998 was the first national policy framework for local government in the post-apartheid period. It provided the policy guidelines for development of bills that became the Municipal Structures Act, 1998 and the Municipal Systems Act, 2000 after being passed by parliament.



All legislation can be found on the South African Government Information site at www.info.gov.za or the government printer’s office.

Source: **dplg** – Local Government Fact Book 2003/2004.

The Constitution

The **Constitution, 1996** establishes local government as a separate sphere of government responsible for service delivery, and imposes a specific set of responsibilities on the national and provincial spheres of government to support and strengthen the capacity of municipalities.

The White Paper on Local Government, 1998

The **White Paper on Local Government, 1998** is a policy document that established the basis for a new developmental local government system that is committed to working with citizens, groups and communities to create sustainable human settlements that provide for a decent quality of life and meet the social, economic and material needs of communities. This developmental role for municipalities requires them to structure and manage their administrations, budgeting and planning processes and to prioritise the basic needs of the community. Various Acts of parliament were promulgated to support the principles adopted in the White Paper.

The Municipal Demarcation Act, 1998

The **Municipal Demarcation Act, 1998** provides the criteria and procedures for the determination of the municipal boundaries. The Demarcation Board is an independent authority set up to perform this role. Consideration may be given to financial viability of an area, integration of racial divisions and alignment with provincial divisions among others before determining a local municipal boundary.

Local Government: Municipal Structures Act, 1998

The **Local Government: Municipal Structures Act, 1998** clarifies the status of municipalities and provides the framework for the establishment of municipalities in accordance with the requirements and criteria relating to categories and types of municipalities. It further determines the appropriate division of powers and functions between district and local municipalities and regulates governance structures and electoral systems for newly demarcated municipalities.

Local Government: Municipal Systems Act, 2000

The **Local Government: Municipal Systems Act, 2000** sets out the internal systems of municipalities that enable municipalities to operate in such a way that they move progressively towards the social and economic upliftment of local communities and ensure universal access to essential services that are affordable to all.

The council of a municipality should provide without favour or prejudice, democratic and accountable government for communities, residents and ratepayers

Municipal Systems Act, 2000 Chapter 2, paragraph 15

The **Local Government: Municipal Systems Act, 2000** also presents the legal nature of the municipalities and the entities that it can and cannot set up to conduct its duties within the functions and powers assigned. A municipality is therefore a 'corporate entity' that has legal responsibility for its own actions and can be sued or can sue.

While municipalities are headed by political party representatives, the internal systems for administration of a municipality have a set of **governance mechanisms** that must be followed regardless of the political party in office. The Municipal Systems Act, 2000 provides the law on how a municipality should govern its activities. Requirements such as the development of Integrated Development Plans (IDP's), Performance Management Systems and the constitutional requirement for public participation are outlined in the Municipal Systems Act, 2000 (see Chapter 4 for more detail on these processes). The rights and duties of officials, councillors and residents are also covered in the Act.

The **Local Government: Municipal Finance Management Act, 2003** (MFMA) regulates financial management in and provides uniform treasury norms and standards for the local sphere of government. Its objective is to secure sound and sustainable management of the financial affairs of municipalities and other institutions. The MFMA also requires for the alignment between the municipal budget and the IDP (**IDP-Budget link**).

The **Local Government: Municipal Property Rates Act, 2004** regulates the levying of property rates by all municipalities and affects properties that previously fell outside municipal boundaries.

Source: Adapted from – **dplg** Local Government Fact Book 2003/2004.

The Municipal Systems Act, 2000

The Municipal Finance Management Act, 2003

The Municipal Property Rates Act, 2004

Other important laws that apply to and are meant to enhance the effectiveness of local government are the following:

The **Intergovernmental Relations Framework Act, 2005** facilitates co-ordination in the implementation of policy and legislation between national government, provincial government and local government, and all organs of state within those governments. It promotes coherent government, effective provision of services, monitoring implementation of policy and legislation and realisation of national priorities.

The **Division of Revenue Act (enacted annually)** provides for the 'equitable division of revenue to be raised nationally among the national, provincial and local spheres of government.' This is basically a budgeting instrument detailing how national revenue (collected through taxes) is shared amongst the spheres of government to support the implementation of the various government programmes. The revenue is generally referred to as the '**equitable share**' and at local government level is usually used to subsidise the costs of providing basic services to the poor.

The **Organised Local Government Act, 1997** was passed to give recognition to one national organisation representing the majority of the municipalities in each province. The **South African Local Government Association (SALGA)** is the officially-

Intergovernmental Relations Framework Act, 2005

Division of Revenue Act (enacted annually)

Organised Local Government Act, 1997

recognised structure for local government to discuss and represent the concerns of its members. The legislation states that the national organisation must:

- be politically inclusive
- be provincially representative
- have a balance between urban and rural municipalities.

Promotion of Administrative Justice Act, 2000

The **Promotion of Administrative Justice Act, 2000** (and amendments in 2003), provides for specific procedures to ensure that any administrative action is 'lawful, reasonable and procedurally fair.' An administrative action is defined as a decision taken or failure to take a decision by an organ of state (when exercising a constitutional power or other public power or function) that adversely affects the rights of any person. Anyone who feels their rights are being adversely affected can ask for written reasons for any decision, and even seek re-dress from the government institution concerned or the courts. This is a complicated law that has a number of exclusions and conditions. The Act has far-reaching implications in that councils must be able to strongly defend their decisions and show that the benefits of their actions outweigh any possible negative effects on the rights of their citizens.

Access to Information Act, 2000

The **Promotion of Access to Information Act, 2000** is intended to 'give effect to the Constitutional right of 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; and provide for matters connected therewith'.

Intergovernmental Relations Policy Framework, 1998

Finally, councillors should also familiarise themselves with the **International Relations Policy Framework, 1998** (though this was not enacted into legislation), and current discussions around the ways that municipalities might best interact with other nations and international forums. While the Department of Foreign Affairs has played a pivotal role in taking South Africa back to key international forums, enabling municipalities to tap the experiences and expertise of other nations, experience has shown a lack of capacity and experience in conducting **municipal international relations**.

The following key roles for municipalities should be noted when conducting international relations:

- prepare a plan for municipal international relations to support priorities as part of the IDP process
- submit this plan and details of any official international visit or municipal international relations agreement to SALGA, dplg and the Department of Foreign Affairs
- prepare an annual record and evaluation of all international co-operation arrangements and events in which the municipality has been involved for public scrutiny and submission to national, provincial, and organised local government, and
- ensure that municipal international relations activities are adequately managed and resourced and that councillors and officials participating in international relations are properly briefed and trained.



Relevant sector legislation

- Disaster Management Act, 2002 provides for an integrated, co-ordinated disaster management policy that will focus on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters and post-disaster recovery. Municipalities are therefore required to develop a disaster management plan.
- Housing Act, 1997 requires municipalities to develop Housing Development Plans as part of IDP.
- National Environmental Management Act, 1998 requires municipalities to conduct Environmental Impact Assessments.
- National Water Act, 1998 requires municipalities to develop Water Services Development Plans.
- National Land Transport Transition Act, 2000 requires each district (with the support of local municipalities) and metro to prepare an Integrated Transport Plan for its entire area.



The South African Local Government Association (SALGA)

SALGA plays a core role in a variety of areas related to local government transformation and as a national representative body of local government. The **new SALGA strategy** responds to the challenges facing organised local government, addresses past weaknesses and drives forward the process of consolidating the transformation process of local government.

SALGA's role

In line with its constitutionally defined mandate, SALGA sets out its role as follows:

- represent, promote and protect the interests of local government
- transform local government to enable it to fulfil its developmental role
- enhance the role of provincial local government associations as provincial representatives and consultative bodies on local government
- raise the profile of local government
- be recognised by national and provincial governments to be the national representative of local government and consultative body in respect of all matters concerning local government
- ensure full participation of women in local government
- act as the National Employers' Organisation for the municipal and provincial member employers
- regulate the relationship between the members and the employers within the meaning of section 213 of the Labour Relations Act, 1995
- provide legal assistance to its member in its discretion in connection with matters, which affect employee relations.

SALGA's mandate

Section 163 of the Constitution envisages an important role for organised local government and provides that an Act of parliament must cater for the recognition of national and provincial organisations representing municipalities, and determine procedures by which local government may consult the national and provincial government, designate representatives to participate in the National Council of Provinces (NCOP) and nominate persons to the Financial and Fiscal Commission (FFC).

The Organised Local Government Act, 1997 provides for the recognition of national and provincial associations representing municipalities. As such SALGA is officially the national organisation representing the majority of provincial associations. The Act allows organised local government to designate up to 10 part-time representatives to the NCOP in the national parliament, and to further nominate two persons to the FCC, which advises the National Treasury on budget issues. SALGA participates in intergovernmental structures and are therefore able to influence national and provincial legislation, programmes and policies and to gauge the impact of such legislation on local government.

How are laws made?

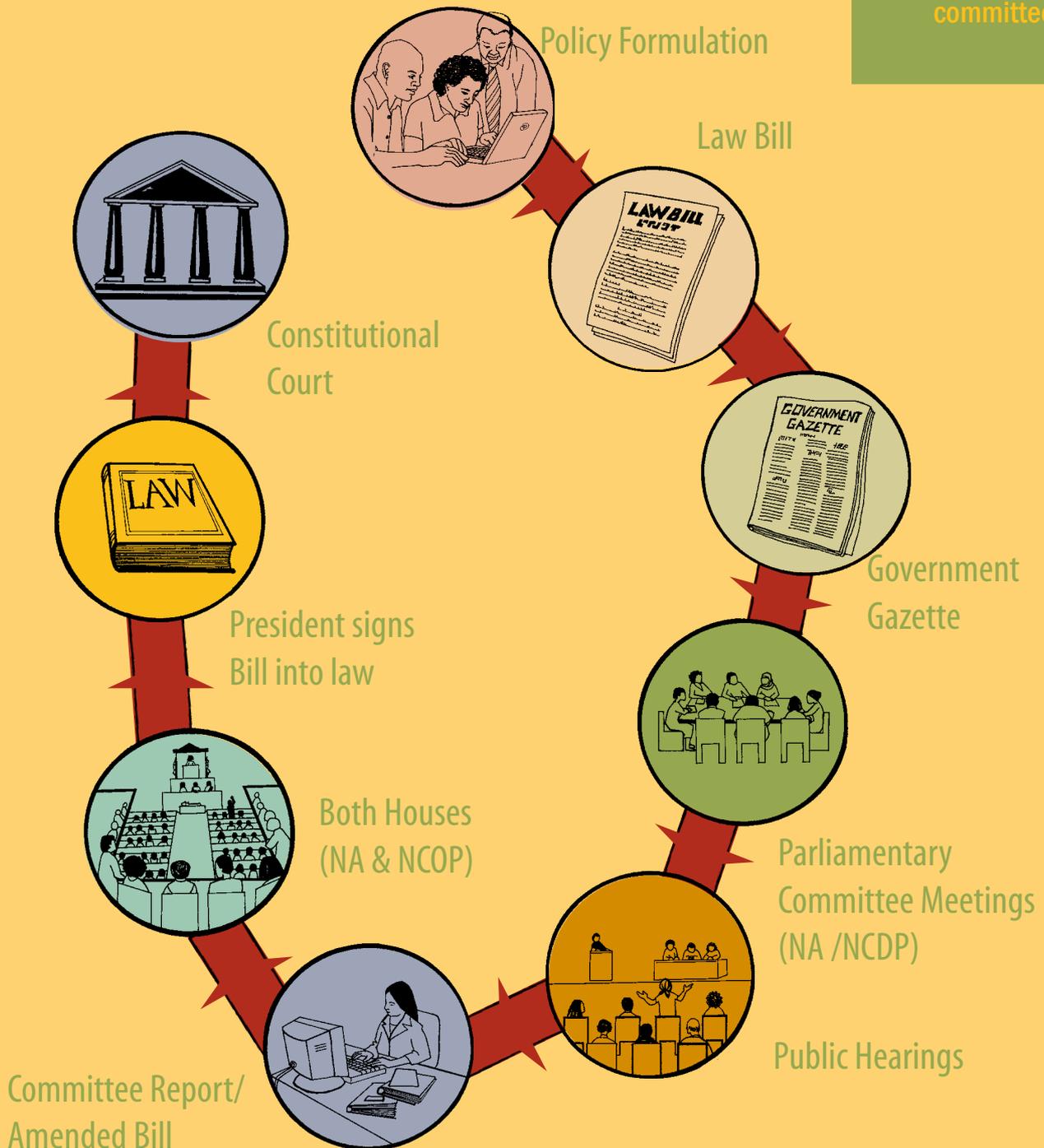
The making of laws is a **public process**. An issue may first be presented as policy paper after extensive research before it is tabled for consideration. A policy is therefore a general guide that may be used to inform decision making but it is not legally enforceable unless it is translated into law.

Municipalities have the power to formulate by-laws to aid in the administration of their functions. An act can only be enacted by a legislative body such as the provincial legislature or parliament.

6 A councillor, in consultation with his or her ward residents can give feedback to a national bill during the gazetted period. Comments can be received from individuals or groups by the relevant parliamentary committee.



How national laws are made



Source: Adapted from www.parliament.gov.za/eupsp/leginfo/laws.html

Establishment of municipalities

Municipal categories

The Municipal Structures Act, 1998 provides categories of municipalities. The Constitution provides for three categories of municipalities.

A councillor should be aware of the category of his or her municipality as there are provisions for different council structures or executive leadership systems for each category.

Metropolitan municipality

Category A is the **metropolitan municipality**, which has exclusive authority to administer and make rules in its area. A metropolitan municipality can have up to a maximum of 270 councillors.

Local municipality

Category B refers to a **local municipality**, which shares the authority in its area with the category C municipality in which it falls. Local councils with more than seven councillors are divided into wards. A ward is a defined geographic area within a municipality. A district or local municipality may have no less than three but no more than 90 councillors.

District municipality

Category C, refers to a **district municipality** which has authority to administer and make rules in an area that includes more than one local municipality. Within each category C municipality, there are a number of smaller category B municipalities. As categories B and C share responsibility for service delivery, local municipalities, through their designated councillors, have representation on district councils. The primary task of these councillors is to represent the interests of their local councils. District municipalities play a supportive role to local municipalities.

Chapter 5 of the Municipal Structures Act, 1998 deals extensively with the relationship between district and local municipalities. In general, district municipalities are responsible for the local government functions that are more efficiently carried out on an area-wide basis, such as integrated development planning for the whole area, potable water supply, bulk supply of electricity, wastewater and sewage disposal, solid waste disposal, roads, and facilities that service the entire district. There are provisions for adjustments in the division of functions and powers where there is a need to do so, which are generally initiated by the provincial MEC for local government in a given province.

Municipal boundaries

All municipalities within the country have been provided with specific boundaries depicted in maps by the Municipal Demarcation Board. The municipal boundaries express the transformation of local government in South Africa by having physical areas that are not classified by race. There are certain areas within district municipalities that may not be viable to be part of a category B municipality based on the location of that particular area in relation to other areas falling within that municipality. The size of the population would also not qualify the area to be demarcated as a category B municipality. These areas are categorised as district management areas and are governed by the district municipality alone.

Municipal ward committees

Councils need to establish mechanisms to promote public participation. In the case of local municipalities, these consist of ward committees.

Metropolitan and local municipalities of certain types may have **ward committees**. Category A (metropolitan) municipalities only may decide to have ward committees or a sub-council participatory system. A sub-council consists of a number of wards clustered together and the councillors of each ward participate as members of the sub-councils. The sub-council plays an advisory role to the metropolitan council.

Ward participatory systems and sub-council participatory systems

A **ward** is a defined geographical area within a municipality, for the purposes of electing ward councillors who represent that area on council. These councillors make up half of the elected representatives in council. The other half of councillors are elected through proportional representation as party representatives. Wards can be established in both metropolitan and local municipalities. Most of these municipalities have wards, but those that do not elect their councillors purely on a proportional representation basis.

Councils with a **ward participatory system** may establish ward committees, but if so, they must be established in each ward of the municipality.

Ward committees consist of the ward councillor as chairperson, and not more than 10 persons from the ward, and are meant to enhance participation in local government.

The structures of municipalities

All municipalities consist of:

A municipal council

A **municipal council** is composed of the **councillors** (either representing a party or independent) who are democratically elected by registered voters within the municipal jurisdiction. The municipal council is the political structure within a local municipality. As a councillor this will be your base for the full term of an elected municipal council period. The council is responsible for all the decisions of a municipality unless it has delegated a specific power. A councillor may be assigned to serve on any of the council committees.

Municipal administration

Municipal administration is the organisation that delivers municipal services to local residents and consists of **officials** who are employed by the municipal council. The head of the administration is the **municipal manager**, who is hired by the council and who in turn hires the administrative staff needed to implement the functions of the municipality. Municipalities have the option of establishing or acquiring an interest in a separate **municipal entity**. The new entity can perform a specific function on the municipality's behalf. Chapter 10 of the MFMA outlines the conditions under which a municipality can set up a municipal entity. Entities have mainly been used by metropolitan municipalities to offer services such as garbage collection or maintenance of roads.

Municipal council executive leadership systems

The municipal council is the political structure within a local municipality. It will serve as the base for all councillors for the full term of an elected municipal council period.

There are three potential executive systems that set out the possibilities for structuring the leadership on council.

1. Plenary Executive System

This system is used in small municipalities that consist of less than nine councillors. In a plenary system, executive powers are exercised by a full meeting of the municipal council. In other words, the municipal council takes all executive decisions regarding the business of the municipality. It may delegate executive responsibilities to any councillor or to any committee.

Like all municipal councils, those with the plenary executive system must elect one of their members as chairperson of council, who is then called the mayor. The mayor is elected by the council to co-ordinate the work of the council. He or she is the political head of the council. The mayor performs any ceremonial duties and functions delegated to him or her by the council.

2. Collective Executive System

Only municipalities with more than nine council members may have a collective executive system. In this system, the municipal council elects an executive committee, and then delegates executive responsibilities to that committee. This team approach is the key strength of the collective executive system. The executive committee can take decisions on matters that fall within its delegated powers.

Most of the existing municipal councils have established executive committees to increase the efficiency of the decision making process. In the collective executive system, the municipal council must elect one member of the executive committee as the chairperson of that committee, who is then called a mayor. The election of executive committee members should be consistent with democratic principles; parties in council should be fairly represented. The simplest way to elect the executive committee is by using a proportional system. If a political party has won 70 per cent of the seats in council, then 70 per cent of the members of the executive committee must be drawn from that party.

3. Mayoral Executive System

The mayoral executive system allows for the exercise of executive authority through the executive mayor. In this system, the municipal council elects one member of the council as the executive mayor and delegates executive powers and duties to that person. If the municipal council has more than nine members, its executive mayor must establish a mayoral committee. The mayoral committee consists of councillors appointed by the executive mayor to serve on the mayoral committee. The executive mayor may choose to appoint any councillor to serve on the mayoral committee.

The number of councillors on the mayoral committee must be the number required for efficient and effective government, and no more than 20 per cent of the councillors on the municipal council, or 10 councillors, whichever is the least, may be appointed to the mayoral committee.

The mayoral executive system differs from collective executive system in the following ways:

6 A municipal council must elect the members of its executive committee from among its members at a meeting that must be held within 14 days after the council election or within 14 days for a district council after the last of the local councils has appointed its representative to the district council.

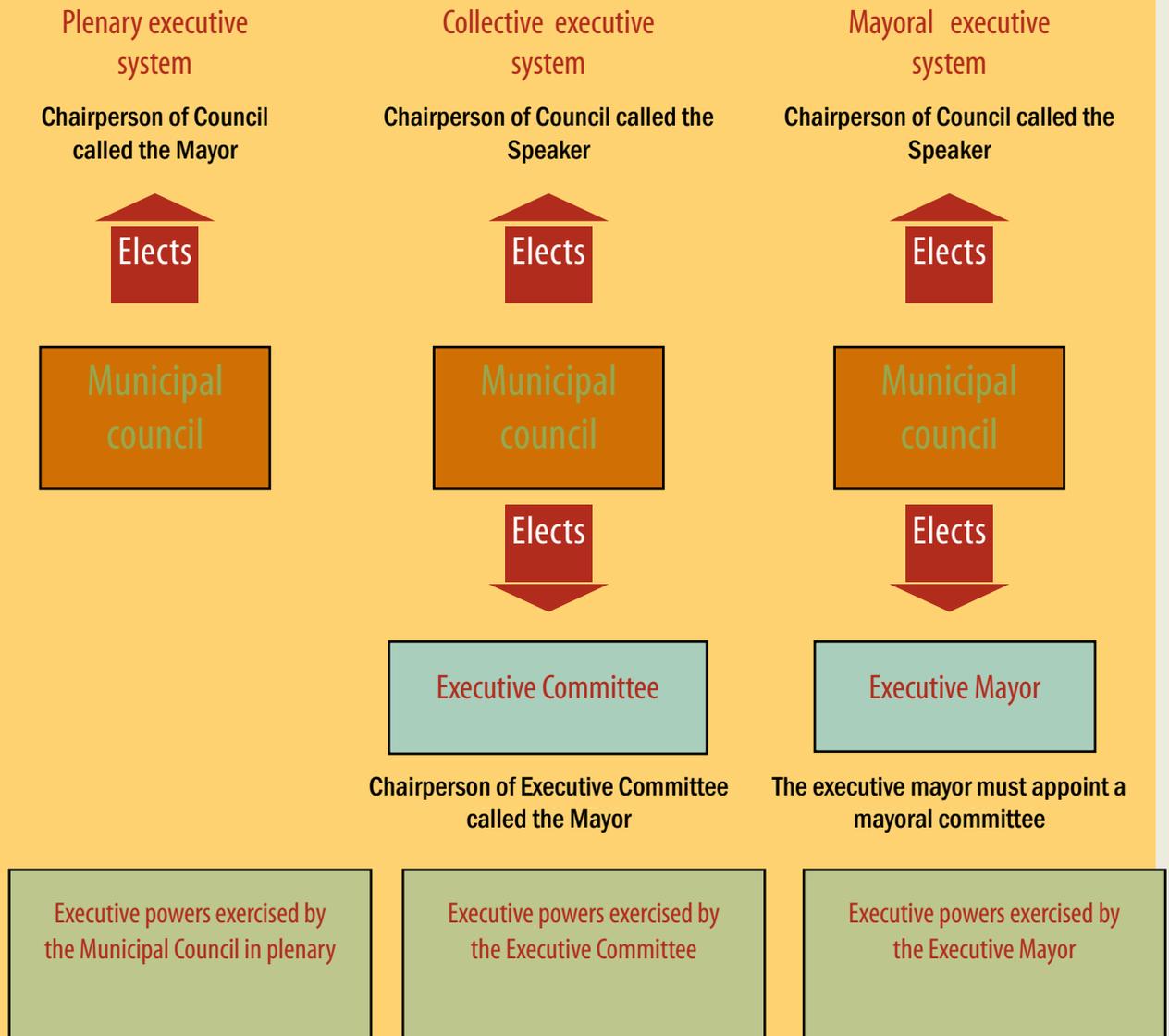
Substitution of section 45 of Municipal Structures Act, 1998

- In the mayoral executive system, the municipal council delegates executive powers and duties to an individual councillor, the executive mayor. The executive mayor then *appoints* the mayoral committee. Although the executive mayor may delegate responsibilities to members of the mayoral committee, the executive mayor remains accountable.
- In the collective executive system, the municipal council delegates executive powers to the whole executive committee. The council *elects* the executive committee on a proportional basis according to the party representation in the council.

In both the collective executive system and the mayoral executive system, the municipal council elects one of the municipal councillors to be the chairperson of the municipal council, namely the **speaker**, who presides at council meetings.



Executive Leadership System



Source: www.local.gov.za/dcd/dcdlibrary/types_mun/mun_systems.html

Council committees

The council is responsible for all the decisions of a municipality, but it may delegate specific functions to committees as provided for in Part 5: Section 79 of the Municipal Structures Act, 1998. Section 80 of the Act specifies procedures for establishing committees in a council with an executive committee or executive mayor. A councillor may be assigned or elected to serve on any of the council committees.

The committees established by council are often called **standing** or **portfolio committees** and often correspond with the key functions or departments for the municipality, for example:

- Municipal Infrastructure
- Roads, Transport & Civil Works
- Development Planning
- Finance
- Health and Social Development
- Public Safety
- Housing
- Sports, Recreational, Arts & Culture
- Environment & Tourism
- Local Economic Development

The function of the portfolio committees is to **develop policies and to review them** for consideration by the council. The portfolio committees are usually chaired by the member of the executive committee who is responsible for that portfolio. The relationship between the chairpersons of portfolio committees and heads of the relevant departments must be cordial. There are times when officials may participate in portfolio committee meetings relevant to their department if there is an item that needs their contribution.

Other types of committees needed for the effective functioning of council, such as an internal auditing committee, may also be established. All political parties participate in various committees. The composition of the committee is informed by the proportional representation of political parties.

Functions and powers of municipalities

Local government is the **sphere of government closest to the people** and is therefore better placed than national or provincial government to efficiently carry out many tasks dealing with services and community development. Locally elected councillors should have a better understanding of local issues than national and provincial politicians.

The functions and powers of municipalities are described in Chapter 7 of the Constitution. The Constitution gives local government the executive authority and legislative authority (through **passing by-laws**) to administer various public services (listed in Schedule 4, part B and Schedule 5, part B). The Constitution also defines the responsibilities of provincial and national government. However, the Constitution allows local government to administer other services than those listed through agreement with the relevant province, or if legislation is passed that gives other responsibilities to local government.



Responsibilities of Local Government

The responsibilities of local government can be generally categorised as follows:

- **Infrastructure and basic services:** this includes water and sanitation, electricity and gas reticulation, refuse removal, storm water management, municipal roads, municipal public transport, street lighting, among others.
- **Social and welfare services:** while primarily an area of provincial responsibility, municipal functions that fall in this category may include: child care facilities, municipal health services, establishment and maintenance of public parks and other recreational facilities. Other community-based social services are often in practice provided by municipalities (especially the larger municipalities).
- **Administration and public order:** this includes fire-fighting services, building regulations, control of nuisances, air and noise pollution, traffic and parking; larger municipalities often have established 'metro police' to assist with enforcement in these areas.
- **Municipal planning:** the development plans of a municipality are the basis for directing and managing land use and infrastructure provision, and they should help plan for public investment whether the particular service is provided directly by the municipality or by province. For example, the housing subsidy programme has been implemented by province, but effective implementation relies on municipal planning.

A municipal council therefore has very specific functions and powers as an autonomous level of government.

Every municipality must strive, within its financial and administrative capacity, to achieve the following objectives:

- 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 safe and healthy environments
- encourage the involvement of communities and community organisations in matters of local government.

6

A municipality can exercise its executive and legislative power by:

- Developing and adopting policies, plans, strategies and programmes
- Developing and passing its by-laws
- Monitoring and where appropriate, regulating municipal services where those services are provided by service providers other than the municipality.

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(Chapter 3, section 11 of the Municipal Systems Act, 2000)

Municipality should perform all the functions above except where this function is already being undertaken by a district municipality. Functions can be reassigned by the minister if the municipality in which the power is vested lacks the capacity to perform that function or exercise the power.

Source: Chapter 5 section 83, 84, 85 of the Municipal Structures Act, 1998

Dissolution of council

The term of a municipal council may be not more than **five years**, as determined by the national legislation.

A municipal council may dissolve itself at a meeting called specifically for this purpose. It is to adopt a resolution dissolving the council which must be supported by at least two thirds of the members:

- a council may dissolve itself when two years have passed since the council was elected
- the MEC for local government in the province has to put a notice in the Provincial Gazette and may dissolve the council if the Electoral Commission in terms of the Demarcation Act, 1998 is of the view that a boundary determination affects the representation of voters in the council or
- if the council has not been able to fulfil its obligations in terms of legislation (Section 139 of the Constitution).

The MEC must have the concurrence of the national Minister and notice of the dissolution has to be tabled in the National Council of Provinces and approved by it.

Reference

Section 34 of the Municipal Structures Act, 1998 specifies the circumstances under which a municipal council may dissolve itself.

Developing policies and by-laws

A councillor may be required as a member of council to take a decision on a specific issue through a vote count. In such situations, a councillor may find it helpful to have a considered opinion on the issue before casting their vote. A policy position formulated after investigation and consultation on the matter may help you make an informed decision. For example an informal trader's policy may be developed after examination of all the aspects, negative and positive, of having informal traders in central business areas.

By-laws may be proposed after a policy position made and would be targeted at enabling a municipality to enforce a certain decision within the municipal powers. By-laws can be revised if they are no longer applicable.

Definition

A policy is a plan of action for tackling political issues. It is often initiated by a political party in government, which undergoes reforms and changes by interested actors (for example, opposition parties and lobby groups).

What is policy?

Policy designates a process. This process includes the elaboration of programmes by different role-players and the way the programmes are then implemented.

At the **municipal level** there is mounting pressure on the councillors and their officials to deliver on their campaign promises. This has made their participation in policy formulation and implementation imperative to improve service delivery.

Local political leaders can actively strengthen their ability to make policy judgments through deepening their understanding of the dynamics in the local area, anticipating changes and learning from past practice.

How do policies assist local government?

Policies assist the municipality to:

- reflect a response to current situations and challenges that confront local communities and local governments
- respond to predicted future possibilities
- serve as an agreement to work towards certain aims between councillors, officials and residents
- present broad checks and balances to ensure that the vision for the municipality is in the minds of law-makers, planners implementers and beneficiaries.
- set guidelines that provide direction for development plans and other matters.

How are policies made?

The development of public policy is a dynamic and ongoing process. It consists of several key components. The development of policy is generally described as a policy cycle. These are the relevant components of policy making.

The components of policy making

1. Identification of policy issue for review

This is where the problem is defined and a policy process is determined to be necessary to address the problem.

2. Consultation

This step is to design a consultation process that offers the community a genuine opportunity to have a say in the policies that will affect them. Through consultation, quality of policy-making is improved and implementation is smoother.

3. Transition phase: drafting a document

During this phase a written version of the enabling framework is produced, based on the policy. Depending on the scale and nature of your policy, this document must include:

- a brief analysis of the issues the policy seeks to address
- identification of the specific performance measure or target to which the policy will contribute
- a comparison of the advantages and disadvantages of the options considered including key evidence and data
- a clear and fully justified recommendation detailing why the policy should be endorsed or approved.

4. Co-ordination

Co-ordinating policy is important for facilitating consistency with the local government's overall strategy, priorities and objectives. A policy that is properly 'joined-up' across the departments and council is more able to meet the needs of the local community. This step ensures that policy advice provided to the mayor and then the council is organisationally aligned and strategically co-ordinated.

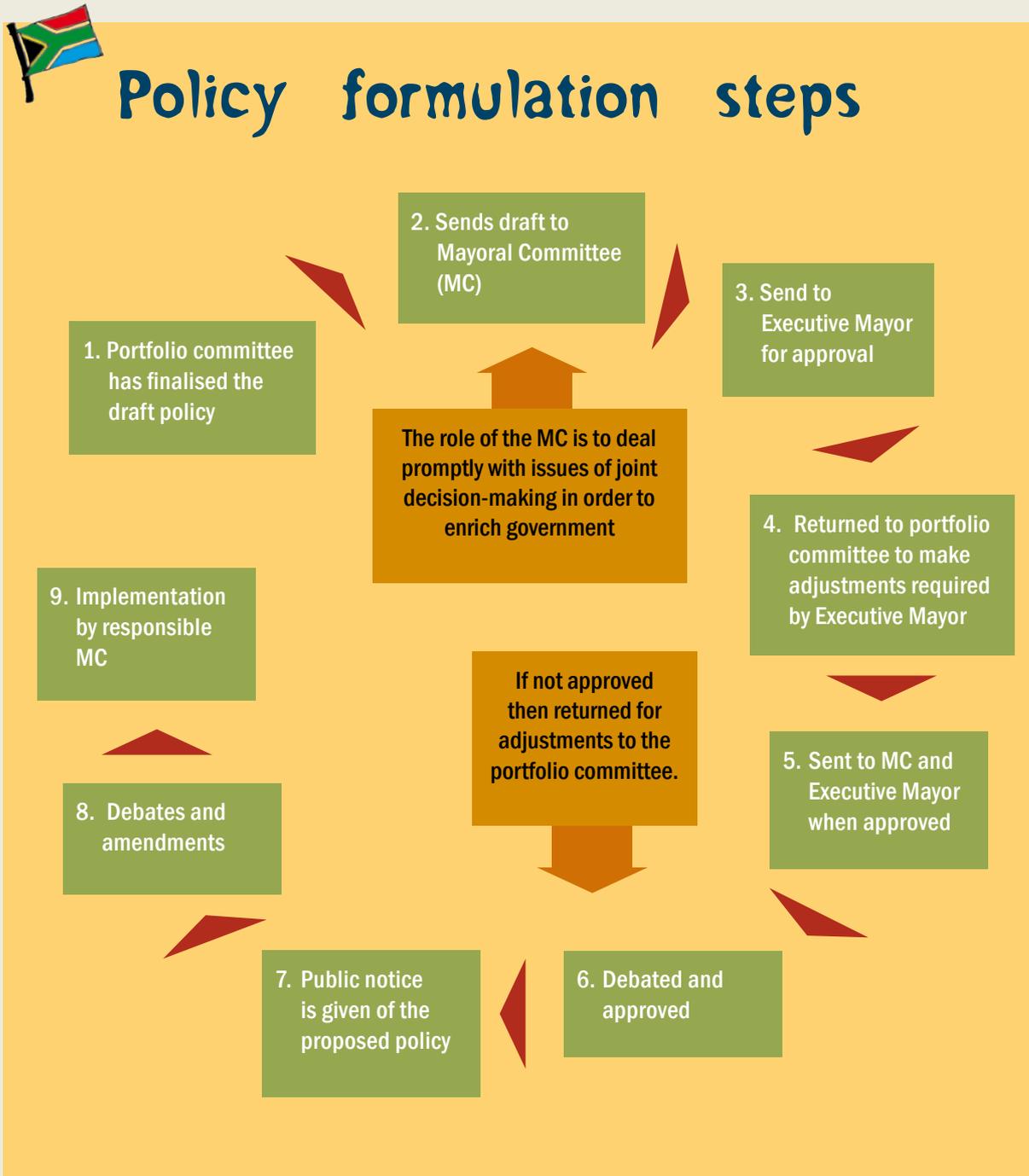
5. Decision

The policy decision and approval process serves **many purposes**:

- it allows executive decision-makers to ensure the alignment of the policy's strategic direction
- it confers authority on the policy objectives and actions
- it presents an important opportunity to assign resources and responsibility for implementation and to map resulting accountabilities.

Source: *Education Queensland Policy and Implementation: a guide to improved outcomes.*

An important component of formulating policies is the **route that they follow** once the drafting is complete.



What is a by-law?

By-laws serve to enforce or realise the policies that a council may have. Policies may remain simply policies or they may be developed into one or more by-laws. For example, the municipality may need to review their refuse removal by-laws, develop a by-law for public-private partnerships to implement improved refuse removal and develop a by-law for industrial pollution of rivers.

Definition

A by-law is a law dealing with matters of local or internal regulation made by council.

'Only a member or committee of a municipal council may introduce a draft by-law in the council'

The Municipal Structures Act, 1998, the Municipal Systems Act, 2000 and the Constitution all emphasise the role that the municipal council must play in ensuring **community consultation or participation** in local government. This principle is directly applicable in the process of passing by-laws.

For example

No by-law may be passed by a municipal council unless the proposed by-law has been published for public comments.

Source: www.oneilandco.com/insurnce/trmnolgy.htm

Reference

Chapter 3, section 12 of the Municipal Sytems Act, 2000

www.oneilandco.com/insurnce/trmnolgy.htm

The making of a by-law

The following are **stages involved in making a by-law**:

The stages of making a by-law

6 Section 16(1) of the Municipal Systems Act, 2000

A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose encourage, and create conditions for the local community to participate in the affairs of the municipality.

Stage 1: Drafting a by-law

- A draft can be produced by any councillor or a municipal council mandated by a council committee
- A standard draft by-law can be provided by the office of the MEC if the municipal council needs assistance
- A review of the procedures for effecting the by-law should be done to ensure that it does not introduce unnecessary 'red-tape' but is easy to interpret and implement.

Stage 2: Community Participation

- The draft is published for comments from the community.

The publication of the draft must reach all the members of the community, including illiterate persons and those with physical difficulties.

- Structures such as the ward committee should be used to interrogate by-laws.

Stage 3: Stages in the council chambers

- A councillor or a committee member tables the draft in the council
- Councillors must be accorded ample time to familiarise themselves with that particular by-law
- A report is required from the executive committee or executive mayor before the by-law is passed
- The public is then invited to attend the council meeting during the debate of the by-law.

Stage 4: Passing the by-law

- For the by-law to be passed and come into effect a majority vote of 50 per cent plus one is required.

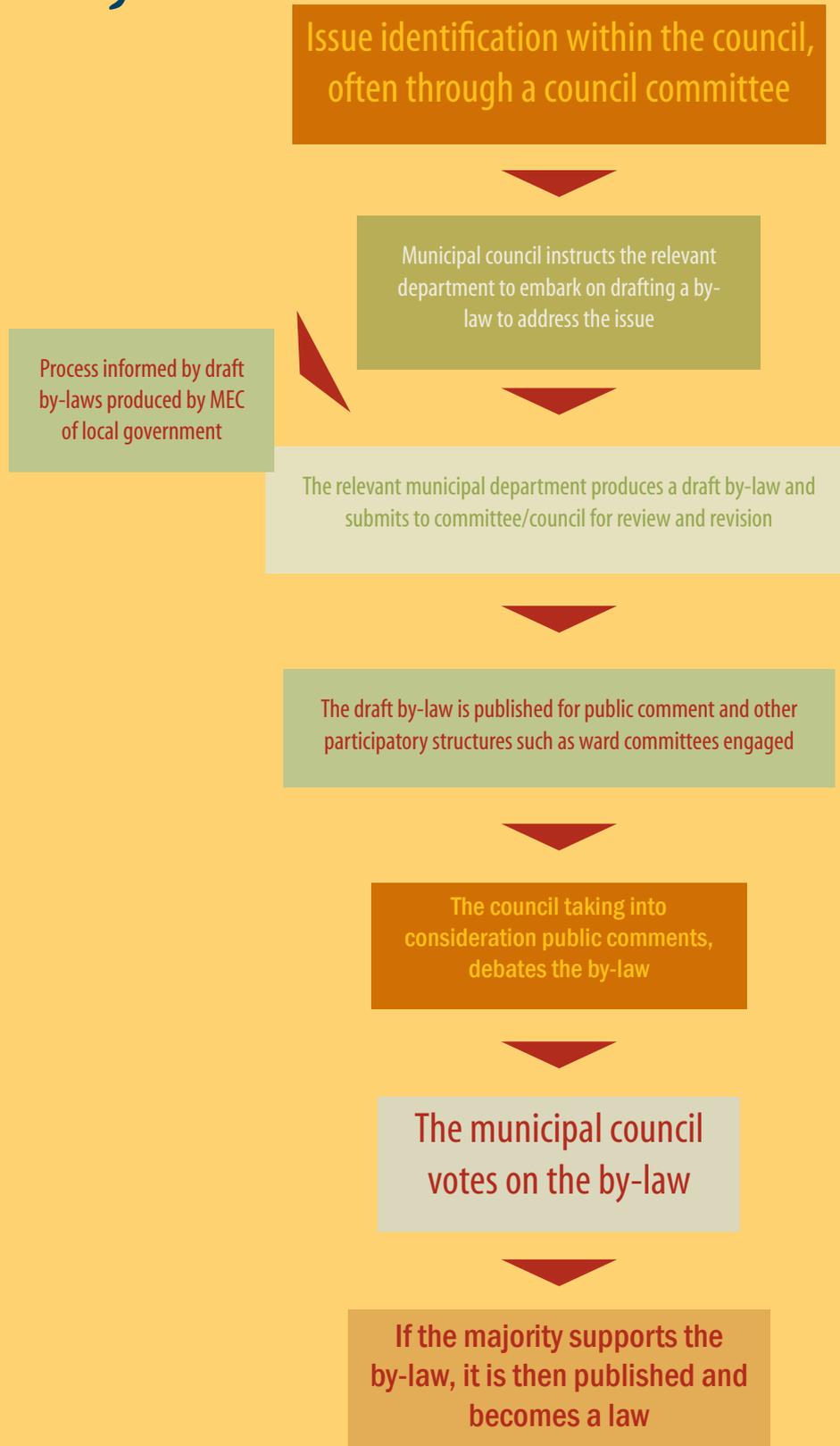
Stage 5: Incorporation

The by-law will then be published in the Provincial Gazette to start enforcing it.

Source: The Community Law Centre at the University of Western Cape.



Making, changing or scrapping a by-law



Institutions protecting constitutional democracy

The Constitution is the highest law of the land. It sets up the fundamental principles that govern the country. For example, all citizens have a right of access to information and a right to participate in matters that affect their daily lives.



The Bill of Rights is found in the Constitution. This establishes civil rights such as the right to equality and freedom from discrimination as well as socio-economic rights such as the right to water, food, education and housing.



South Africa's hard fought for democracy is given special protection by the establishment, in Chapter 9 of the Constitution, of six institutions.

All of these institutions are required to protect constitutional democracy and promote the Constitution. The Constitution says that they are independent, must be impartial and conduct their responsibilities without fear, favour or prejudice.

In practice, the institutions are nationally based with offices in the provinces, yet the **effect of their work is felt strongly at the municipal level**. Each councillor should familiarise him or herself with the provincial office of these commissions so that they are able to refer relevant community issues that may be afforded protection and promotion through their offices.



Institutions protecting constitutional democracy

The Electoral Commission has offices in each municipality. The Electoral Commission is responsible for the management of free and fair elections for local government, national and provincial government.

The Human Rights Commission has the power to investigate and report on human rights, to take steps to redress human rights abuses, and to research and educate on human rights.

The Cultural, Religious and Linguistic Rights Commission promotes respect for these rights and promotes and develops peace, friendship, humanity, tolerance and national unity.

The Gender Commission promotes respect for gender equality and works for the protection, development and attainment of gender equality.

The Public Protector plays an important role in combating and investigating irregular conduct in the public sector. The office of the Public Protector has the power to investigate any conduct in state affairs or in the public administration in any sphere of government that may be improper or result in impropriety or prejudice, report on that conduct and take appropriate remedial action.

The Auditor General is responsible for auditing all spheres of government and institutions managing public funds. One of the key roles that this office plays in relation to local government is the audit of each municipality's performance management results.



Key points

- The principles that guide the formation of local government are enshrined in the Constitution. They are reflected in the Bill of Rights.
- The three spheres of government and the three categories of municipality are established in the constitution.
- In developmental local government, the municipality has to give priority to basic needs of the community. Local government has specific functions and powers to respond to these.
- Participation is an important way of promoting development at a community level.
- The White Paper on Local Government, 1998 is a policy document that laid the groundwork for local government legislation. The Acts that affect local government include:
 - Local Government: Municipal Structures Act, 1998
 - Local Government: Municipal Demarcation Act, 1998
 - Local Government: Municipal Systems Act, 2000
 - Local Government: Municipal Finance Management Act, 2003
 - Local Government: Municipal Property Rates Act, 2004
 - Intergovernmental Relations Framework Act, 2005
 - The municipality is made up of the political structure – the council, and the administrative structure – composed of officials. There are differences in the category of municipality, the types of leadership and participatory systems present in councils, which are detailed in the Municipal Structures Act, 1998.
- Policies and by-laws assist local government in fulfilling their mandate. These are developed at a local level by councils.
- Democracy is protected by the Constitution, through the following Chapter 9 organisations:
 - Human Rights Commission
 - Public Protector
 - Commission for Gender Equality
 - Electoral Commission
 - Commission for the Promotion and Protection of Cultural, Religious and Linguistic Rights
 - Auditor General.

Chapter two

Co-operative governance: The importance of national and provincial processes for municipalities

Introduction

This chapter aims to provide an overview of the important role that co-operative governance plays in the delivery of services, overall development and growth. It provides information on the objectives of the national Government's Programme of Action, the National Spatial Development Perspective (NSDP) and the Provincial Growth and Development Strategies (PGDS) and the impact that they have on local government and the work of councillors. The chapter illustrates how local government is informed and how it influences these national and provincial government processes.

Objective

To make councillors aware of guiding national and provincial policies and processes that are relevant to local development and service delivery.

Co-operative governance

Why is co-operative governance important?

To ensure that government delivers on its mandate to provide services for its people, addresses challenges such as poverty and unemployment and promotes and enhances investment, development and growth. It is important that all three spheres of government align their functions and responsibilities and ensure that their policies, strategies and programmes are clearly aligned. This means that the three spheres of government should work together in a spirit of mutual co-operation and support.

What is co-operative governance?

Local government is one of the three spheres of government. The Constitution of South Africa, 1996 establishes national government, provincial government and local government as **distinctive, interdependent and interrelated spheres**. Despite each sphere having different roles and responsibilities the Constitution recognises that the spheres cannot work independently of each other. Chapter 3 of the Constitution provides for **co-operative governance**. The co-operation should take place in mutual trust and good faith through:

- fostering friendly relations
- assisting and supporting one another
- informing and consulting on matters of common interest
- co-ordinating their actions and legislation
- adhering to legal procedures
- not taking legal action against each other.

How is co-operative governance achieved?

The **Intergovernmental Relations Framework Act, 2005** provides for the structures and institutions to **foster intergovernmental relations**.

The objective of the Act is to comply with the provisions in the Constitution on co-operative governance and to **facilitate co-ordination in the implementation of policy, legislation and overall programmes**, including:

- coherent government
- effective provision of services
- monitoring implementation of policy and legislation
- realisation of national priorities.

The **important features** of intergovernmental relations are service delivery, public accountability, co-ordination and integration, effective implementation, dispute resolution and sustainable development.

The **institutions and structures** that work to achieve mutual consultation and co-ordination of policy and legislation are:

- the President's Co-ordinating Council (PCC)
- National Intergovernmental Forums (MINMECs)
- Provincial Intergovernmental Forums (Premiers' Forums)
- District Intergovernmental Forums and
- Inter-municipality Forums.

The forums are consultative of nature and should be used to discuss and consult on laws, policies and programmes that affect the various functional areas in each sphere of government. These intergovernmental institutions are responsible for the development of intergovernmental processes and for initiating and overseeing the implementation of joint work programmes.

The **District Intergovernmental Forums** facilitate intergovernmental relations between the district municipality and the local municipalities that it serves. They consist of the mayor of the district municipality and the mayors of the local municipalities. These Forums interact with the Provincial Intergovernmental Forums, and deals mostly with local issues.

Why is local government so important for co-operative governance?

The Act recognises the **importance of local government's full participation in intergovernmental relations**, as it is the key site of service delivery and development. The Act has expanded the role of local government in intergovernmental processes and this requires full commitment for local government's participatory processes; these are the IDPs and ward committees. To ensure that the Act is effectively implemented the processes **require active participation from councillors**.

The Intergovernmental Relations Framework Act, 2005 has expanded the role of local government in intergovernmental processes.

Councillors play a critical role in these processes.

What are implementation protocols?

To achieve co-operative governance the three spheres of government agree on **implementation protocols**. The protocols will:

- set out clearly the outcomes of the joint work to be undertaken by the three spheres
- details who is responsible for what
- determines what resources are required and who will provide them
- established indicators to measure whether the outcomes have been achieved
- put in place oversight mechanisms to ensure that the outcomes are achieved.

Strong emphasis for joint programmes and implementation protocols will be given to 52 impact zones – the six Metropolitan and 46 district municipalities.

For practical guidance also consult the booklet on Framework for Intergovernmental Relations in South Africa.

The IGR Practitioner's Guide, dplg 2006.

The Constitution of South Africa recognises the importance of the three spheres of government working together to provide good governance.

They are the Local, Provincial and National Spheres of Government

Implementation protocols are developed by the three spheres of government when they do joint work that requires careful co-ordination.

What happens if there are disputes between the spheres of government?

The Act also provides for mechanisms and procedures to facilitate the **resolution of intergovernmental disputes**. These dispute mechanisms aim to resolve conflict. If a formal intergovernmental dispute has been declared the involved parties must meet as soon as possible to define areas of agreement, and to agree on mechanisms and procedures to resolve the dispute. The parties to the dispute then appoint a person to act as a facilitator. If this is not done the Minister of Provincial and Local Government or the provincial MEC for local government can intervene and require that progress reports are referred to them.



Spheres of government

Government's programme of action

Every year in February the President makes a State of the Nation address at the opening of parliament. It is in this speech that he gives the country an overview of the state of development in the country and the priorities of government for the year – the **Government Programme of Action** (POA). Each year the POA will build on the programme of the previous years and also introduces new aspects to government's overall vision.

In line with the concept of co-operative governance it is important that all public servants, **including municipal councillors**, members of parliament and members of provincial legislatures understand the POA. This Programme will affect the work of municipalities and councillors must familiarise themselves with its key components and deliverables.

Every two months the Cabinet (part of national government, also known as the Executive) reports on progress of the POA at a Cabinet meeting.

The Programme of Action is divided into **five clusters** that make it easier for different government departments to work with each other on common areas. These clusters represent the different sectors and give effect to the objective of integrated governance. Each of the 23 government departments are grouped in **cluster committees** dealing with similar sectoral challenges. Oversight of the clustered activities is provided by the ministers who constitute the six cabinet clusters.

These cabinet clusters have been established to reduce the fragmentation of governance and to ensure that each government department knows what the other is doing in areas of mutual interests and where there may be overlaps in their work.

The clusters are supported by corresponding clusters of Directors-Generals (DG) who work closely with the Policy Coordination and Advisory Services (PCAS) in the Presidency. The DG clusters ensure that the deployment of departmental resources keeps step with the agendas being set by Cabinet clusters. The deliberations of the Cabinet clusters are thus kept well informed and able to take co-ordinated administrative action.

These **five clusters** are:

- economic, investment and employment
- governance and administration
- international relations, peace and security
- justice, crime prevention and security
- social.

For example

The Department of Provincial and Local Government (**dplg**) has responsibilities under the clusters of economic, investment and employment, governance and administration and social. Their responsibilities are addressed in conjunction with other departments that work in the sector. So for example the implementation of the Expanded Public Works Programme would require **dplg** to work with the Department of Public Works. In some of the activities **dplg** is the lead department, but in all instances co-operation between all departments working within that sector is required.

An example of a programme where **dplg** takes the lead is the implementation of Project Consolidate. Project Consolidate aims to strengthen management in 139 under performing municipalities that have severe management and implementation challenges.

Remember that every year there are changes to the Programme of Action and that councillors need to familiarise themselves with these changes, as they will impact upon their work. Co-operative governance requires that the three spheres of government align their work and the annual Programme of Action influence the yearly priorities of local government.

Government's Programme of Action is one of the most important documents that a local councillor should have access to and understand.

A useful tool for councillors is the IDP Nerve Centre that provides information on intergovernmental planning.
www.idp.org.za

National Spatial Development Perspective (NSDP)

What is the NSDP?

The NSDP was launched in 2003.

It is a strategy and acts as a policy co-ordination and indicative planning tool for the three spheres of government. It provides an important mechanism against which the strategies of the spheres of government can be monitored. The NSDP is an instrument that informs the respective development plans of the three spheres of government; these are the IDP (Local), PGDS (Provincial) and MTSF (National).

The key objective of the NSDP is to provide an approach to intergovernmental planning and alignment that supports and enhances co-operative governance.

The NSDP is continuously being refined and revised, based on input from local, provincial and national government.

One of the key objectives of the NSDP is to provide an **indication of development potential in various geographic spaces across the country**. If, for example, an area or geographical space is identified as having growth and development potential through tourism, the relationship between the NSPD, the PGDS and the municipal IDPs must be informed by this identification of development potential.

Why do we need a NSDP?

One of the major challenges facing government is to **improve intergovernmental dialogue** to ensure that national and provincial programmes link to municipal priorities. Government recognises that the three spheres of government have often functioned in a vacuum; this is particularly so in the case of local government. This results in wasted resources, duplication or contradiction of initiatives and ineffective utilisation of human resources.

The vision and principles of the NSDP serve as a guide for meeting government's objectives. These **objectives** are:

- economic growth
- employment creation
- sustainable service delivery
- poverty alleviation
- the eradication of historic inequities including spatial distortions.

The Presidency, when releasing the NSDP, said that its principles should play an important role in the respective development plans of local and provincial government, namely Integrated Development Plans and Provincial Growth and Development Strategies.

Why is the NSDP important to local government?

The vision of the NSDP is that:

South Africa will become a nation in which investment in infrastructure and development programmes support **government's growth and development objectives**:

- by focusing economic growth and employment creation in areas where this is most effective and sustainable
- supporting restructuring where feasible to ensure greater competitiveness
- fostering development on the basis of local potential
- ensuring that development institutions are able to provide basic needs throughout the country.

The NSDP identifies development potential of localities in Categories of Development Potential. Local government should use these categories of development to identify the advantages of infrastructure investment and/or development spending. Reports from the municipalities on the effectiveness of this spending are conveyed to national government and is used to periodically update the NSDP.

The NSDP also provides a guide to encourage greater and innovative interaction and co-ordination between the spheres of government between government departments about the spatial priorities of the country.

It is important that the NSDP supports and informs local government's spatial planning, while at the same time local government's IDPs are recognised as being a critical component of spatial planning. NSDP objectives will only be achieved if IDPs are in line with national spatial development planning.

The NSDP provides a concrete mechanism in terms of which integrated development planning in the local sphere, provincial planning and national spatial guidance can be formally linked in support of national priorities and objectives.

These objectives cannot be achieved unless there is:

- awareness of and buy-in to the NSDP vision and its principles by all organs of government
- the linkage and alignment of the PGDSs, IDPs, as well as sectoral, departmental and financial planning in all spheres of government
- the extent to which the NSDP and its principles find practical manifestation in the PGDSs, IDPs and sector department plans
- dialogue between spheres and between departments and institutions within spheres on development potential and poverty/need within particular localities
- annual comments and reports by organs of government on how their strategies are informed by the NSDP principles and their comments on the spatial narrative and maps in the NSDP.

Government recognises how important it is for **all spheres of government to closely work together**. To this end each one of the spheres need to understand each other's plans and policies and ensure that they co-operate and integrate with each other. Hence, **councillors must be well aware of policies and plans of the other spheres of government**.

Provincial Growth and Development Strategies (PGDS)

What is the PGDS?

The PGDS is the development framework of the province and contains an indication of the specific potentials in the province broken down to a district level, the province's proposed economic growth path and an indication of the sectors and the areas in which the province plans to invest. Just as municipalities have IDPs and national government has developed the NSDP, provinces are all encouraged to develop their own PGDS.

Provincial governments are expected to play an important role in ensuring that economic planning, infrastructure investment and development spending is in line with the principles contained in the NSDP. The PGDS is a tool that guides and co-ordinates the allocation of national, provincial and local resources and private sector investment to achieve sustainable development outcomes.

Who are the role-players in PGDS?

Some of the role-players that would need to collaborate on the formation of the PGDS include:

- Government bodies:
 - Metropolitan, district and local municipalities
 - Neighbouring or strategically linked provinces
 - National government departments
 - Provincial sector and line departments, including development and trade forums and organisations
 - Parastatals
 - International donors, trade bodies and NGOs.
- Private and civil organisations:
 - Organised business and labour
 - National and regional community based organisations
 - Corporate bodies
 - Academic and training institutions
 - Social and cultural bodies.

You can access your province's PGDs at www.idp.org.za

6 Municipalities are key stakeholders in both the development and implementation of the PGDS.

The Premiers take the responsibility for annually reviewing the targets set in the PGDS and ensuring that the provinces and municipalities work towards achieving the goals and objectives. Particular sector departments, such as Economic Affairs and Tourism and Education, are still required to provide their strategic approaches, and show how these align to the development perspective of the PGDS. PGDS are collaborative efforts that bring all parties to the table.

One of the most important stakeholders in the process is the municipalities and, by implication, the councillors.

To effectively articulate their requirements councillors must understand that a PGDS must necessarily reflect choices and thus there may be trade-offs. This will impact directly on the metropolitan, district and local municipalities and metros and districts in particular must support and buy into the focus of the PGDS.



Key points

- There are three distinctive, interdependent and interrelated spheres of government: national, provincial and local.
- All three spheres have to work in a co-operative, co-ordinated and integrated manner to achieve development.
- The Intergovernmental Relations Framework Act, 2005 has expanded the role of local government in intergovernmental processes. Councillors play a critical role in these processes.
- District Intergovernmental Forums should be established to facilitate intergovernmental relations between the district municipalities and the local municipalities that it serves.
- Government's Programme of Action identifies sectoral priorities for all spheres of government. Local, national and provincial government work with each other to implement the Programme of Action.
- The NSDP is a national policy strategy that identifies development and investment potential in various geographic spaces across the country.
- The PGDS is the development framework of the province and contains an indication of the different development potentials in the province. Municipal IDPs and PGDS must be clearly aligned.
- Service delivery, investment and development are important components of NSDP, PGDS and IDPs.

Chapter three

Roles and responsibilities of councillors

Objective

To equip councillors with the knowledge and skills that will enable them to carry out their work and understand their role.

Introduction

After their election, councillors are faced with the challenge of understanding council processes and coming to grips with how best to fulfil their mandate as representatives of the people at local government level.

To do this councillors need a **working knowledge** of:

- the key responsibilities of councillors, and
- a basic understanding of the principles that should guide their decisions and actions as councillors.

This chapter looks at the key principles of developmental local government and how councillors can apply these principles in their work. It then considers the main roles and duties of a councillor, and finally introduces the councillor to the code of conduct for councillors and the principles of delegation of authority.

Councillor roles in promoting developmental local governance

Councillors are representatives of their constituents and their immediate needs. They also have the responsibility that the decisions they take must address past imbalances and access to services and opportunities.

Councillors are representatives of their constituents and their immediate needs. They also have the responsibility that the decisions they take must address past imbalances and access to services and opportunities. At the same time, councillors need to be conscious of the impact of these decisions on future generations. This is a large responsibility and needs to be made within a democratic framework that relies on frequent consultation with community members, ward committee members, organised interest groups, and close co-ordination amongst all levels of government from local to provincial to national.

Local government in South Africa is guided by the concept of **developmental local government** as described in the White Paper on Local Government, 1998. As previously stated in chapter 1, its vision is that local government should

‘work with local communities to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.’

It should especially target those members and groups within communities that are most often marginalised and excluded, such as women, disabled people and the very poor.

In order to achieve these results, councillors will be expected to:

- evaluate the policies and programmes of the municipality
- take into consideration the needs of the people they represent
- make recommendations that can improve these policies and programmes in line with the objectives of developmental local government.

The key principles of developmental local government are each discussed in more detail in the following pages. Each principle is accompanied by questions that councillors should consider as they carry out their work, to help ensure that they are contributing to the overall development of their municipality.

Maximising social development and economic growth

The municipality must make sure that people have the basic services necessary to sustain their lives – such as water, sanitation, electricity, and refuse removal. In addition, the municipality also has a role to play in promoting the social development of its residents, such as through sports and recreation, libraries, good health care, and a safe environment.

The municipality is also meant to help create employment opportunities at local level through providing infrastructure and developing programmes that can support small businesses or attract larger ones. It can also do so through using the ‘buying power’ of the municipality to support jobs for local people. The municipality has a particular responsibility to make sure the poor and marginalised can access services and job opportunities.

Example

The municipality provides infrastructure for and operates basic services. Councillors need to ask:

- Do the municipality’s policies for installing the infrastructure prioritise the use of local labour?
- Do they prioritise the use of contractors that are owned by previously disadvantaged racial groups?
- Are the services provided in a way that ensures that the rights of the poor to a free allocation of water and electricity are safeguarded?

6 Reviewing policies for social and economic growth:

- Does the policy or programme target the poor and disadvantaged? If not, in what way could the policy ensure that it prioritises the social and economic needs of the poor and disadvantaged?
- Is the implementation of the policy or programme having the intended effect to increase social development and economic growth, especially in areas/wards of greatest need?
- Are there additional resources required, such as more funding or improved infrastructure, in order to better meet these goals?

Integrating and co-ordinating

Creating integrated living environments involves paying attention to all the different needs that a community must meet in order to sustain itself. It also means that resources will be concentrated so that past imbalances created by apartheid planning and poverty will gradually be reduced. In addition, to ensure a healthy quality of life for all, the environment must also be protected. A municipality tries to achieve this mainly through its Integrated Development Plan (IDP) that is developed for a five-year period and reviewed every year by council.

More information on the IDP is provided in chapter 4.1

Example

If land is identified for housing, it should either be in a place that already has adequate schools, health clinics, parks, basic services, etc. or the plan must provide for delivering these services in co-ordination with the housing settlement. Different levels of government as well as different departments within a municipality will be responsible for co-ordinating their activities in accordance with that plan. The councillor and community will also be involved in developing the plan and monitoring progress towards it. The councillor's responsibility is to ensure that the IDP process does include consultation with communities and that their concerns are reflected and taken seriously. Chapter 2 talks more about the importance of intergovernmental relations in the delivery of services.

Some of the questions that a councillor will need to ask when considering an IDP would include:

- Does my municipality's IDP consider all the major issues present in this community, or does it leave something out? Does it help to preserve or improve the environment?
- Is this plan going to be implemented in a step-by-step way where responsibilities of all those implementing it are clearly stated?
- Is the implementation going according to plan, or are there major blockages that have arisen. What can be done to resolve these?

Democratising development, empowering and redistributing

Democracy in South Africa is about more than just voting. It is about people having the right to be informed about what their government is doing, and having the right to participate in decision-making, especially when the decisions directly affect them. This helps create empowered citizens who have the initiative to continue to contribute to the development of their communities.

Councillors (especially ward councillors) play an extremely important role in promoting democracy by making sure that community members and organisations have the chance to present their views on any matter to be considered by council.

Councillors must also be diligent in reporting to their constituencies about what council has committed to and what progress is being made.

Report back to constituencies through:

- community forums
- constituency meetings
- ward committee meetings

6 Report backs should be regular!



6 Promoting democracy and empowerment:

- What are the best ways I can get input into council plans and processes from citizens, communities and interest groups?
- How can I demonstrate that I am available to and concerned about my community or constituency?
- How can I make sure the community is involved in implementing the plans and programmes of the council?

A councillor's responsibility is to work with citizens in realising these challenges.



Developing a strategic vision

- Am I helping to educate my constituents about the broader issues affecting the sustainability of our communities, municipality, and country?
- Am I promoting respect for human rights?
- Am I encouraging the potential and initiative of my constituency?
- Am I helping to create a vision for my municipality that is informed by the principles of Developmental Local Government?

Key roles of a councillor

This section summarises in practical terms the **roles that a councillor is expected to perform within council**. It is not an exhaustive list, but highlights the major activities of a councillor in a simple and straightforward way. Councillors will learn more through experience and through the direction of the council leadership how best to perform their duties.

The specific functions of a councillor are not comprehensively dealt with in legislation, although Section 53 of the Municipal Systems Act, 2000 does direct that each municipality must 'define the specific role and area of responsibility of each political structure and political office bearer of the municipality and of the municipal manager' and within that define how the councillors and municipal managers and other staff members should interact. Councillors are advised to obtain such documents from their municipality for further guidance.

In addition, the role of a ward councillor as chair of the ward committee is specified in the Municipal Structures Act, 1998. In Chapter 7 of the Municipal Finance Management Act, 2003 the mayor's responsibilities as the political leader of the council are defined. A mayor may delegate some aspects of their responsibilities to a councillor serving in any of the council committees. The mayor however remains answerable to any of the delegated functions.

Who are the role-players in the municipality?

Role of the council – The council's role is to make policies and by-laws, monitor implementation and intervene or take corrective actions where necessary.

In general, the function of a council may be defined as:

- representation
- providing leadership
- participating in decision-making
- exercising delegation and statutory powers.

Mayor

The leadership of council is performed by the mayor (whose role slightly differs according to the type of leadership system present in the municipality – see chapter 1 for more detail). The mayor will work closely with a municipal manager, the official who heads the administrative structure of the municipality.

Speaker

The speaker is a member of council who upholds the basic rules that apply to all councillors. The speaker makes sure that councillors follow the code of conduct and that there is adequate councillor support so that councillors are able to do their work effectively.

Reference

- In a Plenary Executive System the mayor is the chairperson of the municipal council
- In a Collective Executive System the speaker is the chairperson of the municipal council and the mayor the chairperson of the executive committee
- In a Mayoral Executive System the speaker is the chairperson of the municipal council which elects an Executive Mayor who has executive powers. The mayor may be assisted by a Mayoral Committee.

See chapter 5, on Personal and Leadership Skills, for more information on upholding values of basic respect and tolerance in line with democratic values.

Councillors

Councillors sit in council on behalf of their constituents. Newly-elected councillors represent different political parties and/or organisations. Councillors need to interact with each other as every councillor is mandated by their respective voters. It can be a challenge for councillors to work together and co-operate in the interests of their municipality as a whole.

Officials

Officials staff the administrative offices of the municipality and implement policies of the council and provide expert advice in support of the council. It is important that councillors are not seen to be interfering with the work of officials, as the municipal manager is responsible for hiring and overseeing municipal staff.

Ward committees

Ward committees are made up members of a particular ward who are chosen by residents of the ward to advise the ward councillor. Their function is to raise issues of concern about the local ward to the ward councillor and to make sure ward residents have a say in decisions, planning and projects that the council or municipality undertakes which have an impact on the ward.

Citizens

Citizens are the residents of the ward.

All role-players in the municipality will also need to respect the rules that determine the appropriate ways to engage with each other and the boundaries that determine the limits on their behaviour, to ensure the effective administration of the municipality.

Councillors serve as representatives of the people

Councillors are the elected representatives of the people and are mandated as elected representatives to make decisions on behalf of their constituencies.

This idea is based on the principles of *representative democracy* which recognises the need for people to have a voice in their government, but assigns that voice to selected persons chosen through the voting process.

As elected representatives councillors need to carry out their duties in a *transparent* and *accountable* way. This means that councillors do not act as individuals and do as they wish. Their actions must be visible to the public so that the public (or party to which the councillor belongs) is able to object when it they feel their interests are not being adequately represented. In order to find out what is happening at council level, the public has the right to attend council meetings, and get records and reports provided by council.

Councillors serve as facilitators of community/constituency input

Councillors are expected to be in close contact with their constituencies 'on the ground' and to keep council informed of the real experiences and views of the residents within the municipality. Local government legislation has in several places emphasised the importance of public participation as a means to influence council processes. This means that elements of a *participatory democracy* are also in place in South Africa.

Participatory democracy is where citizens have the right not only to elect their representatives, but to participate actively in government decision-making on a continuous basis between elections.

Chapter 4.4 discusses public participation and citizen involvement.

Citizens do not have a vote on council, but are meant to influence their councillors to represent their views on any topic that affects them. Councillors have a duty to be accessible to the public to allow for that input.

Councillors serve as a communication link between council and community

Every council will be involved in various planning and policy-making processes, and specific programmes or projects that are being implemented. The council will also conduct information campaigns on issues affecting the community. Councillors need to communicate these activities to the public in the interests of increasing transparency and promoting public involvement in these activities.

Sometimes radio or newspapers are used by the council, but the most effective outreach is often done by the councillors, working through ward committees, organised community groups, local party branches, public meetings, etc.

Chapter 5 discusses communication in more detail.

Municipal work is essentially **public activity** – the paradigm that government/municipal work is secret activity must be challenged at all times. Rather the approach should be how to manage the flow of information in the interest of the municipality. Communication should be based on an integrated communication strategy and programme, with core messages which guide all the actors. Councillors are advised to familiarise themselves with the communication strategy of their municipality.

Direct communication and mutual exchange of views with the public is the most effective form of communication. In working out campaigns and programmes, there should be a deliberate effort to understand the communication environment, including target groups, appropriate media platforms, messages and forms of interaction. Communication campaigns work best when they are carried out in partnership with others outside of municipality. This would include other government spheres, NGOs, etc – all of which can, if mobilised and supportive, transmit similar messages sometimes with a greater measure of credibility and impact. Chapter 6 discusses communication in more detail.

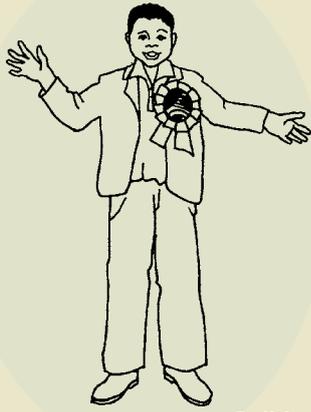
Councillors serve as members of committees

Councillors may have the opportunity to participate on committees within council. Committees are made up of a group of councillors who are usually designated to review or develop new policies relating to a specific issue. Committees may have different parties represented, and may also include relevant officials of the council that work with the committee on an advisory basis. The committees develop the proposals for council to consider, and therefore, have a lot of influence. The Executive Committee has the most influence as it ultimately decides which proposals to put before council. In order to be prepared to participate effectively on these committees, it is essential that councillors should be informed by the basic principles of delegation, which are described later in this chapter.

Councillors ratify key decisions of the council

Councillors have the responsibility to make important decisions through voting in council on issues such as resolutions of council, policy changes, the IDP and the annual budget. Councillors must become very informed about the content of each of the issues the council must vote on. Councillors will have the opportunity to debate many of the issues in the party's caucus, where councillors have the opportunity to represent differing views on the issue based on the interests of their constituencies and their own judgement. Once a decision has been taken in the caucus, party members are usually expected to vote in the council sitting according to that decision. This is particularly the case for PR councillors.

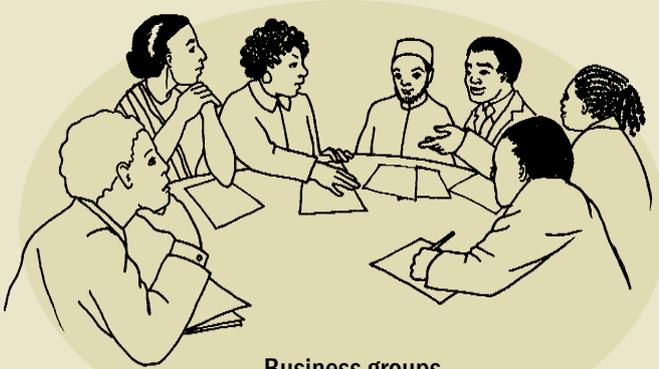




Political parties



Traditional leaders



Business groups



Well off ratepayers



NGOs and CBOs



Informal settlement residents

Councillors provide the link to different community groups

Councillors help monitor the performance of the municipality

Councillors act as a key feedback mechanism for monitoring:

- whether the municipality's plans and programmes are achieving the intended effect
- whether services are being provided in a way that is efficient and fair
- whether capital projects as committed to in the IDP are actually taking place according to plan within a reasonable timeframe.

As ward councillors in particular often receive complaints from the public on specific problems they are in a good position to advise the public on how to resolve their issues. They can also assist their constituents in making formal complaints or petitions, as may be appropriate, for submission to the municipality, and can help follow up on the concerns brought to them.

The councillor is also given reports on various service delivery issues and the progress of capital projects, and should pass this information on to the community at every opportunity.

While a councillor cannot directly instruct an official on how to do his or her job, councillors do have a right to expect officials to meet accepted standards of service and can raise any serious concerns within council for attention by the relevant department.



Councillors can assist their constituents in making formal complaints

Full- and part-time councillors

Section 18 (4) of the Municipal Structures Act, 1998 empowers a municipality to designate councillors determined by the MEC for local government as **full-time councillors**. A full-time councillor may not take on any other paid work unless he or she has the consent of his/her municipal council. In most municipalities the mayor and the speaker are full-time councillors. Sometimes members of the executive and mayoral committee are full-time councillors.

Both full time and part-time councillors are equally important

A councillor's right comes with responsibility. A councillor as a political office bearer is paid a salary within the framework of the Public Office Bearers Act, 1998 and referred to in the Chapter 14 section 167 of the Municipal Finance Management Act, 2003. The Public Office Bearers Act, 1998 sets the upper limits of salaries and allowances and benefits, which cannot be exceeded. A councillor should consult with the accounting officer if he or she is unsure about any of any monies paid or given in cash or kind as he or she may be required to account for it or pay it back.

Role of a ward councillor

Each ward councillor is elected by a specific geographically-defined ward within the municipality. The ward councillor, therefore, is expected to make sure that concerns related to his or her ward are represented on council.

The Municipal Structures Act, 1998 provides for the establishment of **ward committees** to assist the ward councillor in understanding the needs and the views of the community. A ward committee should consist of up to ten members who serve as volunteers to advise the councillor, and may represent a certain sector. For example, women's groups or ratepayers associations or a geographic area or community within the ward. The ward councillor serves as **chair** of the ward committee and must hold regular meetings. A council may have a detailed policy on a ward councillor's responsibilities as ward committee chair, specifying the number of meetings, the type of reports to be made to the ward committee, etc. Ward councillors are also expected to hold regular public meetings within the ward, and can interact directly with any interest group even if that group is not represented on the ward committee.

MFMA Section 167

A municipality may remunerate its political office-bearer and members of its political structures, but only: ... within the framework of the Public Office Bearers Act, 1998 setting the upper limits of the salaries, allowances and benefits for those office bearers and members.

It is important to keep in mind that the ward councillor and the ward committee are there to ensure that everyone can participate in local government, and not to try to control everything that goes on in the ward.

Role of PR councillor

The **PR councillor** is elected through the party lists and therefore is primarily accountable to the party. The PR councillor may interact with party structures at local and provincial levels, and can get input relevant to council business through such structures.

The PR councillor may in some cases also serve as a substitute chairperson to a ward committee in cases where the ward councillor cannot be present.



Advocacy on behalf of municipalities

Councillors may have the opportunity to participate in organised local government, structure through SALGA. Councillors in your municipality may be involved in provincial or national SALGA structures, which allow the views of municipalities to be heard at national level through the National Council of Provinces. This can increase awareness of the challenges facing municipalities, and motivate for policy change to address these challenges.

Code of Conduct

Councillors are bound by the Code of Conduct set out in Schedule 5 of the Municipal Structures Act, 1998. Councillors are accountable to the people who elected them and the Code of Conduct sets the framework that governs their behaviour. Councillors should set an example to their constituents, hence the Code requires councillors to **'perform the functions of office in good faith, honestly and a transparent manner'**. Councillors must also act in the interests of the municipality at all times in such a way that the credibility and the integrity of the municipality are not comprised. The Code of Conduct spells out specific ways in which the councillor must conduct him or herself with regard to:

- attendance at meetings
- disclosure of interests
- personal gain
- declaration of interest
- full-time councillors
- rewards, gifts and favours
- unauthorised disclosure of information
- intervention in administration and council property.

Breaches of the Code are regarded in a serious light, hence the Code also spells out procedures for a breach of the Code.

The Prevention and Combating of Corrupt Activities Act, 2003 defines a public officer as any person receiving remuneration from public funds. A councillor is therefore subject to the laws that govern all other public officers as the Act defines the municipality as a public body.

“ Councillors should consult the Promotion of Equity and Prevention of Unfair Discrimination Act, 2003. ”

Corruption is a major concern of the government, particularly where public funds are diverted for personal gain.

To provide for the strengthening of measures to prevent and combat corruption, the Prevention and Combating of Corrupt Activities Act was passed in 2003. Corruption and the misuse of public funds undermines the Bill of Rights, endangers the stability and security of a society, and undermines the institutions and values of a democracy and ethical values of morality among others. As this is the responsibility of the state it therefore becomes the responsibility of public officials. But, it also requires mutual co-operation, with the support and involvement of individuals and groups outside of the public sector, to be successful.

As a public official, any councillor who directly or indirectly, accepts or agrees or offers to accept any gratification/favour from any person, whether for benefit for himself or herself or for benefit of another person is guilty of the offence of corrupt activity.

Reference

Offences in respect of corrupt activities relating to public officers are detailed in the Prevention and Combating of Corrupt Activities Act, 2003.

Reference

More detail on supply chain management issues is provided in Notice 868 of 2005: Local Government: Municipal Finance Management Act, 2003: Municipal Supply Chain Management Regulations.

MFMA Section 173 (4) & (5)

A councillor can be charged with a criminal offence if he or she deliberately influences or attempts to influence any of the municipal officials to refrain from the financial reporting requirements or interferes in the financial management responsibilities or functions assigned in terms of the Municipal Finance Management Act, 2003.

As a councillor, the issue of conflict of interest may arise during the time in office. According to section 117 of the Municipal Finance Management Act, 2003, **no councillor of any municipality may be a member of a municipal bid committee** or any other committee evaluating or approving tenders, quotations, contracts or bids, nor attend any such meeting as an observer. Interference in municipal procurement or supply chain systems is also strongly rejected. Persons in service to the state (which include councillors and municipal employees) or businesses in which such persons are a principle shareholder or manager cannot receive any contract for municipal services. If their close family members are awarded a contract of over R2 000, it was be disclosed in the municipality's financial statements.

A councillor can also be found guilty if he or she deliberately or in a grossly negligent way gives incorrect, untrue or misleading information to the accounting officer that would affect financial decisions of a municipality.

Delegation of authority

The Municipal Structures Act, 1998 and the Municipal Systems Act, 2000 describe a wide range of powers and functions that may or may not be delegated. A municipality can only delegate authority if it is expressly or by necessary implication authorised to do so.

Councillors will mainly encounter the issue of delegated authority as it relates to the work of committees formed within council. Committees are formed in order to ensure that the work of the council is conducted more efficiently. It is important for members of committees to understand that the committee operates under the authority of the executive mayor or executive committee of council and must regularly report back to this body on the progress of its activities and not over-step its mandate.

Principles of delegation

There are three basic principles which should be considered in delegation. SALGA has proposed the following:

Authority: The delegation or assignment of authority to a committee gives committee members the ability to act on behalf of the person or committee in whom the authority was originally vested.

When duties or functions are delegated, they must be vested with the authority to perform. Authority should, however, not be confused with power. Power has a coercive character, while here authority implies a conferred decision-making power. In this regard, the allocation of authority is a consequence of confidence in the abilities of the committee members.

Responsibility: The delegation of authority without the attendant responsibility is opening the door to abuse. The allocation of authority gives a subordinate committee the right to act. It assigns a committee with the responsibility to perform the duty according to the agreement.

Accountability: When an executive mayor or executive committee delegates authority, they remain accountable for the conduct of the committee to whom this authority was delegated. Accountability can, therefore, never be delegated. Accountability imposes the responsibility or obligation on the executive mayor or executive committee to ensure that the delegated instruction is carried out, so that it results in the satisfactory attainment of the desired objectives.

Although control is integral to delegation, it may never function to inhibit delegation. As authority and responsibility are delegated downwards, so accountability flows upwards in an organisation.



Definition

Delegation means that one person/body (called the delegating authority) gives another person/body (the delegated body) the authority to make decisions, execute powers, perform functions and discharge duties on behalf of the delegating authority.



Process of delegation

The executive mayor or executive committee must be certain that the subordinate committee has the ability to successfully undertake the task, before delegating or assigning a task or responsibility. The following process may be maintained for delegating authority:

- **Determine what is to be delegated.** A municipal council, for instance is prohibited from delegating the approval of its by-laws and its integrated development plans to a committee, political office bearer or to a municipal staff member.
- **Determine what is to be delegated to whom.** It is pointless to delegate authority to a subordinate committee that does not have the capacity to perform.
- **The councillor/manager must delimit the delegation and set standards.** This is so that the committee is left in no doubt as to the boundaries within which it may act with the entrusted authority.
- **The delegator remains accountable to higher authority.** Whilst the executive mayor or committee may delegate certain parts of its duties and responsibilities to another committee, it still remains accountable to the full council.



According to the Constitution the following functions may not be delegated by a Municipal Council:

- a. The passing of by-laws
- b. The approval of budgets;
- c. The imposition of rates and other taxes, levies and duties and
- d. The raising of loans.



Benefits of sound delegation

The quality and speed of decision-making is improved the closer the delegations are made to the level at they will be implemented. This will also enable the councillors to consider grass-roots issues to refer to a full council meeting.

Delegation raises the level of confidence and morale of committee members, who by exercising the delegations develop a sense of ownership.

Delegation also enables the executive mayor or committee to concentrate on the more important issues, which they feel uneasy about delegating, or which they are prohibited from delegating in terms of legislation.



Key points

- The municipal council makes policy decisions and monitors the effective implementation of council functions, while the administrative offices carry out the directives of council.
- Councillors are the elected representatives that serve on the municipal council, and therefore are given the responsibility to carry out their duties in a way that is accountable and transparent to the public.
- Councillors are expected to make sure that they are constantly communicating with the public to get input into council decisions, be aware of the needs on the ground, and to collect information on any serious concerns related to municipal service delivery.
- Ward councillors are different from PR councillors as they represent a specific geographically-defined ward and its needs. PR councillors are primarily accountable to their party structures.
- Councils are lead by a mayor, who operates with an executive committee that is defined based on the type of executive system in operation in the municipality.
- In most councils, speakers are designated to run council meetings in accordance with rules of order that determine acceptable behaviour in a council meeting. Speakers also enforce the councillor code of conduct.
- Councillors are bound by a code of conduct. A councillor must conduct his or her functions in good faith, honesty and in a transparent manner. The actions of a councillor should be in the best interests of the council and not compromise the credibility and integrity of the municipality. At all times the councillor must consider how his or her behaviour will impact on his or her constituents on whose behalf they act.
- Executive mayors or committees may delegate certain council functions to committees, which can enhance the efficiency of council decision-making processes and enable the executive mayor or committee to concentrate on the issues which they feel uneasy about delegating or which they are prohibited from delegating in terms of legislation.
- Councillors should be guided by the principles of developmental local government when making decisions – this instructs councillors to consider how best to maximise the social and economic development of the municipality, to direct resources to the poor and marginalised, to plan for meeting the needs of each community in an integrated way, and to ensure maximum participation and empowerment of their citizens.

Chapter four

Key municipal processes

Introduction

There are a number of processes that all municipalities are required to perform. These processes are:

Municipal integrated development planning

With the instatement of each new council a new five year plan is developed. This plan guides most of the councillor's activity for her or his duration of office. The plan is developed in consultation with a wide variety of role-players – especially the community which elected the council.

Municipal budgeting

An important aspect of a councillor's work is ensuring the delivery of basic services and promoting development in the areas she/he represents. Councillors, together with officials, must ensure that the budget to enable such development is available. The budget is closely linked to the Integrated Development Plan.

Municipal performance management

The Integrated Development Plan divides the municipality's work into projects with clear deadlines and progress indicators. An important role of councillors is to monitor municipal performance in terms of these key deliverables. These deliverables are also the measures by which a council's success can be measured.

Public participation and citizen involvement

Councillors are elected officials whose duty it is to represent the people. By promoting and supporting public participation and citizen involvement, councillors can ensure that they are able to meet this mandate. Good contact with community representatives and understanding of community issues and aspirations enable councillors to promote participatory democracy in their wards or municipalities.

Each of these municipal processes is explained in more depth in the following pages.

Objective

To equip councillors with the relevant information and processes to enable them to input into the planning of their municipality.

Chapter four.one

Municipal integrated development planning

What is integrated development planning?

Integrated development planning is a **process** through which municipalities prepare a strategic development plan for a five year period. It does involve the whole municipality and its citizens in finding the best solutions to achieve effective sustainable development. This planning takes a long term view and assists a municipality in preparing an overall framework for development. It looks at existing conditions and facilities, at the problems and underlying issues, and at the resources available for development.

The Integrated Development (IDP) is a **product** of the integrated development planning process. The IDP is the principal strategic planning instrument which guides and informs all planning, budgeting, management and decision-making in a municipality.

Integrated planning must ensure that municipal planning meets the aspirations of the people. Discussion between councillors, officials, ward committees and communities should ensure that realistic expectations are agreed on and that these expectations are met. It should reflect the realities of the area but at the same time look at how deficiencies or problems can be addressed.

Chapter 5 of the Municipal Systems Act, 2000 requires that citizens participate in planning to make municipal plans more relevant to local needs and conditions. This can take place through public meetings or workshops with representative CBOs to explore the development needs within a municipality. The councillor plays an important role in this process.

Development planning will have long- and short-term goals and will allow for a process of long-term planning in anticipation of such issues as population growth, the rapid spread of HIV and AIDS, and increased pressure on the public transport system.

Municipalities are legally required to have IDPs that are publicly available. Communities, NGOs and the private sector will have a more holistic understanding of the municipality's goals and will be empowered to contribute to the development of the municipal area.

Objective

To equip councillors with knowledge to enable them to play a role in preparing an Integrated Development Plan.

Integrated development planning is vital for using the resources available to meet the wide range of issues in an area. It helps a municipality to identify and respond to issues in different sectors such as water, health, transport, community, safety and trade, in a co-ordinated way.

Definition

Integrated - fitted together, with parts united into a whole
Development - progress and long-term growth
Planning - designing and preparing for the future.

Broad guidelines for integrated development planning

The planning process should be driven by a team of officials and councillors

The integrated development planning process should be managed by council and the municipality concerned. There are many experts and tools that can be used to help in developing a plan, but it is important that the plans are owned by the municipality and the council. Decisions are made by councillors and implemented by municipal officials. Political and administrative commitment is important in ensuring success. The public participation officer and IDP managers involvement is helpful in ensuring that administrative structures are responsive to community issues.

Reference

A set of **IDP Guide Packs**, published by the dplg in 2000, can assist municipalities in developing their own Integrated development plans.

Community participation is crucial

Consultation processes must be used from the beginning to ensure that the development plan addresses the priority needs in a way that is appropriate to the people who are affected. It is important that citizens are empowered to participate meaningfully in the process. They need to feel a large degree of ownership of the plans. The involvement of functional ward committees contributes to the success of such planning.

All relevant sectors and government departments must be brought on board as early as possible

IDPs will have to be aligned with the plans of sector departments and provincial strategies. To facilitate the delivery of houses for example, IDPs are now required to have a specific housing chapter.

The planning process must be systematic

The planning process can follow many forms but it must include:

- needs assessment and problem identification
- setting goals
- collecting detailed information about problems and possible solutions
- assessing and choosing a course of action
- implementation and good project management
- monitoring and evaluation.

All other planning in the council must happen within the developmental framework and direction laid out in the IDP

The plan will only work if it is the basis for all financial and work plans of the council. The financial planning should reflect the long term goal of the council for sustainable development.

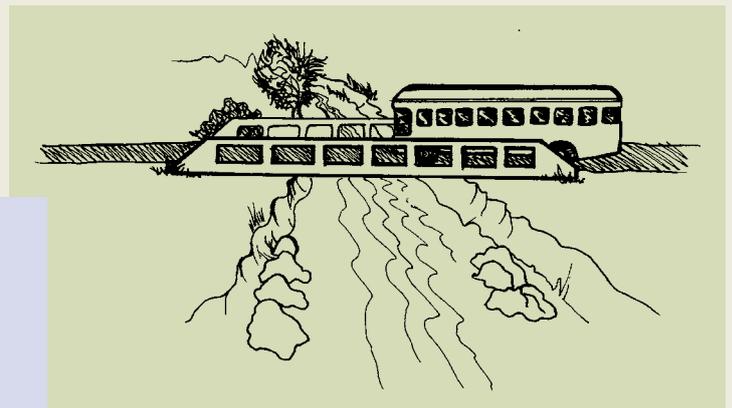
The success of an IDP will be judged by the extent to which it has promoted:

- democratic, participatory and accountable government
- the delivery of services to communities in an equitable manner
- social and economic development
- the co-ordinated use of resources.

The success of an IDP will be judged by the extent to which it has promoted:

- democratic, participatory and accountable government
- the provision of services to communities in an equitable manner
- social and economic development and
- the co-ordinated use of resources.

Once adopted, the IDP represents the overall development strategy for the municipality, and councillors will be held accountable for its implementation.



Delivery of services



Social and economic development



Resources, skills and capacities

To draw up an IDP, information is collected on the existing conditions within the municipality. This includes a detailed analysis of the availability of resources. The planning focuses on the types of problems faced by people in the area and the causes of these problems. The IDP also establishes the resources, skills and capacity of the municipality.

Prioritising needs of the community

The Constitution (Chapter 7) says that a municipality

‘must structure and manage its administration, budgeting and planning processes to give priority to the basic needs of the community and to promote the social and economic development of the community.’

Local government needs to develop a prioritised plan that deals with the most pressing problems facing the communities while addressing longer term developmental priorities. Since there are never enough resources to achieve everything that everyone wants, common goals have to be identified through a process of priority setting. This affects the allocation of resources.

The priorities will vary from one municipality to another and from one interest group to another. Top of the list for any municipality – in partnership with other spheres of government and the private sector – must be assisting those who have no basic services or income to secure a livelihood. This should not mean that the needs of other members of the community are ignored. In an IDP process, priorities are identified in partnership with the community and interest groups.

The prioritised plan affects how the council goes about raising funds for developmental projects. The prioritised plan affects financial planning, which should be **both medium and long term**:

- In the medium term (about 5 years), the largest capital expenses and recurring costs must be identified.
- In the short term (1-2 years) the annual budget must reflect the goals of the IDP and these projects should be reflected in the capital budgets for that year.

Public participation is an important aspect of the process of prioritisation. During this phase the public can participate in the following ways:

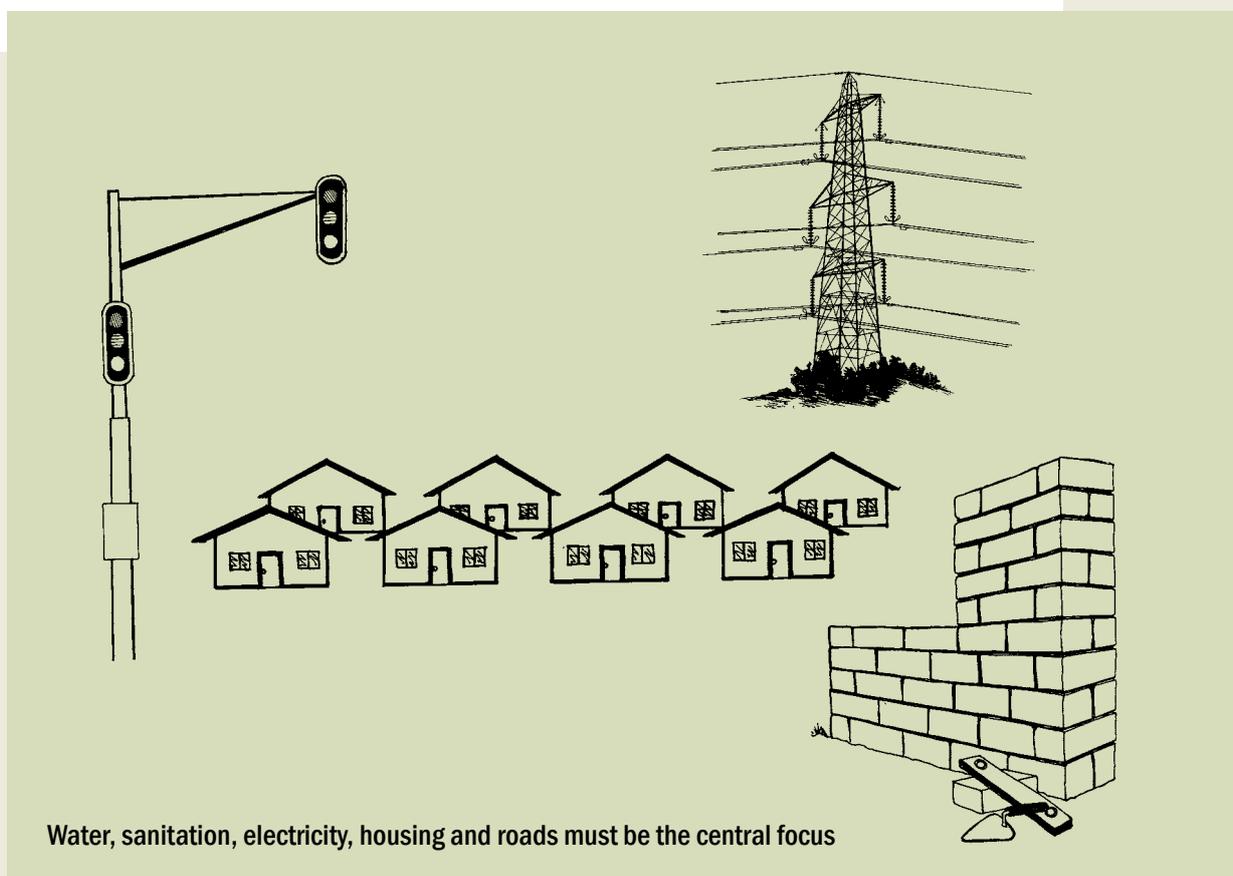
- community meetings organised by the ward councillor and ward committee
- stakeholder meetings
- surveys and opinion polls (getting views on how people feel about particular issues).

Different objectives of district/metro IDPs and IDPs of local municipalities

IDP's of local municipalities are better able to respond to the issues of communities and citizens. Local municipalities must ensure great community consultation in the process, for example through functioning ward committees. They should focus on the delivery of services against local, provincial and national targets. Water, sanitation, electricity, housing and roads must be the central focus.

The focus of the district must be one of co-ordination, support and economic development in the district wide area. District and Metro IDPs are better placed to inform and respond to higher level plans like sector plans, the provincial PGDS and national NSDP. A clear plan to stimulate the economy of the district area should be central to the IDP. The district must include in its IDP, clear plans for facilitating the support and skills needed by local municipalities for the development and implementation of their IDPs. It should assist the local municipalities with the implementation of projects and municipal action plans. It must also plan for strengthening the institutional capacity of local municipalities by sharing human resources and/or systems within the district.

Furthermore, district and metros should have a long-term growth and development strategy (20-30 years) focusing on delivering sustainable human settlements and robust regional/local economies.





Frequently asked questions

What is integrated development planning?

Integrated development planning is a process where municipalities prepare a strategic development plan for a period of five years.

What is the legal status of an Integrated Development Plan?

The Municipal System Act, 2000 requires all municipalities to undertake IDP processes and to produce an Integrated Development Plan. The IDP guides and informs all planning, budgeting management and decision-making in a municipality. The IDP has legal status and supercedes all other developmental plans at a local government level.

What is the lifespan of an IDP?

Every new council that is elected has to prepare an IDP that will guide them during their five year term of office. It is based on a comprehensive long term vision for the municipal area, and continues the development plans of previous councils.

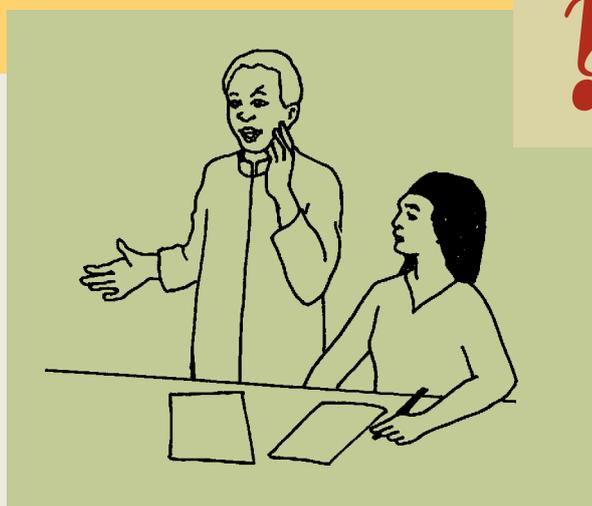
How long does it take to prepare an IDP?

Integrated development planning is a complex process that requires input from a number of stakeholders. It takes a municipality six to nine months to prepare an Integrated Development Plan. The timing needs to fit in with municipal budgeting cycles. Delivery and development should not stop during this process.

The IDP of a municipality is reviewed annually, to allow it to accommodate changes if necessary.

Who is responsible for the IDP process?

According to the Municipal System Act, 2000 the **mayor** or **executive committee** are responsible for planning and managing the IDP process. They must also co-ordinate annual revision of integrated development plans. An IDP co-ordinator may be appointed to facilitate and support the IDP process.



Role of public participation

The council should also approve a strategy for public participation. The strategy must decide, amongst other things, on:

- the roles of the different stakeholders during the participation process
- ways to encourage the participation of unorganised groups
- method to ensure participation during the different phases of planning
- timeframes for public and stakeholder response, inputs and comments
- ways to disseminate information
- means to collect information on community needs.

Source: www.etu.org.za/toolbox/docs/localgov/webidp.html

Ward committees

Strong, functional ward committees are necessary to promote meaningful participation in planning. Conditions that create successful ward committees are:

- ward committee members see their participation as meaningful
- the municipality and the public listen to each other
- it is clear to all parties who makes the final decision
- resources are allocated to support ward committee participation
- relevant information is presented to communities in an accessible form. including making it available in local languages
- clear distinctions between providing information, consultation and participation is understood by all
- feedback on the participation process and final decisions is provided
- elected councillors participate in the processes
- there are clear policies to guide municipal staff in how and why they should participate
- recognition that meetings are only one form of participation and that they must not be allowed to be biased in the direction of vocal participants.

Source: *Ward Committee Resource Book*. **dplg**/GTZ 2005

Community-based planning

One approach to public participation that has been successfully piloted in South Africa is Community-based Planning (CBP). It is a ward based planning approach that aims to break down the IDP to the ward level. CBP makes municipal plans more relevant to local conditions and increases community involvement in the processes and control in issues of service delivery. This approach requires functional ward committees who develop plans for their own wards, and link ward priorities to the integrated development planning of the municipality.

CBP empowers communities to plan for themselves by helping local government to be responsive to local issues and service delivery.

IDP Representative Forum

An IDP Representative Forum should be established to ensure proper communication between all stakeholders and the municipality. It is a structure for discussion, negotiations and joint decision making where stakeholders represent the interests of their constituencies.

The forum may include.

- members of the executive committee of the council
- councillors including district councillors
- traditional leaders
- ward committee representatives
- heads of departments and senior officials from municipal and government department
- representatives from organised stakeholder groups
- people who fight for the rights of unorganised groups – e.g. a gender activist
- resource people or advisors
- community representatives.

Annual Review of IDP

The annual review of the IDP is required to:

- ensure its relevance as the Municipality's Strategic Plan. It may need to accommodate changing circumstances or respond to performance related issues
- inform other components of the municipal business process including institutional and financial planning and budgeting
- inform the cyclical inter-governmental planning and budgeting cycle.

Councillors need to ensure that the public are involved in the review process. This can be done through ward committees, IDP forums and inviting public comments.

Phases of planning

The process of developing an IDP has **five phases**.

IDP Phases

Phase 0 Preparation	<ul style="list-style-type: none"> ? What do we need to prepare to plan? ▸ Municipal Process Plan & District Framework
Phase 1 Analysis	<ul style="list-style-type: none"> ? Where are we? ▸ Well understood Priority Issues
Phase 2 Strategies	<ul style="list-style-type: none"> ? Where do we want to go? ▸ Vision, Objectives, Strategies, ID Project
Phase 3 Projects	<ul style="list-style-type: none"> ? What detail do we need to define in order to realise the strategies? ▸ Indicators & basic project implementation information
Phase 4 Integration	<ul style="list-style-type: none"> ? What do we need to manage to make it happen? ▸ Integrated management programmes & plans
Phase 5 Approval	<ul style="list-style-type: none"> ? Are we satisfied? ▸ Ammended & adopted IDP

Source: Adapted from IDP Guide Pack. **dplg** 2000

Phase 0: Preparation

The outputs of this phase are

- Municipal Process Plan
- District Framework

Phase 1: Analysis

The outputs of this phase are:

- assessment of existing levels of development
- priority issues or problems
- Information on causes of priority issues or problems
- Information on available resources.

Phase 2: Strategies

The outputs of this phase are:

- developing a vision
- defining development objectives
- development strategies
- project Identification.

Phase 0: Preparation

Before starting the IDP planning process, municipalities must agree on the process. They need to decide what actions must be taken, who will be responsible for these actions, when different activities will take place and how much they will cost.

Phase 1: Analysis

The first phase of the planning process is an in-depth analysis of the resources as well as the issues pertaining in the communities and the municipality. This analysis looks both inwards at the municipality and the council as well as outwards toward the community. This assessment needs to identify the root causes of problems in the community rather merely than addressing the effects. In many cases the causes are related to unequal development, but may manifest themselves in social issues.

The identified problems are then assessed and prioritised in terms of what is urgent and what needs to be done first.

At the end of this phase, the municipality will be able to provide:

- an assessment of the existing level of development
- details on priority issues and problems and their causes
- information on available resources.

Phase 2: Strategies

In Phase 2 of the integrated development plan, local government needs to set goals that meet the needs that have been identified and prioritised in the first phase of the integrated planning. These goals should focus on:

- the needs of the community
- the capacity of the municipality to meet the communities' issues.

This phase defines:

- a vision for the municipality
- objectives for each priority issue (identified in Phase 1)
- development strategies for each priority issue.

Once the municipality has worked out where it wants to go and what it needs to do to get there, it needs to work out how to get there. A development strategy is about finding the best way for the municipality to meet a development objective.

Development strategies must fit in with any national or provincial plans and planning requirements that are binding on the municipality.

The formulation of development strategies is the crucial part of this phase. Councillors will need to oversee these projects and be strategic managers of this phase. The municipality may contract consultants to assist with this phase.

Phase 3: Projects

Once the municipality has identified the best methods to achieving its development objectives it leads to the identification of specific projects.

Phase 3 provides the detail that will go into the final IDP. To get the necessary detail, project formulating task teams design project proposals and draft sector plans. At this stage, preliminary budgets are attached to projects.

Projects must be designed with the participation of a range of stakeholders (including local communities). Even though this phase is quite technical, it is useful if a few councillors continue to play a role.

Clear details for each project have to be worked out in terms of:

- Who is going to benefit from the project?
- How much is it going to cost?
- How is this project going to be funded?
- How long would it take to complete?
- Who is going to manage the project?

Clear targets must be set and indicators worked out to measure performance as well as the impact of individual projects.

Phase 4: Integration

In the previous phase, Phase 3, the projects were broken up into separate units because it involves detailed, technical planning. Phase 4 brings the process together and integrates the projects in worked out in Phase 3.

This phase screens the projects proposed in the previous phase to check that they fit with the council's overall priorities and objectives. It also assesses project viability and integrates the various projects that were designed in phase 3.

These integrated programmes are usually medium- to long-term plans. They are useful guides for short-term planning and form the basis for annual budgets, annual business plans, land use management decisions etc.

Phase 3: Projects

The outputs of this phase are:

- performance indicators
- project outputs, target, location
- project related activities and time schedules
- cost and budget estimates.

Phase 4: Integration

The output is an operational strategy. It includes:

- 5-year financial plans
- 5-year capital investment programmes
- integrated spatial development frameworks
- integrated sectoral programmes
- integrated environmental programmes
- integrated poverty alleviation and gender equity programmes
- institutional plan
- monitoring and performance management system.

Phase 5: Approval

The output is

- an approved IDP for the municipality

Phase 5: Approval

Phase 5 is the final phase during which the IDP is approved. Councils must approve an IDP before it is submitted to the provincial MECs. Public comments must be gathered and considered before final approval is received. In addition, councils must ensure that the IDPs in the district municipality's area all fit together.



During the different stages of planning participation can be encouraged in these ways:

Planning phase

Methods for Participation

Analysis

Community meetings organised by the ward councillor

Stakeholder meetings

Surveys and opinion polls (getting views on how people feel about a particular issue)

Strategies

IDP Representative Forum

Public debates on what can work best in solving a problem

Projects

Meetings with affected communities and stakeholders

Representation of stakeholders on project subcommittees

Integration

IDP Representative Forum

Approval

Public discussion and consultation with communities and stakeholders

Monitoring and Implementation

IDP Representative Forum

Sample of an IDP

Each municipality may decide on the form and content of their IDP, with the exception of the aspects that are prescribed in the Municipal System Act, 2000. The sample table of contents, shown below, serves as a guide to what may be included.



Sample IDP

1. **The planning process**
 - 1.1 Institutional arrangements/roles and responsibilities
 - 1.2 Process overview: steps and events
 - 1.3 Self assessment of the planning process
2. **The situation**
 - 2.1 Current reality: facts and figures
 - 2.2 Summary of community and stakeholder priority issues
 - 2.3 Priority issues from the municipal perspective
 - 2.4 Spatial analysis: patterns and trends
 - 2.5 Social issues: poverty situation and gender specific issues
 - 2.6 Economic analysis: major risks and trends
 - 2.7 Institutional analysis: strengths and weaknesses
 - 2.8 Priority issues in context: summary reports on in-depth analysis
3. **Development Strategies**
 - 3.1 The municipal vision
 - 3.2 Localised strategies for each priority issue
 - 3.3 Objectives and strategies for each priority issue
 - 3.3.1. objectives
 - 3.3.2. available resources
 - 3.3.3. alternatives taken into consideration
 - 3.3.4. assessment
 - 3.3.5. proposed strategy
 - 3.4 Financial strategy
 - 3.5 Summary list of identified projects
4. **Project**
 - 4.1 Each project summary provided
5. **Operational strategies**
 - 5.1 Operational 5 year action plan
 - 5.2 5 year financial plan
 - 5.3 Capital investment programme
 - 5.4 Integrated spatial development framework
 - 5.5 Integrated economic programme
 - 5.6 Integrated environmental programme
 - 5.7 Integrated institutional programme
 - 5.8 Integrated housing plan
 - 5.9 Disaster management plan
 - 5.10 Monitoring and information system

Conclusion

By basing all the municipal processes on integrated development plans, councillors are in a position to deliver services to the community they serve. By involving the public in planning and the related processes of monitoring and accountability councillors can contribute to development in a meaningful way.



Key points

- There are four interrelated key municipal processes: Integrated development planning, budgeting, performance management and citizen involvement.
- Integrated development planning is a process through which municipalities prepare a strategic development plan, for a 5 year period.
- The Integrated Development Plan (IDP) is a product of the integrated development planning process.
- The IDP is the principal strategic planning instrument which guides and informs all planning, budgeting, management and decision-making in a municipality.
- The IDP informs and guides the councils' activities for the duration of its office.
- An integrated development plan is developed with community input and represents their issues and aspirations.
- Councillors are responsible for developing, monitoring and overseeing the implementation of the Integrated development plan.
- The process of developing an integrated development plan has 5 phases:
 - Phase 0 Preparation
 - Phase 1 Analysis
 - Phase 2 Strategies
 - Phase 3 Projects
 - Phase 4 Integration
 - Phase 5 Approval
- Integrated development plans are reviewed annually.
- Different objectives of District/Metro IDPs and IDPs of local municipalities.

Chapter four.two

Municipal budgeting & financial management

Objective

To provide an introduction to financial management and budgeting processes and clarify the councillors role in relation to these.

Introduction

This section introduces councillors to two aspects of their role as overseers of municipal finance. The first is in regard to financial management. This refers to the councillors duty to safeguard municipal assets, to monitor councils performance, to be accountable for how money is used and to oversee budgeting processes. The section examines the legislation, structures and municipal practices that enable council to perform these roles. Councillors play an important role in financial management to ensure that money is spent in a way that is accountable and transparent.

The second aspect refers to budgeting processes in more depth. The difference between an operating budget and a capital budget will be explored. It then explains the budgeting processes and describes the budgeting cycles that municipalities adhere to. Councillors also oversee budgeting processes to ensure that the municipality is able to deliver basic services efficiently to address the needs of the communities they serve.



Financial management

Financial management has become one of the most controversial areas in local government. There have been issues around payment for services, corruption and wasteful expenditure, and expenditure that does not reflect the basic needs of the community.



Local government needs to be **accountable** to the people it serves. This means it needs to spend money to the benefit of the community and that the community participates in deciding how the money should be spent. The community should be assured that council's money is spent in a way that is not wasteful or for personal gain. Municipal councils should establish structures that will enable community participation and also allow the opportunity for the explanation or feedback to the community on how the money is spent.

Local government has to be **transparent**. This means that it has to make its financial information available to the community, by making income and expenditure statements available to all and reporting regularly to the community this information should be accurate and easy to understand.

What is financial management?

Financial management refers to the financial decisions municipalities make based on financial analysis and community's needs satisfaction. It involves long-term and short-term decisions that promote development and maximise the use of monies available for service delivery and to promote development. Councillors need to be aware of their responsibilities in this regard. Although the Chief Financial Officer (CFO) is responsible for preparing the financial information, councillors, as elected officials, are responsible through the oversight and monitoring role for the financial management of the council.

Councillors need to be aware of the financial implications of decisions they make.

The Municipal Finance Management Act, 2003 (MFMA) requires councillors, as elected officials, to play an active part in financial management:

At the level of local government, financial management has four basic purposes:

Safeguarding

Local government needs to ensure that there are proper controls to protect the income, assets and capital of the municipality against improper use, loss or theft.

Monitoring

Local government needs to monitor that the actual performance and results are in line with those budgeted for.

Accountability

Local government should report to the public how the money they have is being used. They do this by making the audited financial statements available.

Budgeting

Local government must determine and decide on the deployment of the income and funding required to pay for the services and projects they intend to deliver to the community.

Good governance can be described as where the highest quality services are delivered at the lowest cost possible for the benefit of all stakeholders. Good financial management by council is very important to promote good governance.

Legislative framework supporting financial management in local government

The following legislation provides for financial management at local government level

- **The Constitution of South Africa, 1996**
- **Municipal Systems Act, 2000**
- **Municipal Finance Management Act, 2003**

The Constitution of South Africa, 1996

The Constitution of South Africa, 1996 (section 160) says

The following functions may not be delegated by a Municipal Council:

- a) The passing of by-laws
- b) The approval of budgets
- c) The imposition of rates and other taxes, levies and duties and
- d) The raising of loans.

By passing by-laws, council is able to establish systems of control to safeguard municipal assets. When councils approve budgets, they are passing a budget against which expenditure can be monitored. This provides the basis for accountability and monitoring. These functions, together with budgeting, make council officials manage municipal finances responsibly.

The Municipal Systems Act, 2000

The Municipal Systems Act, 2000 (section 4.2) outlines the role of a council as follows:

The council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to:

- a) exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community
- b) provide, without favour or prejudice, democratic and accountable government
- c) encourage the involvement of the local community
- d) strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner
- e) consult the local community about:
 - (i) the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider and
 - (ii) the available options for service delivery

- f) give members of the local community equitable access to the municipal services to which they are entitled
- g) promote and undertake development in the municipality
- h) promote gender equity in the exercise of the municipality's executive and legislative authority
- i) promote a safe and healthy environment in the municipality, and
- j) contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution.

The council plays an executive role and is responsible for the enforcement of laws and administrative decision making of municipal councils. The Act requires municipal councils to oversee municipal finances in a way that allows them to ensure that the mandate to the people they serve can be fulfilled. The legislation gives the role of approving the budget and ensuring that it is in line with the integrated development planning.

The MFMA (section 52) outlines the responsibilities of the mayor.

The mayor of a municipality:

- a) must provide general political guidance over the fiscal and financial affairs of the municipality
- b) in providing such general political guidance, may monitor and to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the CFO but may not interfere in the exercise of those responsibilities
- c) must co-ordinate the process for preparing the annual municipal budget and reviewing the municipal IDP. Supported by the municipal manager and the CFO, the mayor has to ensure that the budget and the IDP are mutually consistent and credible
- d) must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget
- e) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.

This legislation empowers the mayor of a municipality to ensure transparency and accountability. She or he, with the support from council, provides political guidance and monitors municipal performance. The mayor is able to report to council on a quarterly basis how the municipality is doing in relation to the budget.

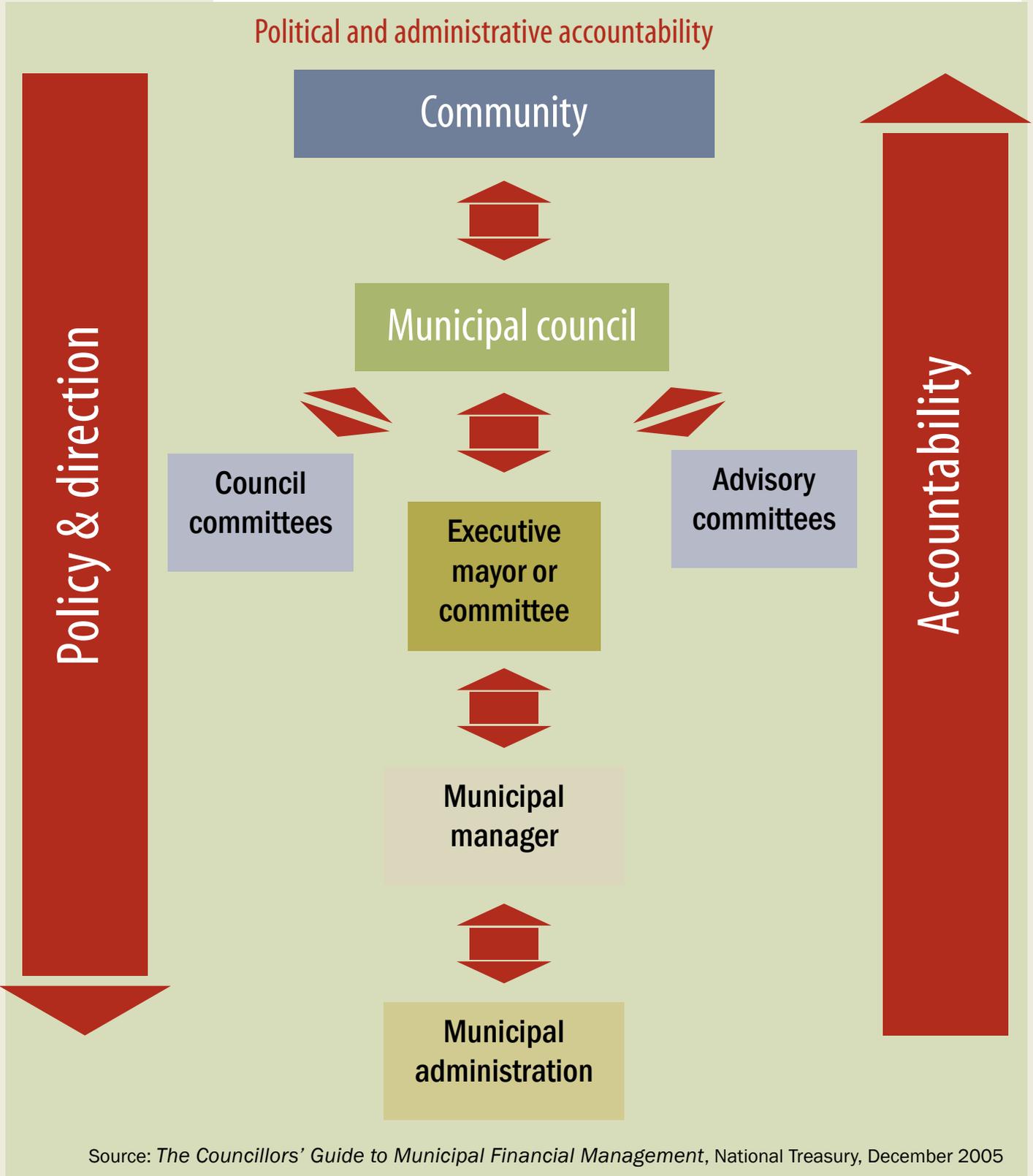
The Municipal
Finance
Management Act,
2003

Separation of structures for financial governance

The Municipal Finance Management Act, 2003

The MFMA ensures that municipalities manage their finances in a sustainable way that is accountable and transparent. It does this by separating the legislative and executive powers of a municipality.

The following diagram shows how the roles and responsibilities are separated between the mayor and council on one hand and the municipal manager and senior officials on the other.



Source: *The Councillors' Guide to Municipal Financial Management*, National Treasury, December 2005

The MFMA creates clear lines of accountability between the council which must approve the policy, the mayor who must provide political leadership and manage the implementation of the policy, the municipal manager who is accountable to the mayor and council for implementing these policies.

Multi year budgeting

Municipalities are required to work to 3 year capital and operating budget cycles. This provides officials and councillors with a medium term plan for spending. It enables councillors to monitor spending and to identify problems timeously and to plan accordingly.

These budgets **must be clearly linked to the IDP** of the municipality which reflect their current and future development priorities. This requirement ensures that the issues are prioritised by the community and agreed to by council are budgeted for.

The 3 years cycle for budget processes and financial management run continuously and overlap. **The three budgets that are operating simultaneously** are:

Past financial year

This budget cycle requires council to be accountable for past performance. For this budget process council needs to:

- prepare financial statements
- prepare oversight reports for community feedback
- prepare annual reports and
- submit for audit the financial statements.

Current financial year

This budget cycle requires council to manage its activities in the interests of good governance. In this budget process council needs to focus on:

- monitoring
- reporting
- evaluating performance.

Next financial year

This budget cycle covers planning and preparation of next year's budget. This is done in conjunction with the IDP and projects proposed for each year. This planning takes IDP review processes into account.

Source: *The Councillors' Guide to Municipal Financial Management*, National Treasury December 2005

The budget is divided into two parts:

The operating budget

This part of the budget shows how much money is spent on running the administration and delivering the day-to-day services.

The capital budget

This is the part of the budget that is used for procurement and provision of new projects and infrastructure.

Municipal budgeting

Councillors are required to oversee the preparation of a budget which should reflect the community's needs as captured in the IDP. This process, like the IDP process, requires input from the public and is designed to address basic and social needs in the community.

Financial plans have separate budgets for operations and capital investments. This is so that municipalities can show how they are financing their investments. It also ensures that municipalities do not finance their operational expenses by obtaining loans, but rather helps them to be financially viable.

Operating budget

This part of the budget shows how much money is spent on running the administration and delivering the day-to-day services including the maintenance of existing assets and infrastructure. It shows where this money comes from (sources of revenue). This income may be from rates & taxes, service charges and inter-governmental transfers.

Capital budget

This part of the budget shows how much money local government is planning to invest in infrastructure or other capital assets. Municipalities have to know how much will be spent on this item each year, and where the money for this spending will come from. This part of the budget is called the **capital budget** because it is used for new physical development, or infrastructure investment.

The MFMA requires municipalities to prepare balanced budgets. This means that they have to make reasonable estimates of income and match it to anticipated expenditure.

The following discussion deals with each of these two budgets separately.

Operating budget

This part of the budget is divided into operating expenses and operating revenue. It shows how much money is spent on running the administration and delivering the day-to-day services. It also shows where monies used for this purpose comes from. The budget is divided as follows:

Operating expenses

An operating budget is used to cover the following expenditure items which are ongoing expenses that a municipality needs to deliver day-to-day services and to conduct its own administration:

Salaries and allowances: This refers to salaries and wages for municipal staff and allowances such as travel.

General expenses: This includes items that are used for the general running of a municipality: e.g. telephone, post, rent and also the purchase of bulk water and electricity for resale to the residents. Councillors' allowances are also included here.



Sample operating budget expenditure and income

Expenditure:

Allocations to local municipalities

Salaries, wages and allowances

General expenditure -

Electricity bulk purchases

Water bulk purchases

Sewer payments

Repairs and maintenance

Capital charges -

Interest

Contributions to special funds

Provisions for working capital

TOTAL: Net budgeted expenditure

Income:

Regional Levies

Property rates

Electricity

Water

Sanitation

Refuse removal

Grants

Interest and investment income:

External

Internal

Other

TOTAL

Surplus/(Deficit)

Repair and maintenance costs: These are the costs incurred for maintaining infrastructure including electricity and water plants and maintaining infrastructure such as buildings and municipal facilities.

Capital charges: This refers to money that is used for repayment of loans to commercial banks and the Development Bank. Municipalities are discouraged from loaning money for operational expenditure. If they do they should repay it within the same financial year.

Contribution to fixed assets: Municipalities may contribute to purchase and funding of equipment and capital projects.

Contributions to special funds: Municipalities may contribute to funds dedicated for acquisition of special commodities such as land for developments, for example for low cost housing.

Provision for working capital: This refers to money that may be used to write off bad debt of the arrears of poor people, insolvent companies, etc, who are unable to pay for basic services already provided to them.

Operating revenue

Typical sources of revenue to meet the above expenditure items include:

Property rates: This is tax that is charged on properties. It should be charged in terms of the Property Rates Act (currently municipalities still use Local Government Ordinances).

Service charges: This is money collected for services offered by the municipality. Municipalities do monthly meter readings of water and electricity usage and charge for services accordingly. Other service charges include refuse removal and sanitation.

Grants: This is money made available by national government to provide basic services. It is allocated to municipalities without conditions attached and supplements the municipalities' own income. It is allocated annually according to the Division of Revenue Act and is allocated to all municipalities by a formula which also takes into cognisance the revenue needs for the poorest municipalities whose local tax base is limited. The money is mainly to enable municipalities to provide basic services to low-income households and to maintain basic administration.

Interest and investment income: Some municipalities may receive income on investments or from interest on overdue accounts.

Capital budget

This part of the budget shows how much money local government is planning to invest in infrastructure or other capital assets. These projects are also referred to as **capital projects**.

Physical developments, such as road constructions and housing, are costly. If the yearly contributions from residents (property taxes, levies, tariffs and services charges) have to cover the entire cost of physical development projects, local government would only be able to afford a few small projects. On the other hand, physical development projects which are usually called capital projects are an investment that will benefit the community for many years to come. Municipalities can borrow money to initiate a capital project.

Councillors need to be sure that capital projects embarked upon are in the best interests of the community, and that they fit in with district and provincial plans.

Councillors are more able to ensure that they are accountable and representing the needs of those they represent if they link all capital expenditure to priorities identified in the IDP. Councillors need to be confident that they have adequately explored options and have selected a path of investment that promotes good governance.

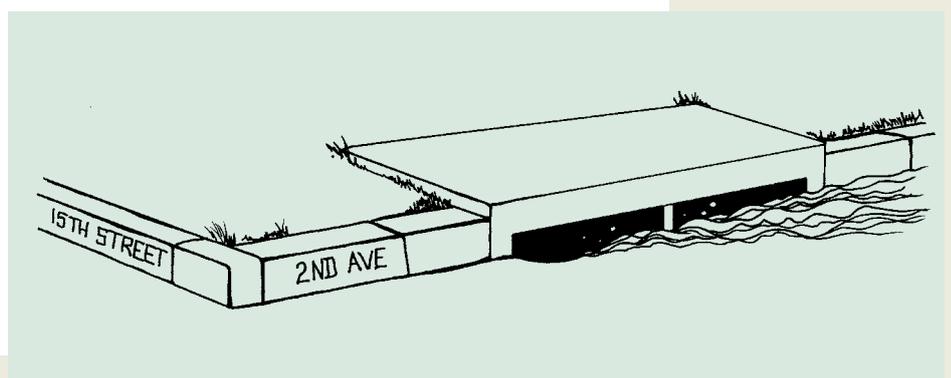
A capital programme consists of a number of capital projects that have been earmarked for development over a period of time, for example over five years. Capital budget is divided as follows:

Capital expenses:

A capital budget is used to cover the following expenditure items:

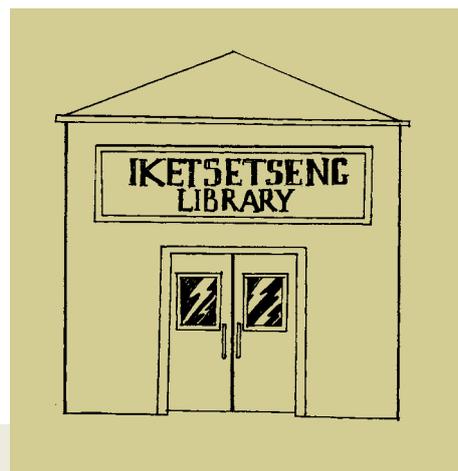
Infrastructure: Items that constitute infrastructure may include:

- land and buildings
- roads, pavements, bridges and storm water
- water reservoirs and reticulation
- car parks, bus terminals and taxi ranks
- electricity reticulation
- sewerage purification and reticulation
- housing
- street lighting
- refuse sites



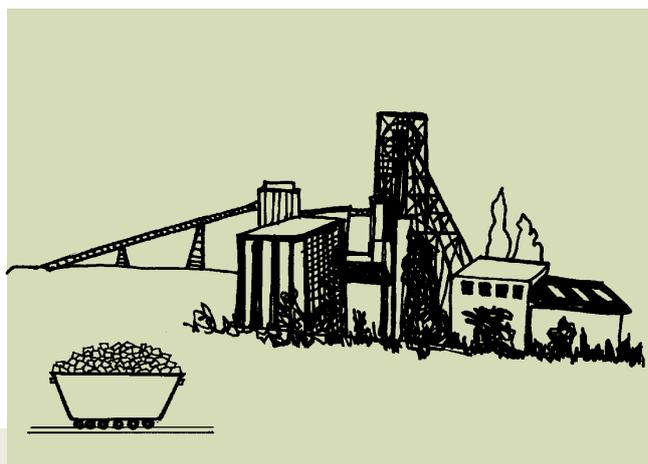
Community: These are projects that develop the community they include:

- establishment of parks and gardens
- sport fields
- community halls
- libraries
- clinics
- recreation facilities
- museums and art galleries.



Other Assets: Other capital expenditure may not apply to all municipalities. It could include:

- other motor vehicles
- plant and equipment
- office equipment
- abattoirs
- markets
- airports
- security measures.



Specialised vehicles: Municipalities, especially metropolitan and district municipalities, may need to acquire specialised vehicles. Budget items could include:

- refuse
- fire
- conservancy
- ambulances
- buses
- graders etc .



Capital revenue:

Most capital projects are expensive and require large sums of money. Municipalities cannot afford to finance capital projects over a period of one year. They may have to borrow the money to finance some of the projects and then repay such loans over the useful life of the item and they may to some extent rely on grants from other spheres of government.

Municipalities may get money from both internal and external sources.

Internal sources of revenue for capital finance are generated by the municipality itself, for example from rates and taxes and services such as leasing of buildings and user charges or tariffs, e.g. busses and meters for parking.

External sources of revenue are generated from outside the municipality: they may be loans obtained from commercial institutions.

The Development Bank of Southern Africa (DBSA) which is a government parastatal provides a large number of loans to municipalities. The loans provided here are intended to boost the finances of local authorities by making credit accessible for municipalities, and providing technical assistance to municipalities in their use of resources.

This type of loan charges high interest rates and is not always suitable for small municipalities who will find it difficult to repay the loans.

Other external **loans** are obtained from the capital market such as commercial banks such ABSA, FNB etc. Many municipalities are not credit worthy, which makes it difficult for them to borrow money. The government still needs to find ways of overcoming these problems.

Grants and subsidies can be from national or provincial government they could also be from district municipalities.





National funding programmes that fund capital projects

Municipal Infrastructure Grant (MIG)

The Municipal Infrastructure Grant (MIG) is a conditional grant to supplement municipal revenue in providing infrastructure for basic services and other social community infrastructure primarily benefiting poor households.

The MIG has been set up to fund the following:

- Water Service Capital – infrastructure for water services at a basic level
- Community based Expanded Public Works – to support the creation of community assets in rural, historically disadvantaged communities
- Local Economic Development – to support job creation and poverty alleviation
- Sport and Recreation – to sustain sport and recreation facilities in disadvantaged communities.

The MIG will not fund specific projects, but can support the capital budgets of municipalities. Grants are allocated according to backlogs in the needs identified in the IDP and in relation to nationally identified priorities, for example the eradication of the bucket system.

Integrated National Electricity Programme (INEP):

This programme is run under the Department of Minerals and Energy and aims to provide electricity primarily benefiting poor households.

Budget processes

The MFMA requires that the **IDP and budget processes be closely aligned**. A well-run budget process that incorporates the IDP review will:

- facilitate community input
- encourage discussion
- promote a better understanding of community needs
- provide an opportunity for feedback
- improve accountability and responsiveness to the needs of the local communities
- reflect and be representative of the needs of the community
- provide useful inputs to the relevant provincial and national department strategies and budgets for the provision of services such as schools, clinics, hospitals and police stations.

The MFMA requires municipalities to prepare balanced budgets. This means that they have to make reasonable estimates of income and match it to anticipated expenditure.



Six steps to preparing a budget

There are six distinct steps to the preparation of a budget. It is important to mention up front that consultation on the budget occurs throughout the preparation cycle.

1. Planning

Schedule key dates, establish consultation forums, review previous processes.

2. Strategising

Review IDP, set service delivery and objectives for next 3 years, consult on tariffs, indigent, credit control, free basic services, etc and consider local, provincial and national issues, previous year's performance and current economic and demographic trends etc.

3. Preparing

Prepare budget, revenue and expenditure projections, draft budget policies, consult and consider local, provincial and national priorities.

4. Tabling

Table draft budget, IDP and budget related policies before council, consult and consider formal local, provincial and national inputs or responses.

5. Approving

Council approves budget and related policies.

6. Finalising

Publish and approve Service Delivery and Budget Implementation plan and annual performance agreements and indicators.

Source: Adapted from *MFMA Circular No. 10, 2004* National Treasury

Councils' duties and rights budgeting

The MFMA says that the responsibility for having the budget prepared and approved lies with the executive mayor or the councillor responsible for finance. Councillors still need the assistance of the administration, especially the municipal treasury, but final decisions are made by the council that has been elected by the community.

Most of the work in preparing a budget is done by municipal officers – especially the CFO. The CFO then makes recommendations to council. Council therefore have a right to be advised by the financial and technical experts in the administration.

Council needs to know the following:

- What are the different options for providing services?

For example, waste removal could be done directly from households or, alternatively, from community pick-ups.

- What are the short and long-term consequences of a proposed plan?
Councillors examine possible alternatives before choosing which proposal they feel is the correct one.

The responsibility for drawing up and approving the budget lies with council. It is the duty of individual councillors to consult with their communities/constituencies. If budgeting is done in a participatory manner, it will help to establish a more democratic local government.

Councillors may not simply 'rubber-stamp' an administrator's budget. Councillors should be concerned about how to communicate financial issues to their community and councillors should explore ways in which the community can support and participate in budgeting.

Developing new procedures for writing budgets is an important task for a new council. The new councillors may have to ask the following two important questions:

- is the information prepared by the administration on expenses and income easy to understand and to communicate to the community?
- is enough time given to prepare the budget and to consult the community on the budget proposals?

The major role of councillors in local government is to interpret the needs of the communities. They should do this as elected officials and through a consultative process, such as ward committees, community meetings and holding special IDP consultation meetings. Council also has the duty to say which local government activities should be prioritised in consultation with the community. During the budget negotiations, councillors should advise the community what effect the key decisions will have on them.

Decisions may mean:

- increasing rates
- increasing charges for electricity and water supply refuse collection, etc
- prioritising the funding of new projects
- redistributing resources
- introducing additional services
- reducing service provision.

Municipal administration's role in budgeting

Preparing a budget is a complicated and technical process. Political and financial information has to be collected and presented in a way that is accessible to the public and the council. In some councils the budget has been translated into the languages used in the community, distributed and explained at public meetings.

The municipal administration of local government must:

- gather all relevant information for the budget
- present information in a way that helps the council to make informed decisions
- advise the council on the impact of a specific decision
- advise the council on the municipality's ability and capacity to carry out a specific decision
- make sure that the budget meets the formal requirements of a local government budget.

Councillors have to be well informed about the short- and long-term consequences of each proposal for municipality's expenditure and income. Especially the councillors who are on the finance portfolio committee.

6 Factors to consider when approving the budget:

Review line items:

Are the line items in the budget reasonable? Are they significantly different to previous budgets? Why? What are the implications of changing line items on municipal functions?

Surpluses and deficits:

Are there surpluses or deficits? How did they occur? Remember that under the MFMA municipalities may not budget for an operating deficit. Any surplus funds from previous years may not be used to finance operating expenses.

The income that needs to be raised:

Will the income be raised through billing ratepayers and consumers? Is the calculation based on actual payment levels in the municipality concerned?

What rate tariff has been budgeted for?

Is the proposed rate tariff affordable? How does the tariff relate to property values, inflation and services offered? How will it affect business in the area? How much cross subsidisation is occurring? Is the tariff collectable? Has the community affected been adequately consulted?

Other roles of councillors

Other roles of councillors regarding the budget have to do with setting priorities for operating and capital expenditure.

Councillors have to:

- Assess operational expenditure and balance the benefits of existing activities with the need for new activities or new investments. This is often a difficult and very technical process. For example: the council could choose to lower the service level in some areas in order to increase the service levels in others. Councillors would then have to consider how to deal with residents' expectations. One possibility is to give residents a choice between paying more and getting the same service level, or paying the same and getting less service.
- Consider local government's investment in long-term assets, like infrastructure, very carefully and look at how well the investment fits in with the council's long-term development strategy. Councillors may also have to resist strong political pressure to make high profile investments.

Investing in infrastructure has a long-term impact. If successfully planned and implemented, people will benefit from such investments for many years, but they will also have to pay the cost of the investment for many years.

- Involve the communities in the budget decisions they make, and account to the community about progress. By involving the community and encouraging their participation and assistance, community concerns can be addressed constructively.

Involvement of ward committees

Municipal Budget Hearings offer ward committees participation as any other sector within civil society. Other examples of ward committee engagement with budgeting include:

- budget hearings per ward with specific feedback on ward submissions
- outreach to ward committees by joint mayoral and finance committee teams.

Budgeting calendars

It is important that all role-players are aware of key deadlines for different stages of the budgeting cycle to allow them to participate. Ward committees and councillors need to give themselves adequate time to consult communities on issues. By doing this communities' input can be taken into account in the budgeting process.

Councillors should refer to the following schedule to plan their activities in a way that allows for meaningful community participation and consultation.



Budget calendar for next financial year

Dates	Event / activity	Reference
June - August	Mayor reviews budget process and tables a time schedule in council 10 months before the start of the next budget year. The schedule includes details of public participation & consultations.	MFMA section 21
July	Municipal manager prepares a service delivery and budget implementation report. Manager will be responsible for implementing the budget.	MFMA section 69
August	Review the last year's financial and operational performance to inform planning for the next 3 years.	MFMA section 57
August - September	Consultation with community, other local municipalities, and provincial and national treasuries. Obtain feedback on performance and identify changing needs and expectations. Community inputs to be considered by council.	MSA, chapter 4
September	Evaluate revenue projections for next 3 year budget cycle. Set a realistic parameter for affordable operations.	
September - October	Review and update policies and priorities to guide budget planning.	
October - November	Review macro economic and other inputs from national government. These indicate macro factors that may affect budget planning.	
November	Prepare indicative budget allocations for functions and departments. It should take into account past performance, national guidelines, revenue projections, community needs and political priorities.	
November -January	Prepare draft plans with full cost and revenue estimates (capital and operating).	
December	Review service delivery mechanisms and service agreements for external providers (issue a public notice & assess options).	MSA chapter 8, part 2
December	Finalise proposed tariff policies.	MSA section 74-75
December - January	Mayor and municipal manager agree on priorities and functional allocations.	
January - February	Municipal manager prepares detailed plans, proposed functional and departmental budgets and changed IDP plans. Necessary resolutions for council approval to be prepared.	
March	Mayor tables budget plans in council. The budget, resolutions, plans, capital implementation plans, and IDP changes to be approved 90 days before the start of the financial year.	MFMA section 16, 22, & 23. MSA section 34
March - April	Community consultation and council and debate on budget plans. Feedback from these may lead to revisions.	MSA chap 4, MFMA section 21
May	Council approves budget and plans. Changes to be approved before the start of the financial year.	MFMA section 24
June	Budget must be approved. Resolutions, for tax and tariffs passed performance objectives and IDP changes to be included. Budget is published.	MFMA section 24 & 75
June	Performance contracts for municipal manager and other senior officials completed and approved by mayor.	MSA sect. 38 -45

Budget calendar for current financial year

Dates	Event / activity	Reference
July - June	Municipal manager implements budget under direction of mayor/executive council.	MFMA section 69
July	Municipal manager prepares draft service delivery & budget implementation plan.	MFMA section 69
July	Municipal manager prepares draft performance agreements for municipal manager & staff. Mayor or executive committee to approve municipal managers performance agreements	MSA section 57
July - September	In year monitoring and quarterly review of performance. Reports for 1st quarter provided for council and for national and provincial government.	MFMA section 71
October - December	In year monitoring and Quarterly review of performance. Reports for 2nd quarter provided for council and for national and provincial government.	MFMA section 71 & 72
January	Consider need for budget adjustments. If projected revenue falls short of budget, mayor must approve adjustments.	MFMA sec.54
January - March	In year monitoring and Quarterly review of performance. Reports for 3rd quarter provided for council and for national and provincial government.	
April - June	In year monitoring and Quarterly review of performance. Reports for 4th quarter provided for council and for national and provincial government.	

Budget calendar for past financial year

Dates	Event / activity	Reference
July - August	Prepare annual financial statements and submitted to auditor general for audit.	MFMA section 122-126
August	Municipalities to submit audited financial statements to auditor general, they reflect the performance of the municipality	MFMA section 122-126
August	Municipalities to submit audited financial statements to auditor general & parent municipality. They reflect the performance of the municipality.	MFMA section 122-126
September	Municipalities with municipal entities to submit audited financial statements to auditor general & parent municipality. They reflect the performance of the municipality.	MFMA section 122-126
November	Municipalities without municipal entities receive audited financial report and plan action based on auditor's findings.	MFMA section 126
December	Municipalities without municipal entities receive audited financial report and plan action based on auditor's findings.	MFMA section 126
January	Mayor tables annual report in council. They reflect the municipality's performance for the past financial year.	MFMA section 127
December - January	Council conducts public hearings and debate reports. Special hearings may be necessary. Report to be adopted by council once council has responded to issues raised by auditor general.	MFMA section 129 - 130
February	Municipality reports action taken to respond to any adverse findings by auditor general.	MFMA section 131

Source: Adapted from: *The Councillor's Guide to Municipal Financial Management*, National Treasury December 2005



Key points

- There are 4 major aspects of financial management. They are budgeting, safeguarding, monitoring and accountability.
- The following legislation provides for financial management at local government level
 - The Constitution of South Africa, 1996
 - Municipal Systems Act, 2000
 - Municipal Finance Management Act, 2003
- The Municipal Finance Management Act, 2003 separates the roles and responsibilities of the mayor and council on one hand and on the municipal manager and senior officials on the other, to promote accountability.
- In order to be transparent and accountable municipalities use 3 different budgeting processes: they need to account for the past financial year, monitor the current financial year and plan for the next financial year.
- Budgeting is a process that plans where money for municipal activities comes from and is going to. Councillors are required to prepare a budget to reflect the needs of the IDP (IDP-Budget alignment).
- A municipal budget has 2 components, namely the operating budget and the capital budget.
- The operating budget refers to the income and expenditure that keeps the daily activities of the municipality going.
- The capital budget refers to the income and expenditure that is used for new developments and service delivery undertaken by the municipality.
- If a municipality is self sustaining, the income for operating budgets should be from service charges, levies, and other sources within the municipality. Many municipalities however still rely on governmental grants.
- In order to develop municipalities, money for capital projects needs to be sourced. This can come from loans or intergovernmental grants.
- Councillors are responsible for approving budgets and ensuring that the municipal planning meets the needs of the people they represent. They do this in relation to the IDP.
- Municipal officials prepare financial information and provide technical assistance to assist councillors in making decisions.
- Budgeting calendars are legislated to allow councillors and municipal entities to plan and to be accountable to meet the needs of the people they serve.
- Municipal Budget Hearings offer ward committees participation as any other sector within civil society. Other examples of ward committee engagement with budgeting include:
 - budget hearings per ward with specific feedback on ward submissions
 - outreach to ward committees by joint mayoral and finance committee teams.

Chapter four.three

Performance management

Objective

To explain the components of municipal performance management and to assist councillors in understanding their role in the preparation of a performance management system.

Introduction

One of the more frequently heard criticisms of local government is that it is not delivering the required services or it is not delivering an efficient standard of service. Performance management for local government contributes to creating a performance culture in the public service at municipal level. Performance management is a mechanism that is used to ensure that the municipality is doing its work and delivering on its mandate.

Each municipality is legally required to develop a performance management system (PMS) that will enhance organisational efficiency and effectiveness, account for the use of municipal resources and indicate the achievement of outcomes. A PMS is also able to act as an early warning mechanism as it reflects non-performance or underperformance, thus allowing for relevant intervention for improvement.

If, during the assessment of a person's performance, it is shown that they have not met the required performance targets an attempt is made to provide assistance and support to achieve sufficient output. If there is a continuous underperformance or non-performance remedial or punitive action can be taken by the council, such as suspension from office, disciplinary processes and termination of the contract.

Performance management for local government contributes to creating a performance culture in the public service at municipal level. Performance management is about setting indicators of performance and measuring achievements against these indicators. A performance management system (PMS) is a useful tool to determine underperformance or non-performance, thus allowing for required intervention.

Performance management is not just an organisational tool for measuring performance and delivery of services of the municipality but also has an important individual component.

Each employee of the municipality is required to have a performance management contract that holds them accountable to their employer for delivery against **key performance indicators (KPIs)** that are contained in their performance management contract. These individual contracts follow best practice in both the public and private sector, where employees are required to set performance indicators with their employer and to work towards achieving these indicators. This measures

their output and performance and contributes to the overall effectiveness of the employee. In this respect the employee of the municipality plays an important part in the organisational performance of the municipality. Each employee should be aware that their functions and responsibilities contribute to a municipality that delivers on its mandate. Each individual performance contract will be linked with the long and short term goals of the municipality contained in their IDP.

Councillors should not be wary of performance management but view it as a tool that can assist them in better achieving delivery and performance in their work. A good understanding of performance management will have long term benefits for councillors as they can use it to indicate to their communities progress as well as challenges that the municipality experiences in the delivery of services and development and job creation.

Legal framework for performance management

The requirement that government is performance driven is found in the **Batho Pele White Paper, 1997** that stipulates that national and provincial government departments develop performance management systems that include the setting of service delivery indicators and the measurement of performance.

Batho Pele principles provide guidance for PMS:

- consultation
- service standards
- access
- courtesy
- information
- openness and transparency
- redress
- value for money.

These principles have also formed the basis for PMS for local government.

The **White Paper on Local Government, 1998** expands upon the *Batho Pele* vision. The White Paper states that developmental local government will be realised through:

- integrated development planning and budgeting
- **performance management**, and
- working together with local citizens and partners.

The **Municipal Structures Act, 1998** and the **Municipal Systems Act, 2000** are the two pieces of legislation that give effect to the White Paper (see Chapter 1).

The **Municipal Structures Act, 1998** requires municipalities to annually review:

- the needs of the community
- its priorities to meet the needs of the community, the processes for involving the community
- its organisational and delivery mechanisms for meeting the needs of the community
- the overall performance of the municipality.

These requirements provide the basis for performance review and assessment and emphasises the important role that communities have in the process. In practice this translates to communities being part of the development of the PMS and the monitoring, measurement and review processes contained in the PMS. Councillors must ensure that these consultative recommendations contained in the regulations are met when implementing their municipality's PMS.

The Municipal Systems Act, 2000

Chapter 6 of the Municipal Systems Act, 2000 and the Municipal Planning and Performance Regulations, 2001 provide the legal framework for performance management in municipalities.

Chapter 6 of the Municipal Systems Act, 2000 provides the legal framework for performance management in municipalities and requires that it be an intrinsic part of the IDP. The Act requires all municipalities to:

- develop a performance management system
- set targets, monitor and review performance based on indicators linked to their IDP
- publish an annual report on performance for the councillors, staff, the public and other spheres of government
- incorporate and report on a set of general indicators prescribed nationally by the minister responsible for local government
- conduct an internal audit on performance before tabling the report
- involve the community in setting indicators and targets and reviewing municipal performance.

Councillors should ensure that they are familiar with the Municipal Performance Planning and Management Regulations, 2001 issued by the Minister for Provincial and Local Government, which provides for specific requirements for performance management.

The regulations address issues such as the roles and responsibilities of the council and the local community in the functioning of performance management and how PMS should be linked to the IDP.

Who develops the Performance Management System?

The main role-players in performance management are the same as in the IDP process (see Chapter 4.1 on IDP). Section 39 of the Municipal Systems Act, 2000 states that the executive mayor, executive committee, or a special committee of councillors (in a 'plenary type' municipality) must manage the development of the PMS and submit it to council. Responsibilities, in this regard, must be assigned to the municipal manager. The PMS must clearly state the functions and responsibilities of each of the role-players.

Principles of performance management

When a municipality develops its PMS it should be guided by principles in the Act and the regulations. Councillors need to familiarise themselves with the following principles:

- the PMS should be particular to that municipality's circumstances; it must be commensurate with its resources, it must be suited to its circumstances and it must be in line with the priorities, objectives, indicators and targets contained in the IDP
- the municipality must promote a culture of performance management among its politicians, councillors and within its administration
- the municipality must administer its affairs in an economical, effective, efficient and accountable manner
- the PMS must be able to serve as an early warning indicator for underperformance and provide for corrective measures when underperformance is identified
- the Minister for Provincial and Local Government has set a number of general, compulsory key performance indicators (KPIs). Municipalities must include these, together with the other KPIs that may be applicable, in their PMS.

Key performance indicators

The following key performance indicators (must be part of each municipality PMS to the extent that they are applicable to that municipality. These are national indicators that are issued by the minister. The Minister is required to set minimum standards for municipalities. These KPIs are issued by the Minister after consultation with the provincial MECs for local government and SALGA.

- a. The percentage of households with access to basic level of water, sanitation, electricity and solid waste removal
- b. The percentage of households earning less than R1 100 per month with access to free basic services
- c. The percentage of a municipality's capital budget actually spent on capital projects identified for a particular financial year in term of the municipality's IDP
- d. The number of jobs created through municipality's local economic development initiatives including capital projects
- e. The number of people from employment equity target groups employed in the three highest levels of management in compliance with a municipality's approved employment equity plan
- f. The percentage of a municipality's budget actually spent on implementing its workplace skills plan
- g. Financial viability of the municipality.

When developing the PMS the municipality must set its own KPIs, which include input indicators, output indicators and outcome indicators, in respect of their development priorities and objectives.



Key Performance Indicators must be measurable, relevant, objective and precise. The municipality must develop KPIs for all its units, employees as well as its service providers.



The regulations state that KPIs must be measurable, relevant, objective and precise.

The KPIs are applicable to the municipality's administrative units and employees, as well as every municipal entity and service provider that the municipality has a service delivery agreement with. The regulations also require that councillors involve communities when setting their KPIs.

Key performance indicators must be measurable, relevant, objective and precise. The municipality must develop KPIs for all its units, employees as well as its service providers.

The following page has an example of a KPI that meets the requirements of the regulations.

Key performance area	Key performance indicator	Target /result	Measure	Who	Importance	Target reached? (yes/ no/ comment)
Participation	Council meetings are open to the public	At least 75 % of meetings are open to the public	Record of meetings	Municipal manager	Important 1 2 3 4 5	
	Formally recognised mechanism for consultation	There are Ward Committees	Council policy	Municipal manager & council	Not important 1 2 3 4 5	
Consultation	Public participation in budgeting	At least 1 public meeting per year on the budget. At least 2 opportunities for Ward Committees to make input on budgeting	Record of meetings	Council	1 2 3 4 5	
	Report on expenditure and financial management is available to the public	The meeting where the auditor general's report is tabled, is advertised. The auditor general's report is tabled at council meetings that are open to the public & wards committees	Record of meetings	Council, finance manager & ward councillor	1 2 3 4 5	
	Community is able to track municipal progress through reports	Project report on projects and programmes must be given. Each ward councillor reports on projects at WC meetings	Record of meetings	Ward councillor	1 2 3 4 5	
	Delivery of service and projects addresses greatest needs of residents	All development is reflected in the IDP and subject to consultation	Record of meetings & consultations	Ward councillor	1 2 3 4 5	
	Priorities in project implementation match priorities in IDP	Local ward priorities are reflected in planning and project implementation	Priorities in IDP & records of Ward Committee input project reports form municipal departments	Ward councillor	1 2 3 4 5	

Source: Iliswe la Batho, EISA 2005

The KPIs must be reviewed annually by the municipality as part of its performance review process and if the municipality amends its IDP it must also review its KPIs. Remember that the PMS must be in line with the municipality's IDP.

Performance targets

Each KPI must contain performance targets. The regulations provide a number of criteria for performance targets:

- be practical and realistic
- measure the efficiency, effectiveness, quality and impact of the performance on the municipality as a whole, the administrative component such as the various units within the municipality, e.g finance unit, structure, body (this could be a service provider to the municipality) or person (such as the municipal manager of the chief financial officer) for whom the target has been set
- be commensurate with available resources
- be commensurate with the municipality's capacity, and
- be consistent with the municipality's development priorities and objectives set out in its IDP.

These criteria highlight the importance of both the available budget and the IDP in the determination of the PMS. The PMS cannot exist in a vacuum and must be in line with the IDP. Similarly it will not be an effective tool if it has unrealistic budgetary implications. This means that the councillors that are part of the development of the PMS must fully apprise themselves of the municipal budget and the IDP.

The role of ward committees in performance management

Ward committees are, in most instances, the primary method of ensuring local community participation in the working of the municipality. There is a legal requirement for the municipality to include local communities, through the ward committees, in setting KPIs and performance targets and to ensure community involvement in monitoring and reviewing these.

When determining the key performance areas of a municipality there may be competing interests from the various municipalities depending on the issues that they consider to be most important. The performance management system should incorporate as many of these interests as are viable and sustainable.

It is important to remember that each ward has a ward committee and their interests may be very different, e.g. a ward that has an airport may be concerned about pollution, both environmental and noise pollution.

The council should identify those issues of interest that relate directly to **key performance areas (KPA)** of the municipality and include them in the performance management system of the municipality.

Some of the key areas where ward committees play a role in performance management are during the planning, monitoring and review stages. Councillors are obligated to report to the ward committees on their performance reviews and have to consider the input made by the ward committees on these. This process ensures accountability and promotes consensus between the community and the council. By involving the community in performance management, councillors are recognising that their performance management systems will be seen as credible by the community it purports to serve.

Monitoring, measuring and reviewing performance

Community involvement in the process of monitoring, measuring and reviewing performance is important, as the municipality must, after consultation with the local community, develop and implement mechanisms, systems and processes to monitor, measure and review performance. The performance must be measured, monitored and reviewed against the KPIs and the performance targets.

The mechanisms for review must identify the strengths, weaknesses, opportunities and threats to the municipality in meeting its KPIs and performance targets.



KPIs must contain performance targets that are practical and realistic, in line with the municipality's IDP and take into account the municipality's budget.



To achieve this community involvement and if there is no other appropriate municipal structure for community participation, the municipality must establish a forum for community participation. The municipality must invite the local community to identify people to serve on the forum. These may include representatives from the ward committees. The people that are part of the forum must be representative of the composition of the municipality. Councillors may be called upon to establish this consultative community forum during the establishment and implementation of the PMS.

Remember it may not necessary to establish this forum, even though it is provided for in the law. The performance review process will often be part of the IDP review process, the budget review process, the service delivery implementation plan monitoring and the annual report of the municipality. It is important that duplicate processes are not established and that resources and time is wasted setting up another forum when existing structures can meet the required objective. Councillors should ensure that they find the most effective way to monitor and review performance management based on existing processes and structures that they have in the municipality.

The monitoring mechanisms must make provision for reporting to the municipal council at least twice a year.

Auditing performance measurement

Each municipality's performance measurement is audited in two ways:

- an internal municipal auditing process, and
- annually by the Auditor-General

The municipality must develop and implement mechanisms, systems and processes for auditing the results of performance measurements. This is part of the municipality's internal auditing processes.

The internal auditors must audit the performance measurements of the municipality on a continuous basis and submit their reports quarterly to the municipal manager and the performance audit committee (see below).

The internal auditing report forms part of the annual report that a municipality must prepare annually. The annual report of the municipality must contain:

- a performance report reflecting the municipality's and any service provider's performance during the financial year, compared against targets and performance in the previous year, the development and service delivery priorities and the performance targets for the next year and the measures that were taken to improve performance
- the financial statements for the year
- an audit report on the financial statements and the audit report on the municipality's performance measurement.

The annual report is publicised in the media and local communities are invited, through the media, to a council meeting where the annual report is tabled or discussed. This is to ensure transparency and accountability of the performance of the municipality.

The municipal annual reports are consolidated and the MEC for local government submits them to the provincial legislature and to the minister. The consolidated report must identify municipalities that underperformed during the year and propose corrective action that will be taken.

The regulations require that each municipality must have a performance audit committee that must consist of at least three members. The majority of these members may not be councillors or employees of the municipality. The role of auditing committee is to act independently of the municipality and to provide an accurate reflection of the state of the municipality. At least one of the people on the auditing committee must have experience in performance management. A local municipality does not have to appoint its own performance audit committee and make use of its district council's performance audit committee.

The performance audit committee must focus on economy, efficiency, effectiveness and impact in terms of the indicators and targets. The committee must communicate directly with the council, the municipal manager or the auditors of the municipality. The committee can investigate, access any municipal records for that purpose, request attendance at its meetings or, if necessary, ask information from anyone.

“The consolidated annual statements containing the audited performance of the municipalities are submitted to the provincial legislature and nationally to the minister. The report identifies municipalities that have underperformed during the year and proposes corrective action that will be taken.”

Phases in performance management

In summary, councillors should know the phases in the performance management system:

- know the key performance areas contained in the IDP
- set key performance indicators
- set targets for the performance of the municipality
- monitor, measure and review
- report.

Community consultation is part of phases 2 and 4.

Provincial and national monitoring of local government

Chapter 10 of the Municipal Systems Act , 2000 requires the MEC for local government in a province to establish mechanisms to:

- monitor municipalities in the province in managing their own affairs, exercising their powers and performing their functions
- monitor the development of local government capacity in the province, and
- assess the support needed by municipalities to strengthen their capacity to manage their own affairs, exercise their powers and perform their functions.

In achieving this monitoring the MEC must rely as far as possible on the annual reports submitted by the municipalities. However, the MEC is entitled to ask the municipality for any additional information it needs for the effective monitoring.

If an MEC believes that a municipality in the province cannot or does not fulfil a legal obligation or that maladministration, fraud, corruption or any other serious malpractice has occurred or is occurring in the municipality, the MEC can request the municipal council or municipal manager to provide any further information. The MEC also has the power to designate an investigation into the conduct of the municipality. Before the MEC orders the investigation he or she has to motivate it to the National Council of Provinces.

The Minister of Provincial and Local Government can request municipalities to provide any required information for the purpose of national monitoring.

Performance management for local government is seen as a good governance priority and the systems and processes that have been regulated and established aim to provide for effective measurement and delivery of overall performance. This will result in local government that provides high standards of service delivery, resulting in development and growth. Local government councillors need to have a thorough understanding of performance management in their municipality.



Key points

- Performance management for local government contributes to creating a performance culture in the public service at municipal level.
- Performance management is about setting indicators of performance and measuring achievements against these indicators.
- A performance management system (PMS) tracks performance progress of the municipality against performance targets and key performance indicators (KPIs).
- A PMS is a useful tool to determine underperformance or non-performance, thus allowing for required intervention.
- Understanding performance management requires councillors to know the Municipal Systems Act, 2000 – Chapter 6 and the Municipal Performance Planning and Management Regulations, 2001.
- Community involvement is stressed throughout the PMS process. This means that communities should be consulted during the development, review and monitoring stages. It is the responsibility of the councillor to ensure that this community consultation occurs.
- Ward committees should play a strong role in performance management. Councillors are required to consult with ward committees during all stages of performance management.
- The municipality must develop KPIs for all its units, employees as well as its service providers.
- KPIs must contain performance targets that are practical and realistic, in line with the municipality's IDP and take into account the municipality's budget.
- The performance must be measured, monitored and reviewed against the KPIs and the performance targets.
- Each municipality's performance measurement is audited in two ways; through an internal municipal auditing process, and annually by the Auditor-General.
- The internal auditing process is assisted by a performance audit committee that must focus on economy, efficiency, effectiveness and impact in terms of the indicators and targets.
- The PMS is reported on annually to the provincial MEC and the minister. If required there can be provincial and national intervention to address underperformance or non-performance in a municipality.

Chapter four.four

Public participation & citizen involvement

Introduction

This chapter highlights the importance and potential of citizen involvement and participation in local governance processes and in promoting municipal development. It looks at necessary pre-conditions, legislation that supports citizen involvement, explores the role of ward committees in more depth and the role of community development workers as a mechanism for increasing public participation.

Objective

To highlight the importance of public participation in local governance and familiarise councillors with key participation processes in a municipality.



Importance of public participation in local governance

International experience has shown that citizen and community participation is an essential part of effective and accountable governance at local level. One important way of achieving successful and lasting models to ensure that citizen participation takes place is through establishing structured and institutionalised frameworks for participatory local governance. Structured and institutionalised models of participation generally work when citizens see them as legitimate and credible, where there is political commitment to their implementation and they have legal status.

Structured and institutional models of participation **will not work when:**

- they try to co-opt independent and legitimate voices within civil society
- there is no definite political commitment to the model
- the system exists in principle (that is, it sounds good on paper) but when it comes to carrying it out, the necessary resources are not available.

In discussion about South African local government, **workable principles for participation:**

- bringing citizens more effectively on board when it comes to local governance and municipal development
- making government more responsive to the people's needs and aspirations
- empowering citizens to fulfil their potential as partners with government
- deepening democracy beyond the representative dimension into a more participatory system.

A few simple pre-conditions are crucial for public participation to be successful. These include the need:

- for the process of participation to be meaningful and to be seen as meaningful
- for both parties – the municipality and the public – to listen to each other than just talk to each other
- to make it clear at the outset who makes the final decision, for example, if the views of the community are different to that of council, whose view will prevail?
- for resources to support the process – in all examples of good practice, public participation is funded and sufficient technical staff support the processes
- to ensure that relevant information is presented to communities in an accessible form which may require the use of local languages.

- to understand the distinction between
 - providing information
 - consultation
 - participation
 and being clear which is being used in particular circumstances
- to provide feedback on the participation process and final decision that emerges
- to include elected councillors in the participation processes
- to ensure that policies exist that guide municipal staff in the manner and the reasons for participation
- to recognise that meetings are only one form of participation and unless properly managed, can bias input in favour of those that are vocal and/or articulate.

Source: Ward Committee Resource Book. **dplg**/GTZ 2005

Policy and and legal framework for public participation

The Constitution of South Africa, 1996 and key legislation such as Chapter 4 of the Municipal Systems Act, 2000 and Chapter 4 of the Municipal Structures Act, 1998 provide a powerful legal framework for participatory local democracy.

Chapter 7 (Section 152) of the Constitution sets out the objectives of local government. Public participation is an imperative of two objectives, to:

- provide democratic and accountable local government for local communities
- encourage the involvement of communities and community organisations in the matters of local government.

The White Paper on Local Government, 1998 defines developmental local government as local government committed to working with citizens and groups within the community.

The White Paper requires active participation by citizens at four levels, as:

- voters
- participants in the policy process
- consumers and service users
- partners in resource mobilisation.

Furthermore, municipalities:

- should promote active participation and municipal councillors should promote the involvement of citizens and community groups in the design and delivery of municipal programmes
- can do a lot to support individual and community initiative, and to direct community energies into projects and programmes which benefit the area as a whole
- must adopt inclusive approaches to fostering community participation, including strategies aimed at removing obstacles to, and actively encouraging, the participation of marginalised groups in the local community.

The central responsibility of municipalities is to work together with local communities to find sustainable ways to meet their needs and improve the quality of their lives.

The White Paper on Local Government, 1998

The Municipal Structures Act, 1998 (Section 19) requires municipalities to:

- develop mechanisms to consult the community and community organizations in performance of its functions and exercising powers
- annually review the needs of the community and municipal priorities and strategies for meeting those needs and involving the community in municipal processes.

Chapter 4 (Part 4) of the Act requires the establishment of ward committees. The objective is to enhance participatory democracy in local government. It also provides that the ward councillors shall be the chairperson of the ward committee and obliges the municipal council to make rules regulating the procedures to elect members of the ward committees.

The Municipal Systems Act, 2000 calls for municipalities to develop a culture of municipal governance that works hand in hand with formal representative government (that is, elected leaders) with a system of participatory governance (that is, community participation).

The Act also requires that municipalities develop mechanisms, processes and procedures for public participation.

Section 5(1) of the Act sets out the rights and duties of members of the local community.



Rights and duties of members of the local municipality

- contribute to the decision making of the municipality
- be informed of decisions of the municipal council
- disclosure of the state of affairs of the municipality
- submit recommendations, representations and complaints
- receive prompt response
- use public facilities and
- receive regular reports of the state of affairs of the municipality, including finance.



Members of the community have a duty to

- observe the procedures of the municipality
- pay promptly for service fees, rates, etc.
- respect the municipal rights of the other members
- allow officials reasonable access to property, and
- comply with municipal by-laws.

Source: Municipal Systems Act, 2000 (Section 5)

Other relevant laws include:

- **The Promotion of Access to Information Act, 2000** which gives access to state and other information required for the protection of rights. Within the context of local government, the public has a right (using the correct channels and procedures) to access any information or records of a municipality.
- **The Municipal Finance Management Act, 2003** which outlines ways in which the community can be informed of the financial situation of a municipality.
- **The Batho Pele White Paper, 1997** which aims to provide citizen orientated customer services.

Ward committees

The Municipal Structures Act, 1998 provides for ward committees to be set up in category A and B municipalities. The primary function of a ward committee is to be a formal communication channel between the community and the municipal council. Ward committees are advisory committees which can make recommendations on any matter affecting the ward. The municipal council makes rules/terms (in form of a policy or by-law) of reference that guide the functioning of ward committees.

Reference

For more practical guidance also see National Ward Committee Guidelines, 2005 and Ward Committee Resource Book, dplg/GTZ 2005.

Structure of ward committees

A ward committee consists of the following:

- the councillor as the chairperson who represents the ward as elected in the local government elections
- up to ten members from the ward who are elected by the community they serve).

Working with ward committees

The ward councillor should encourage ward committees to input into the:

- Integrated Development Planning
- performance management
- budgeting process.

The council should support ward committees by providing training for ward committee members, the necessary understanding of municipal processes and provide logistical support (transport, meeting venue, re-imburement of out of pocket expenses for transport etc) to allow ward committees to participate meaningfully.

Ward committees and the community

Ward committees support councillors in working with the community in two way by:

- representing the community
- building relationships with the community.

6
As the chairperson of the ward committee, the ward councillor is responsible for ensuring proper communication between the ward committee and the council.

Ward committees as community representatives

The mix of area-based representatives and sector-based representatives is a sound principle that can be adjusted to suit circumstances. **Rural wards** may, for example, need a higher proportion of geographically-based representatives to cover dispersed settlements or villages.

In **urban areas** where certain interests cross-cut localities, it may be advisable to have a higher proportion of seats given to interest groups. Nevertheless one needs to be mindful that South Africa is still a class- and race-delineated society and ward committees should also be representative of local demographics.

Councillors can do the following to promote public participation:

Encourage input into planning and implementation of municipal service partnerships by:

- involving ward committees, NGOs and CBOs to develop proposals that council could consider
- appointing a committee of community representatives to advise the municipality on priorities for service development
- requesting that community representatives evaluate future service providers and to monitor the performance of those providing services.

Report on council activities on a regular basis

Councillors can encourage ward committees to make constructive suggestions for improvement and, if necessary, organise the community to help get the job done.

Report on annual performance

Councillors should prepare a report that shows how it has performed in relation to their objectives and the budget. The report and audited financial statement must be made available to the public.

Strengthening the relationship with the community

Councillors should create favourable conditions for ward committees to be fully and actively involved in the affairs of the local municipality. This may include setting up meetings, taking minutes, giving financial and administrative support, to enable ward committees to do their work etc.

The ward committee's main tasks are to communicate and consult with the community in respect of development and service plans. They can make sure that citizens are involved in and informed about council decisions that affect their lives.

A few principles of ward committee composition

Community representatives should:

- decide for themselves who 'credible representatives' are
- represent clearly identifiable interest groups
- not to be 'hand-picked' by councillors
- represent a community mandate and not a political party's mandate and a party mandate
- represent development issues even if they do not correspond neatly with municipal department functions
- not allow the participation of individual citizens, to be 'crowded out' by the participation of community.

Role of the ward councillor (chairperson)

A ward councillor is directly elected to represent and serve the people in a specific ward, and is the chairperson of the ward committee. The ward councillor should make sure that the interests of all the people in the ward are represented in council as properly as possible.

The ward councillor should be in touch with the issues in the area, understand the key problems and monitor development and service delivery. In committees, caucus and council meetings the ward councillor is the direct link between the council and the citizens. She or he makes sure that the community is consulted and kept informed about council decisions, development and budget plans that affect them.

People can also direct their problems to the ward councillor and she or he should deal with these in an appropriate way, for example, by raising these issues within council.



CDWs assist communities in explaining what their needs are

Community Development Workers

Community Development Workers (CDWs) are public officials who work with municipalities where they live to bridge the gap between service provision by government and access by the communities. CDWs are required to address, amongst other things, the lack of information, knowledge and poor communication that communities experience in relation to government services. Municipalities are responsible for the CDW daily programme.

Role and task of the CDWs

CDWs link communities with all government spheres and departments. They are community facilitators and organisers. Their functions are to:

- assist communities in explaining what their needs are
- develop and support community structures
- facilitate public participation in government development projects (e.g. IDP, LED, infrastructure and service delivery projects)
- identify service blockages in the community
- find solutions to identified needs and blockages by interacting with national, provincial and local government structures.

What is the link between ward committees and CDWs?

It is important that the ward councillor supports and facilitates a healthy working relationship between CDWs and the ward committee:

- CDWs could attend ward committee meetings and offer advice
- ward committees should be familiar with the CDWs in their area
- ward committees and CDW's should meet to clarify the roles of each
- CDWs could offer operational/secretarial support to the ward committee
- CDWs may be able to resolve co-ordination problems between various spheres of government that arise at the local level
- the ward committee ensures that the municipality is briefed on its efforts to resolve such problems through CDWs.

CDWs and ward committees can build good relations by:

- CDWs supporting ward committees by assisting with the production of reports, minutes, plans etc
- CDWs creating awareness of ward committee activities amongst the local constituency and act as referral agencies.

It is important for the ward councillor and ward committees to meet with their local CDWs and work on mutually beneficial terms of reference and operating systems. The municipality should support and facilitate co-operation between CDWs and ward committees.



Key points

- International experience has shown that citizen and community participation is an essential part of effective and accountable governance at local level.
- Key policies and legislation provide a strong framework for public participation and citizen involvement in local governance and municipal development.
- Structured and institutionalised processes and mechanisms are key to successful public participation.
- Ward committees play an important role to ensure formal and proper communication between the community and the council.
- Being the chairperson of the ward committee, the ward councillor has a very important role to play.
- Ward committees need support and resources to function effectively.
- A healthy working relationship between the ward councillor, ward committee and CDWs is critical to achieve the improvement of service delivery and development.

Chapter five

Personal & leadership skills

Objective



Equip councillors with personal and leadership skills to effectively fulfil their role.



Introduction

Proportional representation and ward councillors have been chosen by their communities to represent their community's interests. Because they are directly accountable to the communities they serve, their own personal leadership skills will be visible and will affect their ability to lead effectively, professionally and honestly.

Councillors are in a position to provide their community with the opportunity to use their strengths to develop their communities. They can help communities deal with, manage and prevent problems that may arise. They can also bring about change in the community.

Since local government depends financially on taxpayers, local communities and business, it has an interest in creating an environment for economic growth, including employment creation. Councillors are crucial to this growth and can contribute by maintaining regular contact with community forums which are engaged in community development. Councillors should also strengthen local business by making sure that its issues are tabled at council meetings and that feedback is provided. For example, making market space available to advertise and sell their products.

As councillors are directly accountable to the communities they serve, their personal and leadership skills will affect their ability to lead effectively, professionally, fairly and honestly. Councillors have a wide range of responsibilities from interacting with their constituencies, inputting into the Integrated Development Plan, participating in municipal committees and environmental planning and generally responding to the social and economic issues of their communities.

Community leaders need to be:

- honest
- transparent
- accountable.

They must:

- listen to what the community is saying
- practice democracy by interacting with the community in a democratic way.

Listen don't dictate!

Regular feedback and interaction with constituents is necessary and provides an opportunity for a councillor to address previous and new concerns, correct misinformation and update constituents as to progress on projects, current programmes or matters raised previously by constituents.

Communication is a key to a councillor interacting with his or her community in a constructive and democratic way. Information dissemination, the circulation of relevant information between stakeholders, and the conducting of regular and participatory meetings are all vital functions of a councillor. The councillor works closely with the ward committee to ensure that communication happens.

What should a councillor do to make sure that the community and community organisations are consulted and included in the decisions of the local municipality?

Are there special qualities and skills that a councillor needs to help him/her fulfil his/her mandate?

Communities have expectations of their elected office bearers and councillors are responsible for meeting the expectations. At the same time situations will occur where expectations and perceptions as to how these expectations should be met may differ. Different groups and individuals within a community will have different interests. It is inevitable that people with different points of view will approach matters differently and they may not agree on the best way of engaging with an issue. A councillor therefore must be able to manage and interact with conflict in a constructive way.

A councillor is part of the solution and not part of the problem.

This chapter considers some of the personal and leadership skills that will assist a councillor to improve the quality of life of his or her constituents.

Establishing a value base

Local Government is regarded as ‘democracy on the ground’. As elected leaders, councillors should lead by example. As leaders, councillors will have different types of relationships with the community. It is necessary therefore for councillors and members of the community to have a common understanding of the values and beliefs that underpin these relationships. Communities are made up of people with diverse interests which are represented through the ward committee. A councillor needs to be sensitive to these differences.

The ethos that forms the basis of this interaction includes:

- Respect for human dignity – the uniqueness of each human being is taken into account as well as his or her ability and responsibility to deal with problems according to his or her expectations, ability and resources.
- Self determination – people like to know that they have the ability to make decisions that affect their lives and the lives of the people in the community they serve.
- Self-help – this implies that the members of a community accept the responsibility to do something for themselves as members of the community, in order to improve their circumstances.
- Partnership – people who participate are given the opportunity to develop their abilities. The community, the ward committee and the councillor are partners in doing this.
- Justice – to provide sufficient opportunities for all members of the community without discrimination.
- Confidentiality – breaking confidence can be extremely destructive and lead to conflict. Keeping information confidential does not conflict with the need to be transparent and accountable. Confidential information is information shared between two or more people on the understanding that it will not be shared with a wider audience.

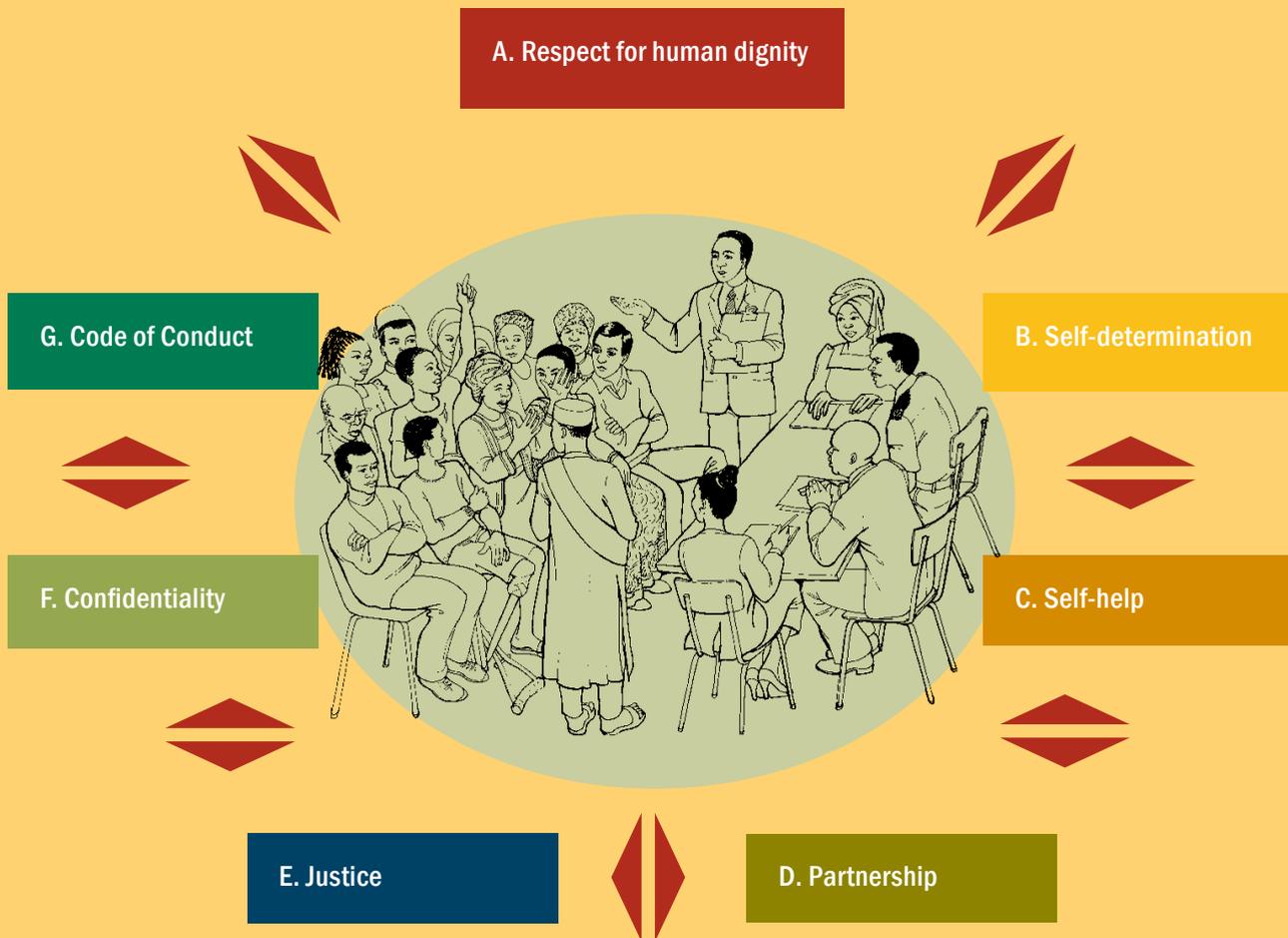
Source: *Making Democracy Work, A guide for Committees*, EISA manual

“ Like development, democratisation is not something that one person does for another. People must do it for themselves or it does not happen. ”

(Claude Ake 1991:38, page 53 in *Promoting Democracy in Africa*)



The value base of community work



Questions which raise ethical awareness

- Which value may you undermine – if you ignore a complaint of citizens or the community, because you consider it as unimportant or irrelevant?
- Who might be affected – if you signoff a document without scrutinising the content because you are in a hurry to get home?
- Who might be harmed – if you put pressure on a subordinate to cut corners on a project so that you can meet your own deadlines and improve your own performance evaluation?
- Who is being excluded – if you advertise for a position in such a way that it privileges your friends or someone you would like to work with?
- Which value is being ignored – if you give information about tenders to family and friends before it is in fact public knowledge?

The understanding and practices of acceptable values or norms are very important, because values are socially institutionalised and guide our judgement. The values that we believe in influence our lives, including in the work place.

The values that a councillor as an individual and as a member of a council will be reflected in their conduct. Councillors need to be aware of the values that members of their constituency hold and where these may conflict with his or her own, they need to be understood and managed.

Public service values: The *Batho Pele* principles

It is crucial for a councillor to internalise and deliver people-centred services in line with the *Batho Pele* principles. The concept of *Batho Pele* was devised by Minister Zola Skweyiya, the Minister for Public Service and Administration. It is a Sesotho saying meaning 'The People First'.

The *Batho Pele* White Paper aims to provide citizen-oriented customer service. It calls for a shift away from inward-looking, bureaucratic systems, processes and attitudes to the issues and interests of the people or the public.

Councillors can assess how well they are serving their communities against the principles of *Batho Pele*.

The *Batho Pele* White Paper is the national government's key policy document for transforming public service delivery.

The eight principles of *Batho Pele*

1. **Consultation:** Citizens should be consulted about the level and quality of public services they receive and, where possible, should be given a choice about the services that are offered.
2. **Service standards:** Citizens should be told what level and quality services they will receive so that they are aware of what to expect.
3. **Access:** All citizens should have equal access to the services to which they are entitled.
4. **Courtesy:** Citizens should be treated with courtesy and consideration.
5. **Information:** Citizens should be given full, accurate information about the public services they are entitled to receive.
6. **Openness and transparency:** Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge.
7. **Redress:** If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic positive response.
8. **Value for money:** Public services should be provided economically and efficiently in order to give citizens the best possible value for money.

Source: Adapted from **dplg**/GTZ *Ward Committee Resource Book*, 2005:19

Batho Pele

- Consultation
- Service standards
- Access
- Courtesy
- Information
- Openness and transparency
- Redress
- Value for money

The people first!

Improving public service delivery not only affects the individual user of the services, but the society in general (for example communities, business, NGOs, CBOs, etc).

The effective and efficient service delivery is essential for the future economic prosperity and social development of the country.

The *Batho Pele* principles can be used as a milestone for the councillors to monitor and provide a feedback on municipal service delivery quality.



Poor..... Excellent

① ② ③ ④ ⑤

Rate your municipality's performance in terms of the *Batho Pele* principles

Consultation

Citizens should be consulted about the quality of services they receive and, where possible, they should be given a choice about the services that are offered.

① ② ③ ④ ⑤

Service standards

Citizens should be told what level and quality of service they will get so that they know what to expect.

① ② ③ ④ ⑤

Access

All citizens should have equal access to the services they are entitled to.

① ② ③ ④ ⑤

Courtesy

All citizens should be treated with courtesy and consideration.

① ② ③ ④ ⑤

Information

Citizens should be given full, accurate information about the public services they are entitled to receive.

① ② ③ ④ ⑤

Openness and transparency

Citizens should be told how local governments are run, how much they cost and who is in charge.

① ② ③ ④ ⑤

Redress

If citizens do not receive the quality of services they have been promised, they should be given a full apology and a full explanation, and also a speedy remedy. Their complaints should be received with sympathy.

① ② ③ ④ ⑤

Value for money

Services should be provided economically and efficiently in order to give citizens the best value for money.

Source: *How Local Government Works*, Module 2., Planact, 2001

The people first!

Collective responsibility and accountability



A councillor is a public representative, representing all members of the community and obligated to do so in terms of Chapter 2 (9) of the Constitution.

Effective councillors represent the interests of their constituency and use their authority to the benefit of the community.

Although a councillor may stand as either an independent candidate or for a specific party, once elected, a councillor is answerable to the entire community and their municipality irrespective of their political affiliation. As municipalities have an obligation to provide the public with open access to information about policies, programmes, services and initiatives, councillor's have an important role to play in relaying this information. Information for public use must be readily available and disseminated to the public.

A councillor needs to convey accurate, clear and complete information to his or her constituency about the municipality's programmes, policies and services. In turn the councillor needs to relay the feedback from his or her constituency back to the appropriate people. This involves disseminating information, and making information available to people.

Councillors need to be aware of the diversity of the communities they represent and convey the information in a way that is easily understood by all. South Africa has 11 different languages and information needs to be conveyed so that all citizens can be informed and updated and engaged with their respective councillors and municipalities.

Section 5 (1) of the Municipal Systems Act, 2000 gives members of the local community the right to:

- be informed of decisions of the political structures or political office-bearers of the municipality that may affect their rights, property and reasonable expectations, and
- regular disclosure of the state of affairs of the municipality including its finances.

There are different ways in which councillors can engage with their community to identify issues that concern them.

Through:

1. Ward committees
2. Networking and consultation
3. Regular meetings
4. Information sheets
5. Community radio stations and media
6. Petitions

Engaging with the community

1. Ward committees

Ward committees are elected by their ward to represent the views of the people in their community. They play an important role within the community and work with the councillor in identifying the issues and concerns of the ward.



2. Networking and consultation

Community organisations, religious groups, sports clubs, education institutions, and interest groups are an important part of a constituency. Although ward committees are made up of interest groups, councillors can plan regular meetings with a broader section of that particular interest group.

Other ways of engaging with the community

3. Regular meetings

Legislation provides that the councillor calls meetings with the community and the ward committee. Report-back meetings are an opportunity for the councillor to give feedback to the community and to request input on new ideas and issues. To make best use of council meetings, councillors should be fully prepared so that they can best represent community interests. Councillors should make sure that the issues, concerns and decisions taken at public and in ward committee meetings are conveyed to the municipal council and officials.

Source: Core Councillor Training Programme, Module 8, SALGA



Engaging with the community

4. Information sheets

Preparing and distributing a short information sheet – this sheet could cover important decisions recently passed at council meetings, or could inform constituents about a public meeting and the topics it will cover.

5. Community radio stations and media

Community radio stations are a valuable source to use to inform constituents of meetings or get responses to local issues. Councillors should establish contact with their local community radio stations and provide them with information and feedback. The print media and mainstream radio and television are a useful source where accessible.

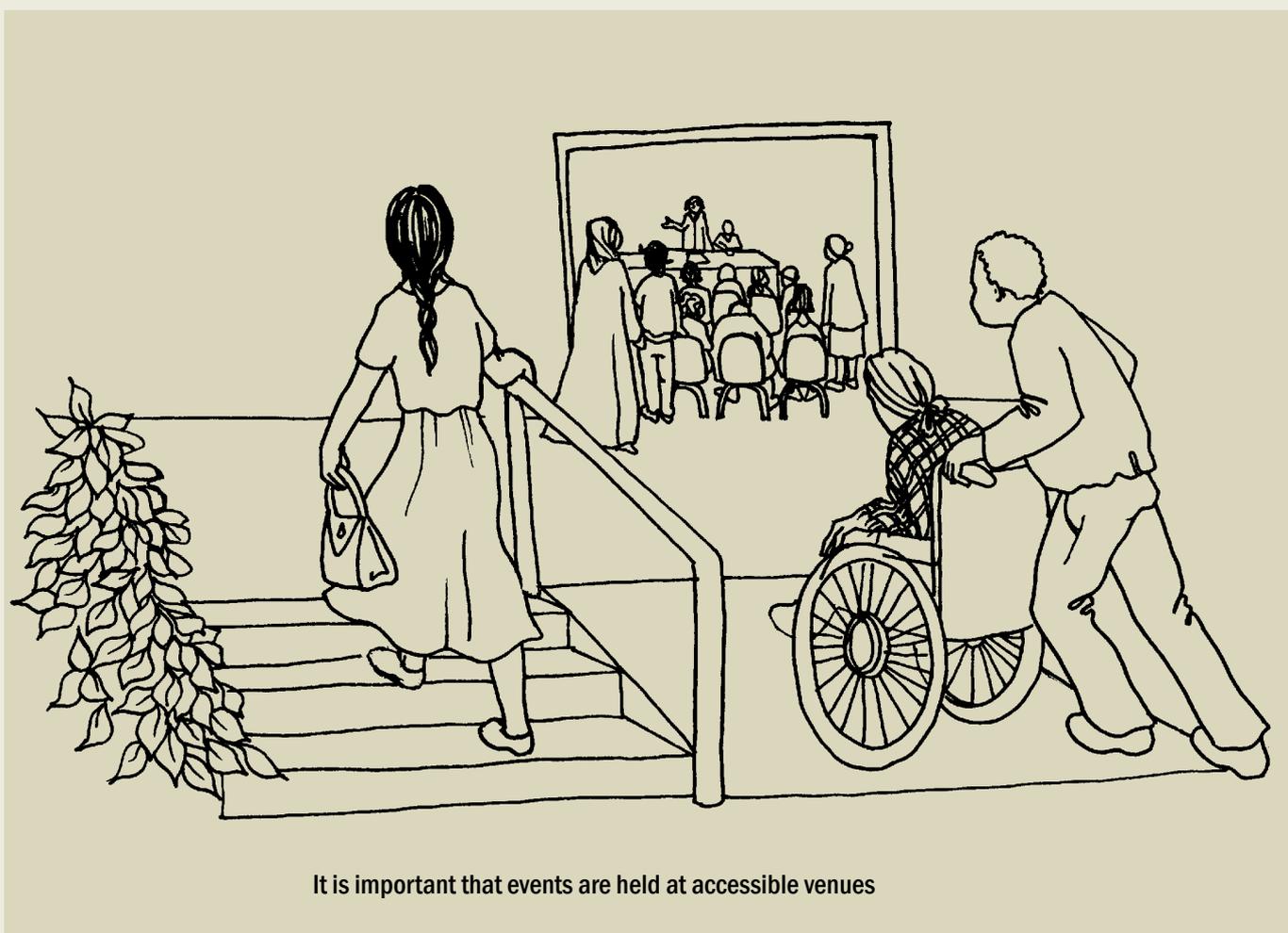


6. Petitions

Councillors or individuals are allowed to submit petitions to the municipal manager or designated official. A petition is used to inform the council and the administration that a large number of people want something to be done about a particular issue. A petition is handed to the council secretary at a council meeting. Usually it is referred to the management committee who report on it to the council. The councillor or group that submits the petition needs to keep track of the progress.

Councillors need to be sensitive to their constituency and should ensure that the consultative process is inclusive by making sure that:

- women, elderly people and youth are included
- provision is made for physically challenged constituents
- the correct protocols are followed when inviting and consulting with traditional leaders
- events are held at accessible venues
- the time of the event is suitable to most constituents
- the language used is familiar to constituents (you may need to arrange for an interpreter).



Leadership skills

As elected leaders in the community, councillors make decisions. Decisions should be based on the concerns and issues of the community that the councillor represents. The way in which decisions are made reflect different leadership styles. Leadership styles can be autocratic, consultative or democratic.

Councillors need to consider their style of leadership in terms of their mandate, which is outlined in the legislation and aims to make local government more 'people centred'.

Styles of leadership

Autocratic leadership

An autocratic leader makes decisions on behalf of the team. An autocratic leader uses the information they have in making a decision. They may ask others for information needed to make the decision but may not share the reason why this information is needed.

Consultative leadership

The leader shares the problem or information with the people or person they are working with. They ask for ideas and suggestions and bases their decision on the input. The leader then makes the decision and takes responsibility for the decisions made.

Democratic leadership

A democratic leader shares the problem with the relevant team members as a group. The group generates and evaluates alternatives and attempts to reach agreement on a solution. The leader facilitates processes that enable a decision to be made and tries not to influence the group to adopt a particular solution. The leader is willing to accept and implement a solution that has support of the entire group.

(Source: EISA Active Citizenship)

Leadership styles:

- Autocratic
- Consultative
- Democratic

Local government needs to be people centred

Situations may require a mix of different types of leadership. For example if a fire breaks out in an informal settlement there is no time for a leader to consult with the residents or other people around as to what should be done. A decision has to be made immediately. After the fire, the councillor may need to consult with the residents of the area to find out the cause of the fire and thereafter call a meeting with residents to put in place mechanisms to prevent a similar situation happening (for example warning and response systems).

Situations may require different types of leadership

Handling authority wisely

Councillors have been delegated by voters and are in a position of authority. Councillors need to consider the manner in which they exercise their authority.

- Authority is best exercised through negotiation, consensus and agreement, rather than imposition.
- Remember the reason why authority has been granted – authority is given for a particular purpose and should be used to achieve this purpose.
- Authority is best exercised in a context of respect – respect has to be earned.
- People in authority use appropriate support and advice.
- There are limits to authority – authority must be exercised within the legal framework. Local government legislation clearly spells out what the role and function of a councillor is.
- People in authority are role models to the people they represent. The way in which a councillor conducts him or herself sets the example for their constituents.

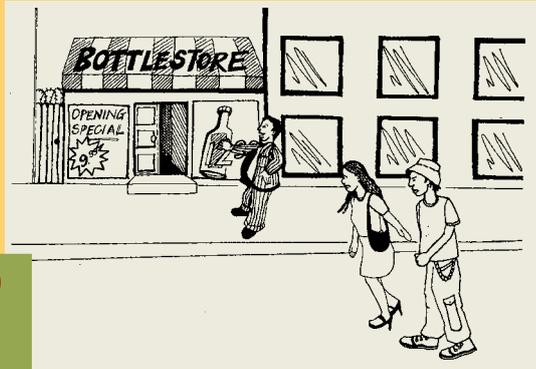


Qualities of a good leader

A good leader:

6 does not use his or her status to exploit people 9

6 needs to show integrity 9



6 uses fair processes 9



6 considers the issues of the community 9



6 does not allow power struggles to affect his/her leadership 9



Time management

Effective time management is crucial to accomplish tasks as well as to avoid wasting valuable time.

Big time wasters

A councillor will find many demands on his or her time and challenged as to how best they should respond to these demands. Managing time effectively is a useful tool to enable a councillor to identify and prioritise which task is important and requires immediate attention and which can be attended to at a later stage. Often when faced with so many demands people tend to use their time unconstructively. It can assist a councillor to analyse how they spend their time and implement a few time saving methods that will help them utilise the time they have. Below are some examples of big time wasters.

- **Indecision** – think about it, worry about it, put it off, think about it, worry about it – you get the picture
- **Inefficiency** – going ahead and implementing an idea without analysing and designing it first
- **Unnecessary interruptions**
- **Procrastination** – putting off doing the work (I can do it later)
- **Unrealistic time estimates** reading a 70 page document in an hour
- **Unnecessary errors** – trying to do something too fast due to time constraints
- **Poor organisation**
- **Ineffective meetings**
- **Micro management** – failing to let others perform and grow
- **Doing urgent rather than important tasks**
- **Poor planning strategy**
- **Failure to delegate** responsibilities
- **Lack of priorities**, standards, policies and procedures.

On the other hand, here is a list of some time savers.

- Manage the decision-making process, not the decisions
- Concentrate on one task at a time
- Establish daily priorities (short, mid and long term)
- Handle correspondence efficiently and effectively without wasting time
- Throw away things that you don't need
- Establish personal deadlines and ones for the organisation
- Don't waste other people's time
- Ensure that all meetings have a purpose and time limit
- Delegate tasks to other members
- Keep things simple
- Use checklists and to-do lists
- Adjust priorities if new tasks originate.

Time savers

Effective time management is crucial to accomplish organising tasks as well as to avoid wasting valuable time.

The following rules will help a councillor set up a management plan.

1. Get started
2. Get into a routine
3. Do not say YES to too many things
4. Do not commit yourself to unimportant activities
5. Divide large tasks into smaller pieces
6. Do not put unnecessary effort into a project
7. Deal with it once and for all
8. Set start and stop times
9. Plan your activities.

Rules to follow

Time management plan

“Think of a plan you have set yourself to complete. Use the time management plan to work towards accomplishing your task by managing your time effectively.”

Communication

The ability to communicate effectively underpins the way in which councillors interact with their constituency, fellow councillors, municipal officials and ward committees. Many conflicts can be dealt with by improving communication.

Communication is a complex and dynamic process. It is an exchange of ideas and views in which people and their perceived reality interact.

Effective communication requires organised thought, clear expression and focused listening. Ineffective communication can lead to conflict.

It is important to create the right environment for effective communication to take place.

Ways of improving communication

Ways of communicating

- Create a listening environment free from distractions where people are focused and can listen attentively.
- Non-verbal behaviour is a powerful way of getting a message across. Simple actions such as nodding the head, maintaining eye contact, using appropriate facial expressions, gestures, posture and body orientation can help in communicating.
- Active listening requires empathy and involves listening with a purpose: to gain information, solve problems, share interests. Wait for the person to finish what they are saying. Don't interrupt to give your opinion.
- Use questions to obtain information or to clarify exactly what the other person is saying.
- Be persuasive and not coercive – attack the problem and not the person.

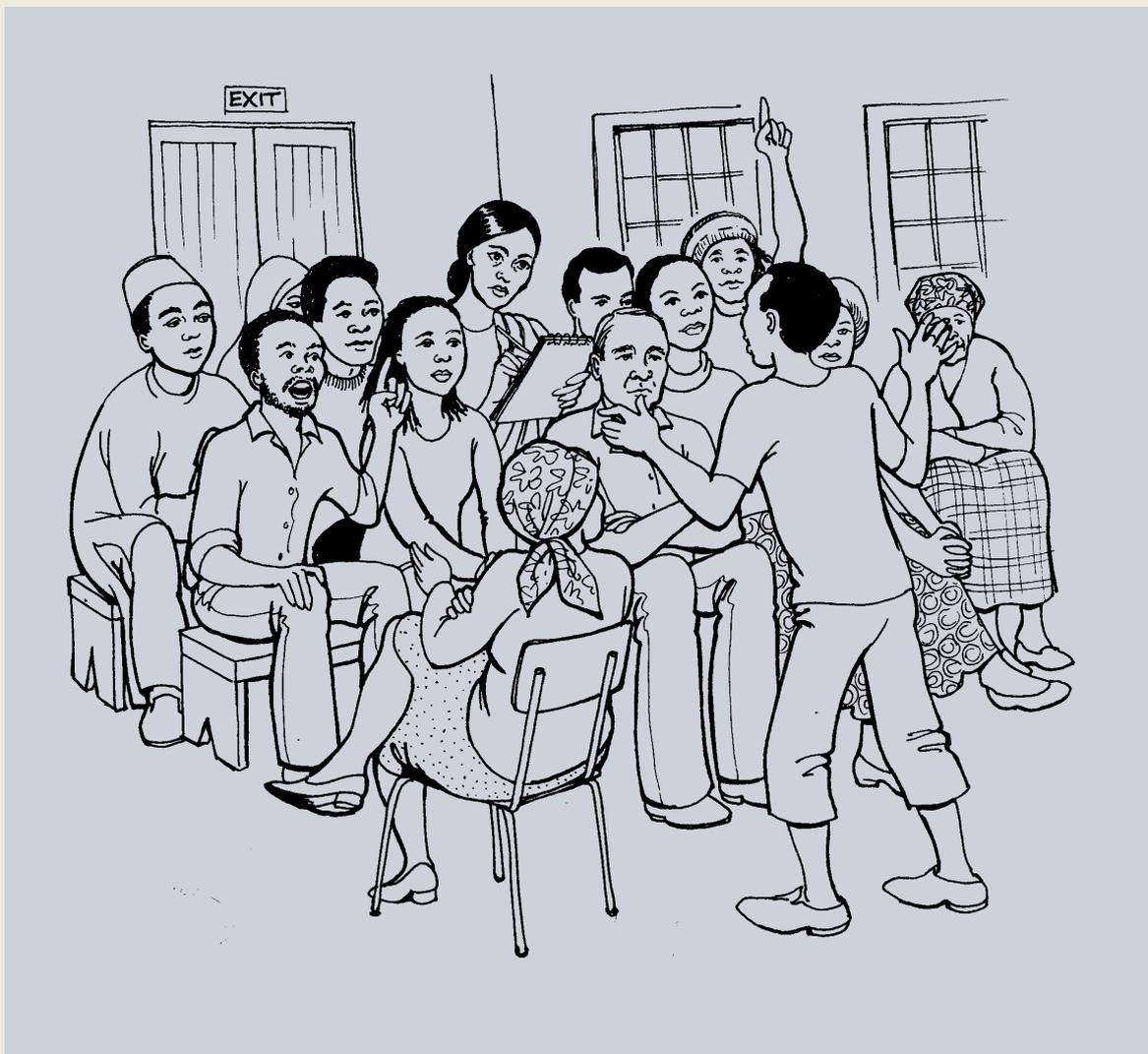
Good communication skills require a high level of self-awareness. Understanding your personal communication style can assist you in making a good impression.

The ability to communicate effectively underpins the way in which councillors interact with their constituency, fellow councillors, municipal officials and ward committees. Many conflicts can be dealt with by improving communication.

Communication is a complex and dynamic process. It is important to create the right environment for effective communication to take place is important. Effective communication requires organised thought, clear expression and focused listening. Ineffective communication can lead to conflict.

Effective communication helps build public trust, confidence and integrity between all the stakeholders.

6 Municipalities have an obligation to provide the public with open access to information. **9**



Effective listening

Listening 'well' is an important part of effective communication. Active listening requires listening with an active mind and it is important for the councillor when interacting with his or her constituent/s to show that they are interested, to listen with understanding even if they don't agree fully with what the person is saying.

Some useful points that may assist a councillor when interacting with their constituency, or chairing a meeting or facilitating a workshop is:

A good listener is...

- empathic
- non-judgemental
- encouraging
- observant
- willing
- interested
- respectful
- patient.

A good listener...

- maintains eye contact
- paraphrases
- doesn't interrupt
- uses body language
- encourages
- probes
- asks relevant questions
- waits for the right moment to analyse
- encourages openness
- acknowledges
- does not put forward their own opinions
- only answers questions asked of them
- does not put words into the mouth of the participant.

A good listener listens...

- with their head, for thoughts or facts
- with their heart, for emotions
- with their stomach, for needs
- with their feet, for determinations/will/intention
- for context and also for su-context, ie what is not being said and ask questions of clarity.

Body language

Body language is important during communication. It is regarded as a central part of non-verbal communication. Important points to remember about body language:

- it can reflect cultural issues
- can reflect power relations or issues
- avoid people's personal bubble or private space (but recognise different cultures have different space issues)
- maintain eye contact, but do not stare
- when a body is moved forward, it shows interest, it may also be a move of aggression or assertiveness
- when the body is moved backwards it may show disinterest, non-engagement or threat
- other small things like fiddling may indicate disinterest or discomfort
- when interrupted acknowledgement the interruption.

Paraphrasing

- say the same thing using different words
- reflect the four levels of listening
- get more clarity from the individual by asking questions
- focus on the speaker, not yourself
- summarise.

Importance of acknowledging emotions

- allow emotions to be expressed
- it helps to defuse strong feelings; anger, frustration, hurt
- it allows participants to feel safe and recognised. It facilitates a space in which people are able to begin to recognise each other empathetically. It opens the way to identifying the real issues.

Managing and resolving conflicts

A major duty of elected representatives is to interact with and respond to the issues of a wide variety of people who may have different interests. These interests may also differ from the views of the councillor.

Types of conflict

Conflict can arise between the following

Ward councillor and proportional representative (PR) councillor

While some of the duties will overlap in terms of the Municipal Structures Act, 2000 the PR councillor does not represent the ward directly.

The ward councillor, as the chairperson of the ward committee, convenes meetings and is frequently more attuned to the issues of the ward for which he or she is responsible. Tension can arise if councillors are not familiar with the legislation and if clear roles and tasks are not assigned.

Ward councillor and municipal manager

Municipal managers are responsible for managing and instructing staff, that is municipal officials. While councillors are concerned with policies and plans regarding delivery of services, the municipal manager oversees that officials deliver the services to the people as the employees of the municipality.

A situation can occur where the councillor feels that the manager is 'deliberately' not assisting them or not offering the necessary administration support. For example, a councillor may be spending a lot of time doing administrative and implementation work of the municipality and the municipal manager may feel that his or her decisions are being undermined, while the councillor feels that he or she is doing this because in this way they can be sure that their requests will be attended to. Or a councillor may be approaching staff in various units directly and requesting them to undertake tasks.

This can create tension between the councillor and the municipal manager, where the councillor feels that the municipal manager is 'deliberately' not assisting them on the one hand and on the other hand the manager and/or the officials may feel that the councillor is 'interfering'.

Ward committee members

Ward committees represent a diversity of interests including civic or rate-payer bodies, development organisations, labour unions, business associations, women, youth, and faith based organisations.

Given the different interests tension can occur between the different members on the ward committee. For example, in an urban area some members may support neighbourhood boom gates whilst others may feel that this infringes on a person's right to free access and use of public property. Or some members may support the use of a local hall as an afternoon care centre for young children of working parents, whilst another group may feel such a centre will create unnecessary noise. A councillor may find him or herself in a situation where they have to diffuse tension between the different interests and find an agreeable solution to the dispute.

Ward councillors and ward committees

Ward councillors work closely with ward committees and are responsible for chairing ward committee meetings, calling report-back meetings and liaising with the community. They communicate council decisions to the ward committees who then report back to the community.

Ward committees are tasked in assisting the councillor in delivering on his or her mandate. The ward committee cannot prescribe to the councillor how to vote in council meetings. If tension exists between the ward committee and the councillor neither party can deliver on their mandate of 'serving the people'.

Ward councillor and the community

The ward councillor is responsible to the community as their elected representative. If the ward councillor does not provide regular report backs and communicate with their constituency, tension may develop. On the other hand, a councillor may feel that they have reported back but that their constituents do not understand the constraints or processes of council and that their requests are unreasonable. Tensions can also arise on specific issues such as service delivery or land and natural resources.

Ward councillor and speaker and/or mayor

Councillors are expected to work closely with the speaker's office in arranging for the election of ward committees. This may require that the councillor arranges transport, a venue, an interpreter and notifies the constituents. The Speaker may be responsible for conducting the election. If the roles are not clearly differentiated, tension can arise.

Ward councillor and Community Development Workers (CDWs)

The Community Development Workers programme started in 2003 to ensure that service delivery reaches the poor and marginalised communities. The CDWs serve as a bridge between government and citizens and have to work closely with councillors and ward committees. CDWs are employed by provincial government and are drawn from the youth community in which they live. Ward committee members and even councillors see this as a duplication of their roles. The CDWs are appointed and paid, while ward committee members are rerepresentatives who receive no remuneration at present. Councillors may find themselves in conflict with CDWs.

Councillors will be required to facilitate processes to manage conflict that arises.

If a conflict is effectively managed, it may lead to positive outcomes with new levels of co-operation and understanding between the parties involved.

Processes to resolve conflict:

- Negotiation
- Mediation
- Arbitration

Conflict needs to be managed effectively

There are different processes that can be undertaken to resolve conflict. While these processes require extensive training in understanding the conflict dynamic, a councillor will be involved in using the negotiation process in his or her position as chairperson of the ward committee, chairing constituency and special meetings and interacting with his/her constituents. At the same time a councillor may find him or herself in a situation where they are required to play the role of a mediator, for example conflicting interests that may arise between ward committee members or a dispute between diverse groups or individuals in the community. This chapter briefly looks at one of the tools that a councillor can use when resolving a dispute, that is the problem-solving method.

- **Negotiation** – a process where parties engage with each other in an effort to come to an agreed outcome. This usually takes place in forums, committees or meetings that are set up between contesting parties to reach agreements. It is a verbal interactive process involving two or more parties who are seeking to reach an agreement over a problem or conflict of interest between them. The parties involved seek as far as possible, to preserve their interests but adjust their views and position in the joint effort to achieve an agreement (Managing Change: Negotiating Conflict: Mark Anstey, Juta 1999).
- **Mediation** (also referred to in the Labour Relations Act as Conciliation) – a process where a third party intervenes to assist the parties in dispute to find a mutually acceptable settlement. Mediation is implemented at all levels of human relationships, be it international relations, political disputes, community conflicts, judicial disputes, environmental disputes etc. Mediators cannot push any party's interests exclusively but must act impartially. The practice of mediation is shaped by the issues in dispute, the parties involved, the dynamics of a particular dispute and the field of intervention (Folberg and Taylor 1984, *Practical Peace-Making: A Mediator's Handbook*, Mark Anstey, Juta 1993).

Mediators require extensive training in understanding and working with the conflict dynamic and conflict mediation skills to enable them to assist the parties in coming to an agreed solution.

- **Arbitration** – a process that relies on an arbitrator to resolve the dispute by ruling in favour of one or other party. An arbitration is a formal process where a third party, that is the arbitrator, determines the outcome of a dispute. The arbitrator hears arguments of both parties to establish facts and makes a ruling as to the outcome. Parties agree to abide by the arbitrator's award. Arbitrators are often (but do not necessarily have to be) legal practitioners and require extensive training.

Problem solving

Councillors may find themselves either in the position of mediator of one of the parties or directly involved in the conflict. Often the councillor will be required to facilitate a meeting where disagreements arise or be called in to mediate a dispute either on a personal or community level.

A good leader needs to find a way to deal with problems proactively. They should bring the disputing parties together to find an appropriate solution to the problem.

The problem-solving model, like the one below, may be helpful for councillors.



The problem-solving model

Step 1 – Introduction

The purpose of this step is to develop trust and allay fears. It is important to re-assure all parties involved that your role is to assist the parties to come to a solution that they are all in agreement with.

Step 2 – Understanding and diagnosis

The purpose of this step is to advance understanding and analyse the dispute.

This stage allows parties to identify commonalities, interests and needs to assist in identifying the cause of the problem. This step identifies what the issue is, that is, name the problem.

Step 3 – Problem solving

The purpose of this step is to develop consensus

- generating options – invite both sides to think about how the situation can be resolved by brainstorming ideas
- agreeing on criteria to assess each option, the criteria could include:
 - What is possible immediately
 - Financial consideration
 - Who will carry the financial burden
- choosing the best solution.

Step 4 – Closure

The purpose of this step is to bring closure by reaching an agreement and implementing it. This can be achieved by developing a list of steps that should be taken to raise concerns and how to address them effectively, identifying resources needed to implement a decision or to carry out an action plan and listing the tasks and working out the time it will take to complete them.



Key points

- Ward councillors have been chosen by their communities to represent their interests and are therefore in a position of leadership.
- The style and manner in which a councillor conducts him or herself will impact on their relationship with their constituents.
- Councillors are accountable to their constituents as they are mandated by their constituents to be their representative. The political affiliation of the councillor should not impact on their relationship with the community.
- A value base informs the ethos of the relationship between a councillor and their constituency.
- The ability to communicate effectively underpins the way in which councillors interact with their constituency and colleagues.
- Councillors may find themselves in conflictual situations with a range of stakeholders. The manner in which they manage these situations is crucial. A sample problem solving method is introduced and is a useful tool to use in resolving conflict.

Chapter six

Meeting procedures

Introduction

Councillors will be required to attend and chair meetings on a regular basis as part of their overall responsibilities. Municipalities hold different types of meetings and councillors need to feel confident about the proceedings that meetings follow so that they can contribute to debate and discussion and participate fully. Councillors will also be required to chair ward committee meetings.

Meetings are held to:

- exchange and evaluate information
- solve problems
- resolve conflicts
- disseminate information
- exchange ideas and experiences
- inspire and develop team work.

Objective

Introduce councillors to and provide a broad overview of meeting procedures followed in the different types of meetings held in a municipality .

Why meetings fail

- The meeting was unnecessary; that is, the real purpose of the meeting had probably not been properly planned by the organisers.
- The purpose of the meeting might not be clear; without a shared view of the purpose of the meeting, it is difficult for the chairperson to guide the meeting.
- The meeting was held at an inappropriate venue.
- The wrong people were present and the right people were absent.
- The chairperson was not effective.
- The meeting was disrupted.
- Nothing was decided; allowing too much time for participation can lead to digressions and disturbances.

Meeting rules

- Punctuality
- Cell phones off
- One person speaks at a time
- Respect for different points of view.

This chapter provides a broad overview of the types of meetings and meeting procedures and the procedures followed at these meetings.

Councillors participate in meetings at two levels, namely:

- ward committee, constituency and public meetings
- council meetings.

Whilst some of the procedures are similar, council meetings are more formal and governed by a particular set of rules. Ward committee meetings will also require that the members and the chairperson agree on a set of rules to guide the way the meetings are conducted and the way members interact with each other. If a committee member disobeys the rules the chairperson can rule that person out of order.



Types of meetings

Ward committee meetings

These are regular meetings of the ward committee members and should be held on a regular basis, at least 6 times a year, preferably monthly so that issues can be tabled and reported on regularly.

These meetings are chaired by the councillor who is also responsible for ensuring that notice of the meeting is circulated, an agenda drafted and circulated and minutes recorded and circulated.

Constituency meetings

These are meetings between the ward councillor and the constituents to provide regular feedback and input between the councillor and the residents.

Special meetings

These are meetings that can be convened when the need arises. For example to elect a project steering committee or to agree on criteria to employ people for the water/electricity/housing project, rezoning a residential area into an industrial area, or flooding in certain areas after heavy rains.

Council meetings

These meetings are held quarterly unless a special meeting is called for a particular issue.

Committee meetings

It is common practice for municipal councils to establish committees to deal with specific clusters of powers and functions, for example planning and urbanisation, water and electricity or finance and budgeting. Participation on these committees allows councillors to dedicate time to in-depth debates on specific issues.

Mayoral and Collective Executive Committees

Councillors may also be requested to participate in a Mayoral or Collective Executive Committee.

Ward committee, constituency and public meetings

Functions of councillors

The councillor is the chairperson of the ward committee and responsible for calling meetings for the election of ward committees as well as convening regular ward committee meetings. In addition the councillor calls constituency and public meetings. It may assist the councillor for the ward committee to agree on one of the members taking on the duties of a committee secretary. The secretary would take minutes of the meeting and work closely with the councillor in distributing minutes and preparing and circulating the agenda or other notices. In some municipalities an official may be available to take on this function.

Committees consist of a group of people who not only meet regularly. The committee, under the guidance of the chairperson, must agree to the rules it will follow at meetings. Follow-up work may be required inbetween meetings and the chairperson in consultation with the committee may allocate certain tasks to members of the committee, or establish a smaller committee, a sub-committee, to complete this task. These tasks have to be reported on at the next meeting so that all members are kept up to date of the progress.

The legislation provides that the councillor acts as chairperson and does not make provision for any other position on a committee. However it may be helpful to the councillor to allocate different roles to ward committee members such as Vice Chairperson, Treasurer and Secretary.

The following guidelines can assist councillors in their role as chairperson.

The most important role of the chairperson is to provide leadership.

The personal example that he or she sets with regard to behaviour and attitude serves as an important model for the committee. An unbiased chairperson leads with courtesy and respect and does not abuse his or her position.

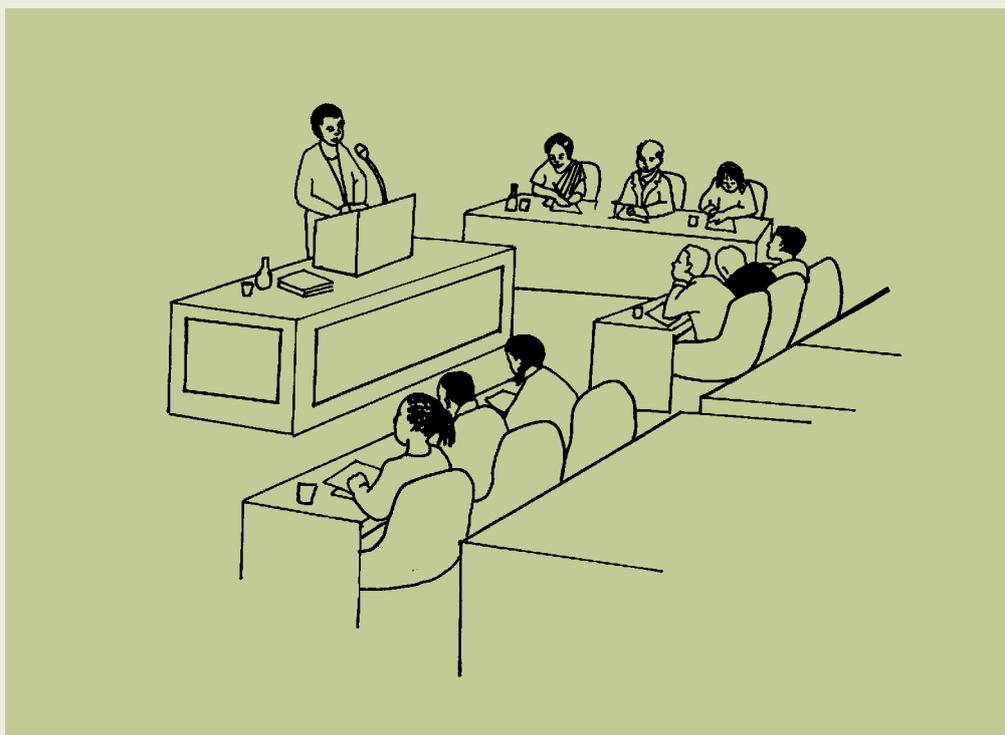
A chairperson must lead with courtesy and respect and does not abuse his or her position.

What is a chairperson responsible for?

Duties of the chairperson during meetings

The chairperson is responsible for:

- starting the meeting at the agreed time
- ensuring that a quorum is present
- declaring that the meeting is open
- announcing and then dealing with the items as they appear on the agenda (Agenda orders may not change without the agreement of the committee)
- deciding the order in which the persons present participate in the discussions, and
- stating clearly all motions brought before the assembly, and putting them to the vote according to the correct procedure.



Skills of a chairperson

The smooth working of the committee depends on the chairperson's knowledge and skills as well as on his/her personal qualities. The following skills help the chairperson to work effectively:

Skills to help the chairperson work effectively

- Guiding discussions
- Clarifying and summarising
- Facilitating

Guiding discussions

The chairperson should:

- explain clearly what the topics for discussion are, making each topic as specific as possible. Particularly if the topic is limited, it is vital that the chairperson define the topic precisely so as to focus attention on the relevant issues
- see that each interested party has the opportunity to speak, without anybody being too long-winded
- see that only one person speaks at a time and should stop unnecessary interruptions
- keep people more or less to the point, but never giving the impression of being in a hurry
- giving full and polite attention to each point, striving constantly to understand it rather than to evaluate it in terms of his or her own opinions
- help to interpret each member's points, sometimes by restatement, so that nobody misunderstands anybody else
- relieve tension by intervening when two members are in danger of falling out. For example, he or she can point out some way in which the parties agreed, or shift the subject slightly with a touch of humour
- decide when discussion of an item has gone on long enough
- respect everyone's rights. Encourage quiet and shy people to speak and do not allow domineering people to ridicule other members' ideas. This can be done by saying 'we have heard from this side of the table this evening, are there other people who may want to comment'.
- state what has and what has not been agreed before the committee moves on from one item to the next – this ensures that nobody is in any doubt about what has been agreed on, and
- indicate what action, if any, is to be taken – for example, that the secretary will send a letter to so and so.

Clarifying and summarising

Clarifying is a skill that can be applied valuably during discussions. It involves focusing on key underlying issues and sorting out confusing and conflicting feelings and ideas. On the basis of a summary, decisions about where to go next can be made at the end of the discussion. The chairperson might make some summary statements or might ask each member to summarise so that all members understand the decisions taken. It is a good idea for the chairperson to make the first summary statement so that the members will have a model for this behaviour. Sometimes, however, the chairperson may want to close the session with his/her own reactions.

6 It is a good idea for the chairperson to make the first summary statement so that the members will have a model for this behaviour.

Being flexible

Occasionally issues and concerns arise that are so important that the chairperson must alter the agenda to discuss them before returning to the prepared agenda. If necessary the chairperson can ask for a five minute break to discuss with the key leaders how to handle the issue and restructure the agenda or it can be discussed with the full meeting. The chairperson should be prepared to recommend an alternate agenda, dropping some items if necessary, to deal with the urgent items.

How to chair a successful meeting

- Establish your own style.
- Keep control of the process.
- Keep control of the task.
- Keep people focused on the task.
- Clarify points.
- Summarise people's contributions.
- Judge when a conversation should stop and when it should continue.
- Do not start an item before concluding the previous one.
- Remind the group how much time is allocated.
- Use questions.

Facilitating

The chairperson can facilitate the group process by:

- assisting members to express openly their fears and expectations
- actively working to create a climate of safety and acceptance in which people will trust one another and will therefore engage in productive interchanges
- involving as many members as possible in the group interaction by inviting and sometimes even challenging members to participate
- working towards lessening dependency on the facilitator
- encouraging open expression of conflict and controversy
- helping members to overcome barriers to direct communication.

Qualities of the chairperson

A chairperson is likely to require the following qualities:

Stamina

Leading a group can be taxing and draining, as well as exciting and energising. A facilitator therefore needs physical and psychological stamina and the ability to withstand pressure in order to remain vitalised throughout the course of a meeting. Meetings can be long and sometimes boring; the chairperson needs to be attentive throughout the meeting.

Sense of humour

There are many truly humorous situations. Committees occasionally exhibit a real need for laughter and joking, simply to release the tension that has built up – laughter is the best medicine.

Confidence in confronting

A chairperson and committee members are often afraid to confront group members for fear of hurting them, of being wrong or of inviting retaliation. It does not take much skill to attack another or to be merely critical. It does, however, take both caring and skill to confront group members when their behaviour is disruptive of the committee functioning. In confronting a member, a facilitator should challenge specifically the behaviour to be examined, avoiding labelling the person.

Source: Adapted from the *EISA Facilitating Meetings Handbook*

The chairperson needs to be attentive throughout the meeting

Procedures

The meeting procedure for ward committee, constituency and public meetings requires preparation and organisation. To ensure that meetings are constructive the following procedures need to take place:

Notice of meeting

A notice of meeting should be prepared and circulated to the relevant participants (for example ward committee members if a ward committee, constituents if a constituency meeting). The notice of meeting should be circulated with the agenda and a copy of the minutes of the previous meeting.

Sample notice of a meeting

NOTICE OF MEETING

THERE WILL BE A MEETING
OF THE

IKETESESENG WARD COMMITTEE

DATE:
SATURDAY 3RD MAY 2006

TIME:
10h00 AM

VENUE:
IKETESESENG
TOWN COUNCIL HALL

Agenda

The agenda specifies the items that will be discussed for example. Input to the agenda should be obtained from the participants. For example, if it is a ward committee meeting, the councillor should contact the members to ask if there are any items that they would like included in the agenda. A draft agenda should be circulated prior to the meeting and agreed on at the meeting.



Sample agenda

Iketsetseng Municipality

Agenda

3rd May 2006 – Iketsetseng Municipality Ward committee meeting

1. Welcome
2. Present and Apologies
3. Adoption of the agenda – the meeting should agree to the contents of the agenda. If there are any items that were left out or a participant would like included they should be noted and added to the agenda.
4. Minutes of the Previous Meeting

Matters Arising – this item deals with decisions and tasks allocated at the previous meeting and the status of these activities such as

4.1 Iketsetseng Municipality bus shelters

4.2 Fundraising for school hall

5. Adoption of minutes – The minutes are adopted either the way they are or if there are any errors in the previous minutes, they are adopted with the corrections recorded
6. Other items such as
 - a. Financial report
 - b. Road closure on 5th Avenue
 - c. Fundraising
7. Any other business

Elements of an agenda

- Title of the meeting
- Date, time and venue
- Welcome
- Apologies
- Adoption of minutes of the previous meeting
- Matters arising
- Other matters to be discussed and decided/new matters
- Motions related to the above
- Reports
- Any other business/general
- Closure
- Supporting documents attached

Minutes of the meeting

The secretary has the responsibility of taking minutes of the meeting and circulating the minutes. In the case of a ward committee meeting if it is the first meeting that is being held the councillor may need to request the municipal council to assist with taking minutes until the committee has agreed on whether to appoint one of its members as secretary. If it is a constituency or public meeting the secretary of the ward committee can fulfil this role.

The minutes are an accurate record of the issues raised at a meeting and the discussion on the issue raised. Minutes will also record motions tabled and resolutions assessed. Ward committee meetings are more informal and than council meetings. However, for a meeting to run smoothly and allow for open discussion and debate they need to be well structured and all participants need to understand the procedures and agree on the process.

Reference

For information on the function of ward committees refer to the **dplg/GTZ 'Having Your Say'** handbook for ward committee members



Council meetings

The second type of meeting that councillors participate in is council meetings.

As with ward committee meetings or constituency or public meetings, there are certain meeting procedures to be followed outlined below.

Meeting procedures

Notice of meeting and agenda

An agenda is an integral part of meeting procedure as with the ward committee or constituency meetings.

- The secretariat gives written notice of a meeting to each member and observer.
- Notices of meetings have to be given not less than seven calendar days before the meeting.
- Special meetings can only be called if one quarter of the members of the council submit a written request to the secretariat explaining why they want the meeting.
- The secretariat must issue a notice convening the special meeting within seven days of receipt of the request for a meeting.



Sample agenda

Agenda of the 56th Ordinary Council Meeting of the City of Johannesburg

It is hereby notified that the 56th ordinary meeting of the City of Johannesburg Council will be held in the council chamber, Ground floor, Metropolitan Centre, Braamfontein, on Thursday, 2006 at 14:00.

City Manager

Agenda

1. Opening
2. Applications for leave of absence
3. Official notices
4. (a) Proposals of condolences by the Mayor/Speaker
(b) Proposal of condolences by councillors
5. (a) Proposals of congratulations by the Mayor/Speaker
(b) Proposals of congratulations by councillors

6. Confirmation of minutes

55TH Ordinary Meeting held on 8 December 2005

7. Questions of which notice has been given in terms of Section 12 (1) of the Standing Rules
8. Reports of the Executive Mayor
(a) Recommendations to the Council (Section A)
(b) Decisions under delegated authority (Section B)
9. Motion: Councillor Mr ABC
10. Announcement by the Speaker



Order of business

- 1 The order of business at a meeting shall be as follows:
 - a) opening
 - b) application for leave of absence
 - c) statements and communications by the Chairperson
 - d) finalising the agenda, including decisions on the release of documents to the media and the public
 - e) confirmation of minutes of previous meeting
 - f) matters arising from the minutes (if not covered by agenda item)
 - g) consideration of report by a joint technical committee referred to in paragraph 12 including its working groups and task teams (if any)
 - h) consideration of any matters of common concern or interest relating to the area of the forum
 - i) matters of urgency or necessity in terms of subparagraph 4
 - j) possible press statement.
- 2 The Chairperson may give preference to any item on the agenda with the consent of the meeting.
- 3 No business shall be transacted at a meeting other than that specified in the agenda relating thereto.
- 4 The Chairperson may as a matter of urgency or necessity accept a request to discuss a matter which request could not have been notified to the secretariat in terms of paragraph 7, in which case a properly motivated written request in this regard shall be directed to the secretariat a reasonable time before the meeting.
- 5 The Chairperson shall rule on the acceptability of any urgent request, and on the need for other participants to be given appropriate time to prepare for discussion thereof.

The order of discussions at a council meeting should be arranged in this way.

Source: Local Government Transition Act, 1993, Act no 209



Proceedings at meetings

- 1 The Chairperson shall control and conduct a meeting and may for such purpose issue directions to any participant or person, and at his or her discretion adjourn the meeting at any time.
- 2 Whenever the Chairperson speaks during a meeting, any participant then speaking or intending to speak shall be silent and all persons present shall be silent so that the Chairperson may be heard without interruption.
- 3 A participant who speaks shall confine his or her speech strictly to the motion or proposal under discussion or to an explanation or point of order and no discussion shall be allowed which will anticipate any matter on the agenda.
- 4 Any participant may ask the Chairperson for permission to address the meeting:
 - a) on a point of order with a view to calling attention to any departure from the prescribed procedure; or
 - b) in personal explanation, in order to explain some material part of his or her former speech which may have been misunderstood, and any participant so asking shall be heard forthwith unless the Chairperson rules the point of order or explanation to be inadmissible.
- 5
 - a) If a participant misconducts himself or herself, behaves in an unseemly manner or obstructs the business of any meeting or challenges any ruling of the Chairperson, the Chairperson shall direct such person to conduct himself or herself properly and if speaking to discontinue his or her speech.
 - b) In the event of a persistent disregard by any person of the directions of the Chairperson, the Chairperson shall direct such person to retire from the place where the meeting is being held for the remainder of the meeting, failing which the Chairperson may direct that he or she be removed from such place.
- 6 Any other person who misconducts himself or herself, behaves in an unseemly manner or interrupts proceedings at any meeting, shall, if the Chairperson so directs, leave the place where the meeting is being held, failing which the Chairperson may direct that he or she be removed from such place.
- 7 Any interpretation by the Chairperson of these Rules of Order shall, if any participant present so requests, be recorded in the minutes.

Source: Local Government Transition Act, 1993

Standing orders

Standing rules govern behaviour in council meetings and guide the running of council meetings. Standing orders are like the rules of a game which players and the referee must adhere to. Standing orders are applicable to everyone who attends council meetings including councillors, traditional leaders and members of the public.

“ Standing orders are applicable to everyone! ”

Standing orders include:

- **Attendance register** – a register is kept of everyone who is present at the meeting. Participants will be required to sign the register.
- **Removal of an official, councillor or member of public** – if an official or councillor or member of the public (including ward committee members) misbehaves they may be removed in the interest of keeping order in the council chamber at the request of the chairperson.
- **Quorum** – for a meeting to take place there have to be sufficient members of the council (or committee), at least half the number of members present. This is referred to as a quorum.

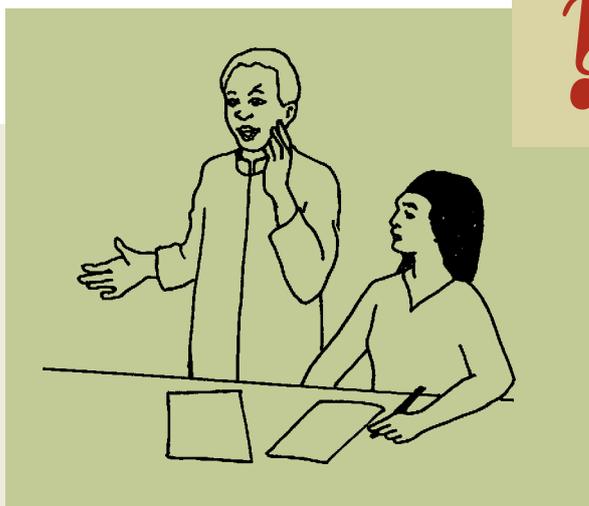
This prevents decisions being made with only two people present. At the same time members of the council could deliberately not attend so that a meeting can continually be delayed if they do not want particular decisions to take place.

Standing rules will provide for the length of time that members must wait before the meeting can be cancelled, for example 20 minutes, and if not enough members are present the meeting is cancelled. Standing rules also spell out the number of times a meeting can be delayed without a quorum.

- **Asking questions** – members of council are entitled to ask questions about matters discussed in council reports. There are two types of questions, namely, oral questions which are asked during a meeting and written questions that are submitted before a meeting.

Why ask oral questions?

Usually oral questions are asked during a debate on a particular matter to obtain information or clarification about a matter a speaker has raised. Rules and order may also allow a councillor to ask a question on a completely unrelated matter if it is in the interest of the municipality that the question be asked and answered. It is important to make sure that the question being asked is to the point and relevant to the topic under discussion.



Written questions must be submitted in writing to the Town Secretary or the CEO within a specified number of days before the council meeting and an answer provided in writing at the next meeting.

Why have written questions?

Written questions give a councillor the opportunity to consider the precise wording of the question and that the response becomes part of the official records of the municipality. It may also require the person to whom the question is asked to prepare the answer if, for example, specific figures or facts are required.

- **Speaking at council meetings** – Councillors may speak at council meetings. Councillors are restricted to the length of time that they speak to allow for maximum participation. Members must stand when speaking.
- **Voting** – Voting is done by show of hands except for the appointment of office bearers where a secret ballot is conducted. If two candidates receive the same number of votes for a particular position then the mayor uses their vote, a “casting vote” for one of the candidates.
- **Derogatory remarks** – Councillors should be respectful of each other. For example if one councillor swears at another or says something offensive to another member, they can be suspended and asked to leave the meeting.
- **Meeting behaviour** – Standing orders stipulate a particular code of conduct of behaviour at meetings. For example arriving under the influence of alcohol, shouting at other members or sleeping during the meeting constitute misconduct in terms of the code.
- **Dress** – Standing rules stipulate that members should dress appropriately.

Source: Adapted from the *Planact Enhancement Programme for Ward Committees, Councillors and Officials*

Resolutions and motions

Councillors must be familiar with the decision-making processes of council in order to begin to have an influence on issues important to his or her constituency.

Motions

Motions are usually used to call for or propose something that may be a little more controversial. It is a useful tool to use especially if the administration is not co-operating with the council as council motions cannot be ignored. A councillor can make sure that an issue they want discussed is on the agenda for a committee or council meeting by submitting a motion. This is a written proposal and must be submitted to the municipal manager a prescribed number of days before the meeting. In this way a councillor can ensure that the items to be discussed will be on the agenda. A councillor can also propose a motion in council and in some cases this is debated immediately and agreed on by majority vote and becomes a resolution.

The process to follow in introducing a motion

- A problem is identified in the community.
- A councillor submits a document in which he or she explains the problem and suggests a solution [this is the motion]. The councillor gets another councillor to second it. The councillor who seconds the motion can belong to any party.
- The motion should be discussed with the councillor's party caucus in order to get support for the motion.
- The motion should be submitted for inclusion to the council's agenda at least ten days before the monthly council meeting. If the motion is urgent, the councillor can submit it at the start of the meeting and explain why it was not submitted in time.
- In council, the chairperson asks if the motion is opposed. If the motion is not opposed, then it will be accepted without any discussion. If the motion is opposed the following procedure is followed:
 - a) The councillor is asked to explain (or move) the motion. He or she has to argue in favour of the motion.
 - b) The members who oppose the motion are given an opportunity to say why they oppose it.
 - c) The chairperson allows the debate on the matter.
 - d) When the chairperson is satisfied that the matter has been sufficiently debated, the proposer is allowed to say a final word before the debate is closed.
 - e) The chairperson then asks the council to vote on the matter.
 - f) If the motion is agreed to (we say it is carried), the motion is sent to the relevant department, in the form of a recommendation for implementation.

Source: *Planact Enhancement Programme for Ward Committees, Councillors and Officials*

Resolutions

A resolution is a recommendation to council. When council agrees to the recommendation by a majority vote the recommendation becomes a resolution of council.



Sample resolution

Development planning, transportation and environment

(Transportation planning and management)

It is recommended that:

1. the Gauteng Inter-governmental Transport Charter attached as Annexure B to the report (amended as described in Paragraph 3(5)) be approved.
2. the MMC for Development Planning, Transportation and Environment be authorised to sign this Charter with the Gauteng MEC for Public Transport, Roads and Works on behalf of the City.
3. any transport policy re-alignment arising from the Charter be incorporated into the current update of the Integrated Transport Plan (ITP)

(Transport planning and management)

(Development Planning, Transportation and Environment)

Director: Planning, Transportation and Management

Name

Telephone number

Reference



Types of meetings and their purposes

Type of meeting	Purpose	Suggested use
(i) Informative/ advisory meeting	<ul style="list-style-type: none"> To give and receive information and to keep in touch 	A ward councillor should hold advisory meetings on a regular basis to make the community aware of developments within council as well as gather information from the community as recommendations to council.
(ii) Consultative meetings	<ul style="list-style-type: none"> To resolve issues or concerns Involve people in change or a new course of action 	Consultative meetings are meant to create a common understanding amongst stakeholders before any programme of action. Ward committees and communities need to be consulted prior to any developments in their areas, their concerns and fears need to be addressed. Consultative meetings are likely to reduce conflict and encourage a sense of ownership of assets and services.
(iii) Problem-solving meetings	<ul style="list-style-type: none"> To generate ideas To identify alternative courses of action To initiate action 	These are kinds of meetings meant to bring relevant stakeholders to share ideas and find solutions to existing problems.
(iv) Decision-taking meetings	<ul style="list-style-type: none"> To generate commitment To identify alternative course of action To share responsibility To initiate action 	Decision-taking meetings takes place at a certain level. Only people who are entitled to take decisions are allowed to participate at these meetings. Decisions in council are only taken by councillors and ward committees do not have the mandate to contribute towards decisions taken during council meetings.
(v) Negotiating meetings	<ul style="list-style-type: none"> To find the best solution, agreeable compromise 	Negotiation meetings are meant to bring relevant stakeholders to mutually agreeable compromise.

A single meeting can be a combination of two or more of the above mentioned types of meetings.

Ward committee meetings will often be both advisory and consultative meetings.



What you say in a meeting

If you want to...	You say this	May you interrupt the speaker?	Must you be seconded?	Is the motion debatable?	Is the motion amendable?	What vote is required?
Adjourn the meeting	'I move that we adjourn'	No	Yes	No	No	Majority
Have the meeting take a break	'I move the recess until...'	No	Yes	No	Yes	Majority
Complain about noise, room temperature, etc	'As a point of privilege I wish to complain about...'	Yes	No	No	No	No vote
Get the meeting to postpone a discussion until later	'I move we table it for another meeting'	No	Yes	No	No	Majority
End a debate	'I move we table it for another meeting'	No	Yes	No	No	Majority
Postpone consideration of something	'I move we postpone this matter until...'	No	Yes	No	Yes	Majority
Have something studied further	'I move we refer this matter to a committee'	No	Yes	Yes	Yes	Majority
Amend or change a motion	'I move that this motion be amended by...'	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	'I move that...'	No	Yes	Yes	Yes	Two thirds Majority exigency
Object to a procedure or a personal affront	'As a point of order...'	Yes	No	No	No	No vote
Request	'Point of order'	Yes – if urgent	No	No	No	No vote
If you want to exclude someone from the meeting for misbehaviour	'I move we exclude Councillor X for (up to 60 days)'	Yes	Yes	Yes	Yes	Majority
If you want to leave the meeting because you have a financial interest in what is being discussed	'Please note that I have recessed myself'	Yes	No	No	No	No vote



Key points

- Councillors will be required to attend and chair meetings on a regular basis as part of their overall responsibilities. Municipalities hold different types of meetings and councillors need to feel confident about the proceedings that meetings follow so that they can contribute to debate and discussion and participate fully. Councillors will also be required to chair ward committee meetings.
- The most important role of the chairperson is to provide leadership. The personal example that he or she sets with regard to behaviour and attitude serves as an important model for the committee. An unbiased chairperson leads with courtesy and respect and does not abuse his/her position.
- Ward committee meetings are less formal than council meetings. However, all meetings follow a set of procedures that guide the process and set out the way in which committee members conduct themselves.
- Standing rules govern behaviour in council meetings and guide the running of council meetings. Standing orders are like the rules of a game which players and the referee must adhere to. Standing orders are applicable to everyone who attends council meetings including councillors, traditional leaders and members of the public.
- Councillors must be familiar with the decision-making processes of council in order to begin to have an influence on issues important to his or her constituency.

Glossary

Act	Any legislation which is formulated and passed by parliament.
Administration	The organisation that administers a local government.
Assets	Everything a corporation owns. It includes cash, investments, money due to it, materials, buildings and machinery.
Budgeting	Budgeting is the process of predicting and controlling the spending of money within an organisation.
By-law	A law which is made by a local authority.
Capital budget	This part of the budget shows how much money local government is planning to invest in infrastructure or other capital assets.
Capital projects	Projects that purchase or construct capital assets. It often involves a purchase of land and/or the construction of a building or facility.
Caucus	Is a meeting of representatives of a particular party, often used to develop common positions on policy or choose representatives to various committees of council.
Constituency	Refers to the body of voters that elect their representatives in a democracy. A constituency is not just those voters that have voted for a particular candidate or party, but all people within the area governed by the municipality.
Council	This is the overall policy and decision-making body at the municipal level.
Debt	Money borrowed from lenders for a variety of reasons. The borrower pays interest for the use of the money and is required to repay the amount on a set date.
Decentralisation	Decentralisation (or decentralisation) is any of various means of more widely distributing decision-making to bring it closer to the point of service or action.
Deficits	A budget deficit occurs when a party/organisation/institution/government spends more money than it takes in.
Delegating authority	One person/body gives another person or body authority to act on their behalf.
Delegation body	One person or body who has been given the authority to make decisions
Executive powers	Powers to enforce or carry out the laws.
Expenditure	The act of spending money for goods or services. Expenditure includes day-to-day spending, paying interest or buying things that last a long time.
Financial management	A set of procedures that is set up to ensure that money is spent in the way intended and not wasted or mismanaged.
Financial year	A 12-month period used for preparing yearly financial reports in businesses and other organisations. In many areas laws require reports once in twelve months a year, but do not require that the twelve months runs on a calendar year, ie from January to December. The financial year of a South African municipality runs from July 1 of one year to June 30 the following year.

Grants	A contribution, usually money, by one government entity to another. Most often, these contributions are made to local governments from national and provincial spheres of government. Grants are usually made for specified purposes.
Income	The amount of money received from provision of services, or profit from savings or investments, or other sources.
Infrastructure	Services and facilities that support day-to-day economic activity. Infrastructure includes roads, electricity, telephone service, and public transportation. Infrastructure has traditionally been provided and maintained by the government.
Integrated development planning	A planning process that municipalities go through to ensure that projects that the municipality undertakes are in the interests of the community they serve. It also aims at co-ordinating projects to avoid waste or duplication of work.
Investments	Investment is a term with several closely related meanings in finance and economics. It refers to the accumulation of some kind of asset in the hope of getting a future return from it.
Judicial powers	The powers to interpret laws and apply them to persons charged with violating the law.
Jurisdiction	Refers to three concepts: <ul style="list-style-type: none"> • The authority or power that a local government body has • The area of a local government's authority, e.g. Durban or KwaMashu • Its position in governmental hierarchy.
Levies	Levies are sums of money, similar to a tax, which are added to the purchase price of an object or service. In local government they are used for up keep and maintenance of the area or suburb.
Loans	A loan is a type of debt. The borrower initially receives an amount of money from the lender, which they usually pay back, in regular instalments, to the lender.
Loss	The amount by which the cost of a business exceeds its income. This happens when a municipality spends more than its income.
Multi-year budgeting	A multi-year budget is a document that records a government's planned expenditures and anticipated revenues for two or more consecutive years.
Objectives	Objectives are statements of attainable, quantifiable; intermediate-term achievements that help accomplish goals contained in the vision. For example, an objective would be to achieve "the construction of 80 units of affordable housing annually until the year 2010."
Operating budget	This part of the budget shows how much money is spent on running the administration and delivering the day-to-day services
Ordinance	Refers to a rule or piece of legislation made by a province (provincial legislature).
Participatory democracy	Is where citizens have the right not only to elect their representatives, but to actively participate in government decision-making on a continuous basis between elections.

Partnerships	Relationships with other public and private sector organisations that support and enable the local government's plans for development.
Performance management	The process of defining outcomes, setting performance standards, linking budget to performance, reporting results, and holding public officials accountable for results.
Proclaim	To declare publicly and officially. Once laws are enacted, they are proclaimed in the government gazette for public information.
Profit	The excess of income over all costs. This means the money left over after a council has paid all the expenses.
Project	A project is a temporary task or set of tasks undertaken to create a unique product or service. Temporary means that the project has an end date. Unique means that the project's end result is different than the results of other functions of the organisation.
Public participation	The process of involving citizens in governmental decision-making processes. Participation ranges from being given notice of public hearings to being actively included in decisions that affect communities.
Rates	Rates are a form of taxation system that are used to fund local government.
Representative democracy	Recognises the need for people to have a voice in their government, but has assigned that voice to selected persons chosen through majority vote.
Revoke	Scrap a law as it is invalid.
Strategy	A strategy is a plan or method including options and priorities towards the achievement of a defined goal or objective. It links development goals with the actions required to achieve them. A strategy may have economic, social, environmental, and spatial components; it specifies the major problems to be alleviated and the opportunities to be realised by short- to medium-term investments in specific projects.
Subsidies	A subsidy is generally an amount of money given by government to lower the price faced by producers or consumers of goods, generally because they are for the good of the community.
Surpluses	The amount by which the municipality receives more than it spends in any financial year.
Vision	A powerful vision provides everyone in the organisation with a picture that helps them to see what they are planning to create in the future. A vision statement provides a word picture of what the organisation intends to become – in five years. This statement should contain as concrete a picture of the desired state as possible. It should provide the basis for formulating objectives and strategies

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