EFFICIENCY VERSUS DEMOCRACY: UNPACKING THE DECISION-MAKING PROCESS IN SOUTH AFRICAN CITIES.

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ABSTRACT

This thesis probes the extent and consequences of the new local government reforms in four municipalities, namely, Msunduzi, (Pietermaritzburg) Buffalo City, (East London) eThekwini (Durban) and Nelson Mandela (Port Elizabeth). These reforms call for a shift from a representative type of local government to a participative form of local governance and require municipalities to conduct their activities in a more democratic way than they did before. Of particular concern to this thesis is the effect of these democratic requirements on the efficiency of the decision-making process. The research has yielded sufficient evidence to support the claim that greater democracy in the decision-making structures and processes will result in a cost to efficiency. This, therefore, confirms the tension between democracy and efficiency in municipal decision-making. A distinction is made between efficiency and efficacy, in that whereas efficiency is measured in terms of "minimum effort", efficacy includes normative evaluation as to whether the decision-making outcomes really address the needs and preferences they are intended to. This thesis examines the impact of these new democratic requirements on the municipal decision-making process in terms of both theories of democracy and systems theory. Through applying Robert Dahl to the new democratic requirements the thesis identifies four criteria in terms of which democratic operation of municipal decision-making is measured: inclusivity, transparency, accountability and participation. Through reviewing systems theory, the thesis identifies the importance of reviewing the structural, organizational culture and development aspects of the decision-making process to develop the fullest picture of what is going on. The thesis then proceeds on the basis of a qualitative evaluation of the case studies to yield several significant sub-findings including that there are no efficiency reasons for preferring the executive mayoral system over the executive committee system, and good democracy reasons to prefer the latter over the former.

DECLARATION

I declare that this work, unless specifically indicated to the contrary, is my own original work and that I have not submitted this thesis for a degree in any other University.

KELVIN CHARLES BARICHIEVY

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CHAPTER ONE

LOCAL GOVERNMENT: THE PAST, THE TRANSFORMATION AND THE CHALLENGES

INTRODUCTION.

The year 2004 marked the tenth anniversary of the achievement of democracy in South Africa. In 1994 the birth of the new democracy brought with it new government structures, new principles, new responsibilities and increased public expectations. It was inevitable that local government would also have to change to meet the broader issues of governance, transition and development. In 1994 Chris Heymans, in a publication by the Development Bank of South Africa (DBSA), pointed out that, in fact events at local level had in many ways contributed to the changes in South Africa in the years prior to 1994.[1] It was at this level that the shortcomings of the older order became particularly evident. Heymans maintains that many local authorities never had the financial basis, political legitimacy or administrative ability to govern their areas.[2] They were also not in a position to address development challenges.[3]

Against this background local government institutions would face the most drastic changes in the years that lay ahead. Not only were structural changes necessary to meet the challenges of transformation but municipalities would have to change the way in which they carried out their business. The very culture of local government in South Africa faced a major overhaul. The changes that accompanied the transformation of local government are what prompted this study. In this Chapter I provide a broad overview of how local government in South Africa functioned in the apartheid era, after which, I reflect on the transformation of local government. Finally, I deal briefly with some of the challenges and changes that are confronting municipalities, especially the requirements for more democratic ways of operating. The next chapter outlines what is believed to be a key implication of these new statutory democratic requirements: a significant cost to the statutory requirements for efficiency.

1. LOCAL GOVERNMENT IN THE APARTHEID ERA.

Before 1994, local government in South Africa occupied the third level in the institutional hierarchy of South African Government Institutions. Municipalities were regarded as being agents for the implementation of the policy of the government.[4] The law of the land (for example the South African Constitution Act, 1983)[5] required local government to conduct its activities according to racial groupings within the policy of separate development. (During the 1950's, under pressure from reformed circles, the South African government replaced the term "apartheid," which was adjudged to be too blunt with the expression " separate development" which was seen as more acceptable).[6] Apartheid legislation required "own management for own areas", in other words, separate local government structures for each racially defined area. The Group Areas Act,[7] enacted by the government in 1950 is regarded as a key piece of apartheid legislation and had as its aim the separation of the population on racial grounds. This new law sought to control strictly all property transactions and all inter-racial changes of address. All municipalities throughout the country were required to give effect to the provisions of this Act. Everything possible was done to reduce to the minimum any contact between race groups.[8]

The inequalities of apartheid resulted in a skewed pattern of development where, on the one hand, "white" suburbs have similar service standards to highly industrialised countries. On the other hand, unserviced settlements or collections of "matchbox" houses typify the living conditions in the former black townships.[9] This type of development was supported by a local government system designed to produce and perpetuate inequality on the basis of race, for example, commercial and industrial properties from which municipalities derive their higher property rates were located in "white" areas.[10] Although township residents worked and shopped in white areas, income derived from the local tax base was collected by white municipalities and spent on serving white areas only.

In 1992 Dr Michael Sutcliffe, in his capacity as Treasurer of the Southern Natal region of the African National Congress (ANC), published an article entitled "The Road to Good Governance" in which he argued that the apartheid local government system was fundamentally divisive: it divided communities territorially, socially, racially, on gender lines, and the like. He observed that squatter settlements had been allowed to spring up in Indian and African areas, but not in white areas. He pointed out that this

was simply another cynical effect of apartheid policy, where the disadvantaged and racially oppressed were forced to squabble amongst each other over slightly more than 13% of the land.[11]

1.1 Segregation.

At this point it is necessary to provide some background on the issue of "divisive" local government referred to in the preceding paragraph. What gave rise to the exclusion of Africans from Local Government in the so called white urban areas? Why did the apartheid legislation require "own management for own areas?" These are some of the questions which need to be addressed as part of the background. Thompson makes the point that by 1910, whites had conquered the indigenous inhabitants of South Africa.[12] The state applied a comprehensive programme of racial segregation and discrimination and gained control over the African peasantry. Laws limited land ownership by Africans to demarcated reserves, transformed blacks who lived in rural areas outside the African reserves into wage or tenant labourers for white farmers and ensured white dominance in the industrial cities and rural townships.[13]

Du Toit in addressing the issue of segregation points out that the evolution of state and society in the first decades after union was strongly influenced by the guidelines for racial policy set by the Native Affairs Commission appointed by Lord Milner in 1903. The commission recommended, firstly, that land ownership be divided by race into exclusively white and black areas. Secondly, it was recommended that dormitory towns, so-called locations, be established for blacks adjacent to but still spatially distinct from towns in the white areas of land ownership. Thirdly, the commission advised that education for blacks be focused on agricultural and industrial vocations, rather than the classic liberal arts. Fourthly, it was suggested that political separation, in the form of separate representative institutions for blacks, elected by voters from separate rolls and with jurisdiction only over the land reserved for the specific race group, be implemented.[14]

Land shortage, population increase and taxation were impoverishing the families in the African reserves, many of which could survive only by sending the men out to work for months at a time. By the 1920's Africans were moving into the white urban areas in search of employment in the

manufacturing sector. Stadler points out that this was accompanied by political upheaval and social dislocation, by way of strikes and riots and the beginnings of a working class movement.[15] Furthermore, in the haphazardly settled slums and locations of the new industrial cities, there was intense overcrowding and disease.[16] This poverty and lack of real rights to participate in the administration of the cities of urban African communities endured up until 1994. Early attempts by the government at influx control had failed and the size of the urban African population had soared.[17] Mahmood Mamdani, in referring to the influx of Africans to the cities draws attention to the cutting edge of liberal segregationist policy being more obvious in urban areas. A number of initiatives were taken to address this issue, for example, the liberal Cape pioneered the segregation of African urban residents in separate areas called locations.[18] These locations were established in the early part of the 20th Century within the provisions of the Native Reserve Locations Act of 1902. The Transvaal followed suit, as did Natal.[19]

The Stallard Commission of 1922, deploring "miscegenation" and the tendency for mainly unemployed poor whites and blacks to live "cheek by jowl" in squalid locations and shanty towns spelled out the thrust of urban native policy in words that have since been chiselled in stone in the annals of South African history:- "The Native should only be allowed to enter urban areas, which are essentially the white man's creation, when he is willing to enter and to minister to the needs of the white man, and should exit therefrom when he ceases so to minister."[20] The commissioner also recommended a thorough municipal segregation on top of the already affected segregation in workplaces and in industrial conciliation. Stadler, while acknowledging that the Stallard doctrine provided an important guide to the policy of successive governments, stresses that it was never applied in an undiluted form. He points out that the existence of permanently settled african communities in cities is evidence of its modification.[21]

1.2 Segregation vs Apartheid

The assumption that Africans were impermanent elements in white urban areas had two major implications for future administrations both in the rural and the urban areas. Firstly, it followed that Africans should exercise whatever political rights they enjoyed in the reserves, and not in the towns.[22] Secondly, it was held that in the urban areas they should be mere objects of administration, subject to

arbitrary and discretionary powers of the state. It should be borne in mind that the Stallard doctrine was based on the premise that if Africans acquired the right to reside permanently in the urban areas, they would inevitably win civic rights in those areas, including the right to vote.[23] The Stallard Commission therefore went a step beyond calling for racial segregation. It made segregation the basis of representation. Stadler maintains that since initial formulation by Stallard and up until the change of government in 1994, urban "native" policy was explicitly built on the premise that Africans had no political rights in the urban areas and could never expect to acquire them.[24] Although there was growing acceptance of the permanent presence of Africans in the so-called white urban areas, they were not entitled to serve as town or city councillors and nor did they have the right to vote in municipal elections.

From the foregoing it is clear that apartheid was not the beginning of segregation and that racial segregation had sunken into South African society many years before. The White Paper on Local Government in referring to this matter contains statements to the effect that geographic, institutional and social segregation at the local level was already policy by the time apartheid was introduced in 1948.[25] However, the Group Areas Act instituted strict residential segregation.[26] The provisions of this Act were largely used for apartheid removals of coloured and Indians. Africans were largely removed by various statutory provisions aimed specifically at them such as the Native Urban Areas Act. Furthermore, through spatial separation, influx control and a policy of own management for own areas, apartheid aimed to limit the extent to which affluent white municipalities would bear the financial burden of servicing disadvantaged black areas. The Group Areas Act restricted the permanent presence of Africans in urban areas through the pass system, and reserved a viable municipal revenue base for white areas by separating townships, industrial and commercial development.[27] Interwoven with the complexities of African urbanisation, the government's response thereto and the consequences thereof is another factor, that is, the economy. To meet the labour requirements of the manufacturing industry, in particular, as well as those of other industries, for example agriculture, Thompson points out that the South African economy had developed unique characteristics.[28] The regime professed to be applying a policy of racial segregation. It was a complex segregation that met white economic needs only.

In addition to the Group Areas Act referred to in the preceding paragraph, other legislation was enacted to reinforce the Government's policy of segregation. Du Toit refers to the following Acts:-[29]

The Population Registration Act of 1950 which defined two basic categories, those for *whites* and those for *Africans*. Individuals who could not be classified into either were assigned to a residual category of *coloured*.

The Prohibition of Mixed Marriages Act of 1949, prohibiting multi-racial marriages.

The Immorality Act of 1950 outlawing sex across racial barriers.

The Separate Representation of Voters Act of 1951, removing the coloured voters from the parliamentary roll.

The Reservation of Separate Amenities Act of 1953 authorising the state to establish separate facilities for the different races.

The apartheid government's influx control policy was administered by the Native Affairs Department (NAD). Influx control sought to achieve two objectives in the urban areas. Firstly, the NAD undertook to ensure an adequate supply of African labour to white employers in both the urban and rural areas.[30] It would be necessary to ensure that the urban areas accommodated only as much African labour as was necessary to meet the urban labour demand. The effect of this would prevent the depletion of the labour supply to the agricultural sector. The second imperative of the influx control strategy was to restrict the numbers of Africans in the urban areas, as far as possible. In the state's view, the larger the urban African proletariat, the greater the concomitant threats to the country's political stability and industrial peace. The NAD, therefore, saw its influx control policy as having to fulfil dual roles; in addition to providing an instrument for controlling the allocation of African labour, the policy would also secure "better control" over the cities by limiting the growth of the urban African population.[31]

The NAD's influx control strategy was extended to construct a rigid administrative barrier between "detribalised" communities comprising permanent city-dwellers, and those allegedly living temporarily in the cities retaining a permanent home in the rural areas. The architects of influx control acknowledged that "detribalised" Africans had earned the "residential" right to remain in urban areas on

a *de facto* permanent basis, "for the foreseeable future". However, the NAD's policy specifically drew attention to the fact that "while it is admitted that natives should remain in urban areas... it is explicitly stated that they should have no political or equal social or other rights with Europeans."[32] A number of measures were introduced by the NAD to prevent further detribalisation of families which could lead to an increase in the numbers in the urban areas; these measures included controlling the movements, marriage patterns, and economic activities of African women.[33]

It is necessary to provide a brief background on attempts made to provide some sort of local government for urban blacks. From 1923 it was the policy of successive governments that Africans should be allowed into white areas for labour purposes only and that they had to live in segregated residential areas.[34] The Native Urban Areas Act of 1923 gave white local authorities the power to exercise influx control over black migrants entering white cities and towns. Political rights for black people at all levels of government were denied.[35] The Location Advisory Board System was instituted by the state in 1923 in the belief that the advisory boards would provide local authorities with a means of co-opting the support of urban community leaders. Advisory board members were either elected or nominated to represent the interests of individuals in the community to the local authority and were permitted merely to advise local and central government on policies affecting the townships.[36]

In bantustans, limited local government was established. Traditional leaders were given powers over land allocation and development matters in areas with community owned land. Some small rural townships were given their own administrations but these lacked real powers.[37] The Bantu Affairs Administration Act of 1971[38] established administration boards, which removed responsibility for urban blacks from white municipalities.[39] Mabin points out that "taking material conditions affecting African residence out of the hands of the old white local authorities seemed a powerful form of centralisation at the time, but its long-term effect was to weaken the urban regime, create new political targets and encourage new forms of organisations to assault these targets."[40] In 1977 community councils were introduced. Community councils although elected, had no meaningful powers and few resources. They failed to gain political credibility. In 1982 black local authorities (BLA's) replaced community councils. Cameron maintains that black local authorities were established to partially compensate blacks for their exclusion from the tricameral system.[41]

(The tricameral parliament, introduced in 1983 made provision for limited power sharing for coloureds and Indians. Separate parliamentary chambers were created for whites, coloureds and Indians. The

respective chambers had the power to decide exclusively "on own affairs"). Black local authorities, while being given fairly extensive powers, had no significant revenue base and from the outset were seen as politically illegitimate. They were rejected by popular (and sometimes violent) community mobilisation in the mid 1980's. To some extent these forms of local government acknowledged the permanent presence of black persons in urban areas. However, they were designed to reinforce the policies of segregation and economic exclusion. None had the resources to make any real difference to the quality of life of their constituents.

After the National Party was elected to power in 1948, racial segregation in respect of Indians and coloureds intensified. Only much later through the passing of the Group Areas Amendment Act of 1962 were advisory bodies established for the Indian and coloured communities.[42] Coloured and Indian management committees (known as local affairs committees in Natal) were established as advisory bodies to white municipalities.[43] They were subordinate to white municipalities and lacked credibility in communities. Regulations relating to these committees were promulgated by the government. The regulations dealt with the establishment of committees, the composition, the election of members and powers and functions. These committees entrenched the principles of separate development, because, firstly, membership was confined to persons designated for a particular area race. Secondly, the powers allocated to these committees were essentially advisory. The committees were established in an attempt to provide coloured and Indian persons a say in the running of the affairs for their areas. The intention was that such bodies should evolve into independent local authorities. Cameron states that the reasons for only four Indian local affairs committees and no coloured local affairs committees evolving into independent local authorities were the lack of financial viability, lack of trained staff and political opposition by coloureds and Indians to these apartheid structures.[44]

There were several types of white local government systems in existence in South Africa during the apartheid era, for example, city councils, town councils, health committees, village management boards, divisional councils (Cape Province), development and services board (Natal) and peri urban boards (Transvaal). Membership of these bodies was reserved for the white group only. The regulation and control of local government affairs occurred through provincial ordinances, for example, the Local Authorities Ordinance for Natal 1974.[45] Some national legislation such as the Public Health Act, 1977[46] also directly, affected the operation of local authorities. Local authorities could only make by-laws within the parameters of this framework. Traditionally local government by-laws had to be

approved by the Provincial Administrator.

A noteworthy event was the enactment of the Regional Services Councils Act, 1985[47] (as amended in 1986). This legislation is probably one of the most contentious pieces of "reform" legislation initiated prior to the change of government in 1994. It was claimed, for example, that Regional Services Councils (R.S.Cs) represented a "new concept" aimed, at broadening democracy. Critics of this legislation made claims to the contrary, for example, that the legislation was actually a matter of "local interests vs central orders", and that it was "dished up from the top."[48] The Act introduced a system of "regional services" for "hard" or "bulk" services in both the bigger urban areas and in some rural areas where it was intended for regional services to be rendered in a more cost efficient basis if provided on the basis of "bulk services."[49]

The official memorandum on R.S.Cs identified four major political elements under the heading of "political participation". These are: to give all people in South Africa a say in decision making affecting their interests at all levels of government; the provision of local government institutions through which each group exercises self determination over own affairs, these being mechanisms to protect minority rights in a multi-ethnic society; the provision of general local government institutions where co-operation in matters of general concern can take place; and the government's general constitutional goal of providing for participation without domination, also at the level of local government.[50] The R.S.Cs Act accommodated all types of local bodies ranging from metropolitan authorities to city councils, towns, villages and informal settlements. The Act also aimed at eliminating a great degree of duplication of scarce resources.

The mechanisms built into the R.S.Cs. Act aimed at participation without domination (for example, rights to representation, voting and appeal mechanisms for smaller local bodies while simultaneously emphasising consensus decision making). The foregoing were seen as truly "new" devices in the South African body politic at that level. The R.S.Cs. Act was sufficiently flexible to suit all circumstances, that is, technically speaking. However, this did not sufficiently compensate for the lack of legitimacy. The crux of the matter was not in its workability, but its acceptability and credibility.[51]

2. THE TRANSFORMATION OF LOCAL GOVERNMENT.

The mid 1980's saw the mass mobilisation of township residents against the unfair system of local government that existed during the apartheid era. Mobilisation frequently took the form of rent and consumer boycotts - both of which directly threatened the financial viability of white municipalities and hence the financial basis of white suburban lifestyles. [The photograph (Appendix 1) is a reminder of the mobilisation of residents against the Local Government System at that time].[52]

As a consequence of effective mobilisation, and the general financial and political pressure brought to bear on the apartheid government (in particular local government), the late 1980's saw local negotiating forums being established in many parts of South Africa. Sometimes enormous difficulties faced the initiation of these negotiations. In Soweto, once preliminary negotiations had begun, they led to various conclusions, expressed in an agreement called the Soweto Accord intended to accomplish some of the major township demands and thus assist in ending boycotts. Preliminary negotiations ended in the signing of the Soweto Accord.[53] Most significantly, the agreement resulted in the creation of the Central Witswatersrand Metropolitan Chamber (C.W.M.C.) which had as its basic reason for existence the provision of "a forum for negotiating non-racial and democratic structures of local government and to improve the quality of life of the people by establishing a common tax base and upgrading the quality of essential services." [54]

Similarly in the Cape, 1993 saw attempts to create a Local Government Negotiating Forum on a more formal basis in that region. Representation was formally structured in such a way as to achieve some balance among the major political blocs and between "statutory" and "non statutory" groups. Although this body had not reached any consensus about how local forums were to be structured, the Cape Metropolitan Negotiating Forum's representation system was certainly within the spirit of the national L.G.N.F.'s structure.[55]

These early negotiations played an important role in building the capacity of grassroots civic and political movements to engage the apartheid state. In 1993, the National Local Government Forum reached an agreement which was subsequently legislated in the form of the Local Government

Transition Act (L.G.T.A).[56] This legislation dealt essentially with the local government democratisation process and the division thereof into three phases,[57] namely, the Pre-interim Phase, the Interim Phase and the Final Phase.

2.1 **The Pre-Interim Phase** commenced with the passing of the L.G.T.A in February 1994 and marked the beginning of the transformation and restructuring of local government. It brought with it the establishment of local multi-party forums for negotiating the restructuring of local government. This phase also witnessed the establishment of appointed transitional councils. These were operative until the first local government elections, which were held in November 1995 in seven of the provinces (and the urban areas of the Western Cape), in May 1996 in the Western Cape (metro and rural areas), and June 1996 in KwaZulu-Natal.

2.2 **The Interim Phase** commenced with the first local government elections in 1995. During this phase transitional councils, for which elections were to be held were classified into Transitional Local Councils for non-metropolitan areas and Transitional Metropolitan Councils. The powers and duties of transitional councils and the determination of the number of seats were determined by the relevant Member of the Provincial Executive Committee. It was during this phase that detailed legislation dealing with the future of local government was enacted. This legislation has been embodied in the Municipal Demarcation Act of 1998,[58] the Municipal Structures Act of 1998[59] and the Municipal Systems Act of 2000.[60] This interim phase endured up until the local government elections held in November and December of 2000.

2.3 **The Final Phase** which has been labelled the elevation of local government ushered in new principles, structures and systems that were designed to facilitate the move away from the old into a new era. Section 43 of the Constitution[61] provides that the legislative authority for the local sphere of government is vested in the municipal councils. This means that for the first time local government has been made a partner in the governing of the country. The power of municipal councils to make law is protected by the Constitution and this power can only be withdrawn by amending the Constitution.

All three spheres of government are responsible and accountable for the general welfare of the people of South Africa. It therefore behoves national and provincial government to incur some degree of responsibility for ensuring that municipalities are functioning properly. Local government is, however, more accessible to the citizens than the other two spheres of government because, for example, local elected representatives (councillors) generally reside in the communities which they represent. Furthermore, citizens are also able to identify with the municipality as a service provider, for example, refuse collection, supply of electricity and water, provision of recreation facilities etc. For these reasons local government is seen as the sphere of government closest to the citizens. It is, also, for the same reasons, often seen as the face of government.

The Constitution is specific in determining the objects of local government,[62] namely, to provide democratic and accountable government for local communities; to ensure the provision of services to communities in a sustainable manner; to promote a safe and healthy environment; and to encourage the involvement of community and community organisations in the matters of local government. These provisions, while elevating the status of local government, also impose additional duties and responsibilities on municipalities, an aspect which will receive attention under Section 5 which deals with the challenges and changes facing local government. To conclude this discussion, reference is made to the following reasons advanced by Robert Cameron for the elevation of local government.[63]

> Firstly the ANC's fear of white controlled local authorities becoming the last bulwark of apartheid had largely dissipated with the creation of non-racial boundaries and an ANC victory in most of the major municipalities. Secondly, the growing view that cities must be seen not only as service delivery agents but rather as dynamic areas for economic, social and cultural development. Thirdly, strong local government was seen as a way of empowering people. The Constitution lays a heavy emphasis on participatory governance, namely involving civil society in decision-making. Fourthly, the ANC had failed to win two of the provinces, namely KwaZulu-Natal and the Western Cape. The ANC's support was significantly higher in metropolitan areas and large towns in these provinces, as evidenced by the fact that they won all the major cities and towns in KwaZulu - Natal as well as the Cape Town Municipality in the Western Cape. By upgrading local government at the expense of provinces, they could strengthen their support at the expense of opposition controlled provinces.

2.4 New Municipal Legislation.

To facilitate the final phase of the transformation of local government and to give effect to the provisions of the Constitution,[64] the government enacted new legislation as referred to in 2.2 above prior to elections held in December 2000. (A fourth act, specifically compiled to deal with local government finance was still to be enacted).[65] The following summary of the acts appeared in the January/February 2004 publication of "Voice" (official publication of the South African Local Government Association).

The Demarcation Act was passed by parliament in order to create provincial bodies that will determine and may redetermine municipal boundaries in the territory of the Republic of South Africa. The Act which laid out the demarcation of boundaries and redetermination of boundaries had to be consistent with other appropriate legislation enacted in terms of Chapter Seven of the Constitution. The board had to consider any objections regarding its determination. The result of the work of the demarcation board was the reduction of the number of municipalities from approximately 850 to 284: six metropolitan municipalities, 47 district municipalities and 231 local municipalities.

The Structures Act defines the categories of municipalities and provides for the establishment of such municipalities by the MEC by notice in the Provincial Gazette. Such establishment took effect at the commencement of the first election of the council for that municipality. It states that the municipal council must annually review the needs of the municipality and prioritise them. The Act further provides for the appropriate division of functions and powers between categories of municipalities; for the regulation of internal systems such as the establishment and composition of executive committees, election of executive mayors, establishment of ward committees, appointment of municipal managers and participation of traditional leaders. The appropriate municipal electoral systems, such as proportional elections and elections of representatives of local councils and district management areas to district councils, are also covered by this Act.

The Systems Act recognises the legal nature of municipalities as organs of state within the local sphere of government exercising legislative and executive authority. The rights and duties of municipal councils, that of local communities and that of municipal administrators are outlined in the Act. The Act elaborates on municipal functions and powers as well as the importance of community participation in municipal governance. To effectively achieve the objectives of local government and its developmental duties, the Act requires municipalities to undertake developmentally - orientated planning in a form of an Integrated Development Plan (IDP). The Act binds local public administrations to be governed by democratic values as embodied in section 195(1) of the Constitution; the code of conduct for councillors, municipal managers, the guidelines for their working contract and requirements for the publication of their remuneration have been outlined in the Act. This Act further deals with matters relating to credit control and debt collection, which provides that a municipality must collect all money that is due and payable to it and for this purpose municipalities must adopt, maintain and implement a credit control and debt collection policy that is consistent with rates and tariff policies. Furthermore, a municipality is required to establish sound customer management systems that are aimed at creating a positive and reciprocal relationship between the municipality and the person responsible for payments. Municipalities are empowered by the Act to provide for services through service delivery agreements with external mechanisms in a competitive bidding system. Responsibilities of municipalities when providing services through service delivery agreements with external mechanisms and guidelines for the negotiations of agreement with prospective service providers are set out in the Act.[66]

The fourth major local government Act of Parliament which contains important provisions regarding municipal finances is the Local Government Municipal Finance Management Act, 2003, Act 56 of 2003. The aim of this legislation is to regulate financial management in the local sphere of government; to require that all revenue, expenditure, assets and liabilities of municipalities and municipal entities are managed economically, efficiently and effectively; to determine the responsibilities of persons entrusted with local sphere financial management, to regulate municipal borrowing, and to provide for matters connected therewith.

Cumulatively, this legislation should enable the repeal of virtually all provincial ordinances relating to local government and several other national laws from the apartheid era. This should have the effect of

reducing the number and confusion of past laws.

3. THE NEW LOCAL GOVERNMENT SYSTEM: CHALLENGES AND CHANGES.

The new system of local government brought with it significant challenges and changes. Those likely to have the greatest impact on local government have been grouped under the headings: *Re-demarcation of municipal boundaries; The new role and responsibilities of municipalities; The Structure of Local Government* and *Participative governance.*

3.1 Re-Demarcation of Municipal Boundaries

As referred to when the provisions of the Demarcation Act were dealt with earlier, through the demarcation process, the number of municipalities was reduced from approximately 850 to 284 (231 local councils (Category B municipalities) 47 district municipalities (Category C municipalities) and 6 metropolitan councils. (Category A municipalities). The following appendices have reference: -

Appendix 2 Demarcation Map of South Africa indicating the demarcation of Metropolitan and District Municipalities.

Appendix 3 List of Local, District and Metropolitan Municipalities (KwaZulu-Natal).

Appendix 4 Demarcation Map of KwaZulu-Natal.

For the first time, every square centimetre of South Africa falls under the control of one or more municipalities. The demarcation process, therefore, resulted in the creation of larger municipalities which, in turn, impacts on internal systems and administration. To place this in context, the Pietermaritzburg City Council previously governed an area of some 250 square kilometres with a population of approximately 374000 inhabitants. As a result of the demarcation process, six previously separate entities (Pietermaritzburg, Edendale, Ashburton, Lynnfield Park, Claridge & Vulindlela) were

consolidated to create the Msunduzi Local Council covering an area of approximately 649 square kilometres and with a population of in excess 500 000 inhabitants.[67] The expansion of the boundaries of the municipality and a significant increase in the number of inhabitants has created a drastic increase in service responsibility without a commensurate increase in the fiscal base. Virtually overnight, municipalities have had to contend with a hugely extended demand for services. This has important implications in view of the fact that the financial viability of municipalities is central to the implementation of the new system of local government. In a joint document issued by the then Department of Constitutional Development and the Department of Finance in 1997 the following statement was made on local government finance:

> The restructuring of local government in South Africa has caused the newly formed municipalities to experience a variety of serious financial challenges; including dramatically increased service responsibilities, increased administrative costs and upward pressure on salaries, cuts in operating subsidies and reductions in experienced financial personnel. The near term effects of these challenges are significant pressure on municipalities' cash flow and diminution of their financial resources. To date municipalities have managed these pressures by spending accumulated reserves, reducing capital expenditures, deferring payments to vendors, utilising bridge financing and financing (and extending) their long term debt.[68]

This is one of the main reasons for national government giving priority to efforts aimed at strengthening both the financial and administrative capacity through, for example, the equitable share and restructuring grants. (The equitable share is paid annually to municipalities by the National Treasury in accordance with the provisions of the Division of Revenue Act.[69] The restructuring grant is funding from the National Treasury to promote transformation and restructuring generally for short term projects and aimed specifically at achieving financial security and stability through income collection). Although the financial assistance received by municipalities does provide some relief, it usually falls short of the amounts required.

3.2 The New Role and Responsibilities of Municipalities.

Municipalities, prior to 1994, were seen as local bodies which were responsible, primarily, for the provision of services, such as water, electricity, sewerage etc to their inhabitants. The new system of local government extends the role of municipalities to include a developmental responsibility which took effect after the partial implementation of the final constitution in 1997. This means that in addition to infrastructural services, municipalities are required to incorporate social and economic development in their operations.[70] More specifically, local government is to pursue economic development mainly through the re-alignment of its core functions, namely land use planning, service delivery, development and regulation. Its main economic role is to provide an enabling environment, rather than to take responsibility for economic growth and job creation. In accepting the responsibilities that are attached to being not only a service provider, but also a developmental agency, local government must also recognise the links to poverty alleviation and economic growth.

Another feature of the new role and responsibilities of municipalities are the requirements of intergovernmental relations and co-operative governance. The Constitution provides that "government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated."[71] Reference is made to the question of the autonomy of municipalities and the arguments surrounding interventions in the activities of municipalities by national and provincial government. However, this subject falls more appropriately under the subject of Constitutional Law. Suffice is to say that local government will have its share of disputes with other spheres of government, notwithstanding the fact that the Constitution instructs each sphere of government to use its powers in a way that recognises the other sphere's place in the government of the country. The Constitutional Court has affirmed the status of local government as an independent and distinct sphere of government. Local government no longer merely exercises powers delegated to it by national or provincial governments. The Constitution provides that municipalities are legislative assemblies and "may make and administer by-laws for the effective administration of the matters which it has the right to administer."[72]

The developmental local government approach as highlighted in the White Paper on Local Government, entails the involvement of local government in all aspects of development; infrastructural, social,

economic and environmental. While provincial and national governments are involved in development functions, they perform different roles. Atkinson, in referring to municipalities' potential development functions, stresses that these pose formidable challenges for the future.[73] She draws attention to Section 4 (2) of the Systems Act, which requires municipalities to "contribute together with other organs of state, to the progressive realisation of the fundamental rights contained in sections 24, 25, 27 and 29 of the Constitution.[74] These rights relate to the environment, property, adequate housing, land reform, health care, food, water, social security and education."[75] This is the essence of co-operative governance where municipalities are responsible for the co-ordinated implementation of state and provincial strategies and, in return, national and provincial spheres "must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions."[76]

Another example of decentralisation of responsibility is the Crime Prevention Development Programme launched by the Minister of Safety and Security in 2000 and embodied in the White Paper on Safety and Security. This initiative places a significant responsibility on local government in terms of which municipalities are required to ensure that crime prevention features prominently in their financial and development plans. This serves as an example of how, through the concept of co-operative governance, municipalities are required to assume new roles and responsibilities. Melinda McCann in supporting these views points out that the transformation of local government has been rapid, with tremendous shifts in the jurisdictions, structure and functions of municipalities taking place within less than a decade.[77] She points out that although Local government is central to achieving integrated governance, the immense responsibilities that new "developmental municipalities" have acquired, have not been matched by the necessary support and strengthening of municipal capacity.[78]

Nico Steytler makes the point that the socio-economic rights in the Bill of Rights bind all organs of state including Municipalities.[79] These rights may also impose positive obligations and through the delivery of basic services municipalities fulfil some of these obligations.[80] Steytler pursues this argument by stating that the very purpose of municipalities is to be "developmental" - advancing the living conditions of their communities by providing basic services which include, the right of access to adequate housing; the right of access to health care services, including reproductive health care; the right of access to social security, including appropriate social assistance.[81] He draws attention to the legislation and in particular the Municipal Systems Act which, in spelling out the duties of

municipalities, recognises that municipalities are bound by the socio-economic obligations imposed by the Bill of Rights in that a municipality must:

> Undertake developmentally oriented planning to ensure that it .....together with other organs of state contributes to the progressive realisation of the fundamental rights.[82]

3.3 The Structure of Local Government.

The structure of local government has changed. On a macro basis, local government is a sphere of government with its original, constitutionally enshrined powers and functions. In other words, it is not a third level of government, subordinate to provincial and national government, but rather a distinct sphere of government. Local government is not a function of provincial or national government. However, it is not completely independent either.[83] It is interdependent and interrelated with provincial and national government in one overall system of co-operative governance. In this regard Chapter Three of the Constitution deals specifically with co-operative government. Section 40 (1) provides that "In the Republic, government is constituted as national, provincial and local spheres of government which are distinctive interdependent and interrelated." The White Paper on Local Government also refers to co-operative government through the recognition that "co-operative governments assume the integrity of each sphere of government ....no country today can effectively meet its challenges unless the components of government function as a cohesive unit. Co-operative government should effectively be symbolised in intergovernmental relations, which are "the set of multiple formal and informal processes, channels, structures and institutional arrangements for bilateral and multilateral interaction within and between spheres of government."[84] For example, in keeping with the notion of developmental local government, local government has to contribute, to South Africa's economic growth, job creation, and social development.

Section 41 states , *inter-alia*, that all spheres of government must respect the constitutional status, institutions, powers and functions of government in these spheres; not assume any powers or functions expect those conferred on them in terms of the Constitution; exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of

government in another sphere; co-operate with one another in mutual trust and good faith; and avoid legal proceedings against one another.

The new era has also ushered in significant changes to the "internal" structure of municipalities. Previously, prior to 1994, councils took decisions for communities. The new provisions put an end to municipal councils conducting their activities quite separately from their residents and communities. The Systems Act provides that the municipality consists of the governing structures (the elected councillors), the administration (the appointed staff) and the residents. This requires councils to take decisions with communities instead of for them.[85]

Also, with regard to structures, the Constitution identifies categories of municipalities as well as types of municipalities. The following categories of municipality are identified:-

Category A: (Metropolitan Council) A municipality that has exclusive municipal executive and legislative authority in its area.

Category B: (Local Council) A municipality that shares municipal executive and legislative authority in its area with a category C municipality within whose areas it falls.

Category C: (District Council) A municipality that has municipal executive and legislative authority in an area that includes more than one municipality.[86]

The different types of municipality that may be established within each category of municipality are defined in accordance with the following systems of municipal government or combinations of these systems. These are the collective executive system which allows for the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested. The mayoral executive system which, allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee. The plenary executive system which limits the exercise of executive authority to the municipal council itself. The sub-council participatory system which allows for delegated powers to

be exercised by sub-councils established for parts of the municipality. The ward participatory system which allows for matters of local concern to wards to be dealt with by committees established for wards.[87]

Examples of categories and certain types of municipalities are contained in the following table:-

TABLE 1: CATEGORIES AND TYPES OF MUNICIPALITIES

CATEGORY	DESCRIPTION	EXAMPLE	MUNICIPALITY	TYPE
A	Metropolitan Municipality	Port Elizabeth	Nelson Mandela Metropolitan Council	Executive Mayor
		Durban	Ethekwini Metropolitan Council	Executive Committee
B	Local Municipality	East London	Buffalo City Local Council	Executive Mayor
		Pietermaritzburg	Msunduzi Local Council	Executive Committee
C	District Municipality	District Council 22	Umgungundlovu District Council	Executive Committee

On the question of the structures for decision-making, attention will also need to be given to the type of executive authority in existence within a municipality. For example, the Structures Act[88] provides for the election of an executive mayor who is required to appoint a mayoral committee. A mayoral committee need not include other parties. A proportionality of political parties applies only to committees appointed by council. As the mayoral committee is a committee of the mayor and not council, it is exempt from this requirement. By virtue of the mayoral committee being exempt from the requirement of proportionality, the executive mayor is entitled to appoint a one-party mayoral committee (mini cabinet). The executive mayor resembles, in some respects, the strong-mayor system of the United States of America. However, an analysis of the functions and powers of executive mayors as contained in the Act[89] will show that the executive mayor will be charged with the governing functions and not the administrative functions. The latter form part of the municipal manager's functions. To ensure that the executive mayor does not, in the execution of the governing functions, encroach into the area of responsibility of the municipal manager, a clear acknowledgement and recognition of the roles of these two participants is essential to avoid duplication and chaos.

It is appropriate, at this stage, to reflect on the political - administrative interface. Dominique Wooldridge and Graeme Gotz state that historically, debates on this issue arose from two concerns:-

- The relationship between politics and administration - in particular the desire to ensure that partisan political concerns do not compromise the management of the administration (i.e to ensure that councillors do not exert pressure on officials to act in the interests of particular constituencies), and

- The relationship between policy and administration - in particular the desire to ensure that policy formulation is controlled by elected councillors (who are mandated by local constituencies to represent their interests.)[90]

The authors suggest that at first glance, it appears obvious that these two objectives can be fulfilled without resorting to a stark separation of political and administrative functions, for example, on the one hand municipal managers can make a valuable contribution to policy development and there is no reason why their participation in the policy process should be problematic - provided they respect the fact that the elected councillors have the final say in policy decisions. On the other hand municipal councillors can play a valuable role with respect to some functions which are traditionally termed "administrative." (for example, programme evaluation, conflict resolution during project implementation and budget preparation) - provided that they do not put pressure on officials to act in a partisan way.[91] The relationship between councillors and officials and, in particular, the relationship between the mayor and the municipal manager are complex. Particular attention will be given to the political / administrative interface and the research will probe the areas where councillors and officials are attempting to set up systems which allow them both to contribute to good local governance.

3.4 Participatory Governance.

Lastly in this chapter, the new democratic requirements are examined. The post-apartheid system of

local government in South Africa also requires municipal councils to develop a culture of municipal governance that shifts from the strictly representative type of government to participatory governance. In essence this means that councils should decide with communities, rather than for them, thus creating a more active local democracy. The new system envisages a far greater involvement by residents than simply casting their votes in a municipal election once every five years. Rather, local communities should exercise their democratic rights to have their demands heard before final decisions are made. In particular, the Systems Act contains specific provisions for community participation in local governance.[92] The Act makes it clear that residents have the right to contribute to the municipality's decision-making processes. There are three substantive aspects to the innovation of participatory governance: the definition of the municipality, ward committees and requirements for public participation. The first of these is in some ways the most remarkable and yet intangible. The Systems Act defines the municipality as consisting of the governing structures (the elected councillors), the administration (the appointed staff) and the residents.[93] The definition of residents as part of the municipality is claimed to be unique in the world, and establishes the grounds for greater involvement in municipal affairs. While the practical ramifications of this definition are not yet obvious, the conceptual, normative and potential legal ramifications seem considerable.

The second innovation, outlined in the Structures Act are ward committees for Category A and B municipalities only.[94] Although not compulsory, the new system provides for committees to be established in each ward of the municipality. These are chaired by the ward councillor, the ten remaining members are elected from the local community. They are intended to reflect a "diversity of interests in the ward" and women have to be "equitably represented" in a ward committee. Ward committees may make representations on any issue affecting a ward to the ward councillor, the mayor or a committee of council. It can also exercise any duty or power delegated to it by council.

The third and final innovation is effectively a set of requirements for public involvement in various decision-making processes. These requirements emerge in both the Structures and Systems Acts, examples of which are as follows:-

Firstly, the following provisions are contained in the Structures Act

- Section 4: The Council of a Municipality ...has the duty to "encourage the involvement to the local community," and "consult the community about (i) the level, quality, range and impact of municipal services provided by the municipality... and (ii) the available options for service delivery."

- Section 5 (1) stipulates that members of local community have the right to "(i) contribute to the decision-making processes of the municipality; and (ii) submit written or oral recommendations, representations and complaints...."

- Section 6 requires that a municipality's administration must "be responsive to the needs of the local community," and "facilitate a culture of public service and accountability amongst staff."

Secondly, the Systems Act details the procedures municipalities must adopt to promote community participation.[95] These include the receipt, processing and consideration of petitions and complaints lodged by members of the local community; notification and public comment procedures, where appropriate; public meetings and hearings convened by the municipal council and other political structures and political office bearers of the municipality; consultative sessions with locally recognised community organisations and, where appropriate, traditional authorities; and report-backs to the local community.

Participatory governance in South Africa is a new concept and municipalities are faced with huge challenges in their efforts to design and implement an effective public participation strategy. Community participation ideally entails the involvement of all the residents in decision-making on, for example, a development issue. This issue may be the building of a clinic, a library or it may be an anti crime initiative. As public participation is aimed at enhancing the quality of decisions, it is important that these strategies and procedures are structured and that municipalities develop their internal capacities to manage these processes. Failure to do so will lead to apathy amongst residents towards future endeavours by the municipality to involve communities in municipal decision-making. Success however, may also have its problems, and central here is the likely cost to the efficiency of decision-making. This potential dilemma is explored in the next chapter.

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CHAPTER TWO

DECISION-MAKING IN LOCAL GOVERNMENT: THE PROBLEM, THE OBJECTIVES AND THE HYPOTHESIS.

INTRODUCTION.

In Chapter One, an attempt was made to highlight some of the features of local government as it existed during the apartheid era. This was presented as a background against which the transformation of local government and the new changes and challenges facing local government could be addressed. The democratisation of local government and the requirements which this process placed on municipalities coupled with the statutory requirements for decision-making structures and processes to be efficient, are the key factors which gave rise to this research. In Chapter Two, I build onto the contents of Chapter One by, firstly identifying the problem and thereafter formulating the objectives in the light of theoretical reflections on democracy. Once this has been achieved I will provide a case for the hypothesis and sub hypotheses.

1. STATEMENT OF THE PROBLEM AND FORMULATION OF THE OBJECTIVES.

In the context of decision-making in local government in South Africa, there is a perceived tension between being able to meet the requirements of both democracy and efficiency. This perception is based on the expectation and requirements placed on municipalities through the enactment of new municipal legislation. Are municipalities able to accommodate the requirements of efficiency and democracy or will one be compromised to achieve the other? Do the existing decision-making structures and processes lend themselves to efficiency? Must efficiency be sacrificed for democracy or *vice versa*? Does increased democracy in decision-making reduce efficiency? The objective of this research is to unpack the decision-making structures and processes in local government with a view to determining the levels of efficiency

and democracy and to confirm whether or not, in fact, there is a tension that exists between them.

Before proceeding, it is necessary to provide an understanding of the two concepts that are the central focus of this study, namely, *efficiency* and *democracy* and an explanation of how they are to be operationalised in the context of municipal decision-making.

1.1 EFFICIENCY

Various sources were explored in an attempt to capture the meaning of efficiency in the context of municipal decision-making. At the same time, in the interests of clarity, the distinction between efficiency and effectiveness was also addressed. The following meanings of these terms have been selected with the intention of determining an acceptable basis on which to conduct further research.

Efficiency	:	Being able to produce satisfactory results with an economy of effort and minimum of waste.[1]
	:	The quality of doing something well with no waste of time or money.[2]
	:	The measurement of inputs, or resources, required to produce, or achieve, a unit of output.[3]
Effective	:	Having the power to produce, or producing a desired effect.[4]
	:	Producing the result that is wanted or intended. Producing a successful result.[5]

In examining the distinction between efficiency and effectiveness, it can be claimed that an organisation

may be efficient, according to the ratio of inputs to outputs, but if the outcome of its activity is a failure to realise its goals, then it is not effective. In the new models of public management, it is claimed, by some, that there is too much concern for efficiency at the expense of effectiveness.[6] Thus even if democracy has costs in terms of efficiency, the final outcome might be qualitatively better, and therefore more effective. It is critical to note that this thesis remains agnostic on the question, and in the conclusion the relationship between democracy and efficacy in post-apartheid local governance is identified as a subject for further study. Part of the reason for doing this is that it is far more difficult to assess the effectiveness of an agency or one of its programmes than it is its economy or efficiency. The chief reason is that effectiveness is essentially a qualitative judgement whereas efficiency and economy involve quantitative assessments.[7] Efficiency, on the other hand, can be operationalised in quantitative terms, as this study does.

To be efficient, therefore, it is necessary to be productive with minimum waste of effort. Richard Wolff expresses a similar view when he refers to a quantitative measure of all the positive and negative effects of an economic act, event or institution is undertaken to determine whether, on balance, the positives (benefit added up) outweighs the negatives (costs added up). If so, it is judged to be efficient and should be undertaken; if not the reverse holds. He, however, points out that there is no single standard of efficiency in that society always displays different alternative understandings of and solutions to society's problems.[8]

As the research is to focus on the impact of democratisation on the efficiency of municipal decision-making, it became obvious that it would be necessary to select a variable that could easily be measured during field work. Although some of the above definitions refer to other inputs such as effort, in respect of decision-making it seems that 'time' is often a useful way of measuring effort. For example, sometimes referred to as the law of time and numbers, decision-making at full council meetings with a large number of participants is likely to be more time consuming and therefore less efficient than decision-making performed by an executive committee comprising ten members. Further, assuming that two identical issues follow two identical decision-making processes in two municipalities, the one which takes more time (measured in meetings, days etc) will be less efficient. Conversely, in those processes where the time in days is set out in law, the time taken in meetings will be a good comparative indicator of efficiency. Simply put, the less time local government decision-making takes, the more efficient it is. Time is also a measurable indicator and, on

this basis the level of efficiency in decision-making will be measured in accordance with the time taken to reach decisions. This refers specifically to the time factor and has nothing to do with the quality of the decisions taken.

Kieron Walsh makes the point that it is more difficult to measure efficiency, however defined, in the public sector than in the market based manufacturing sector.[9] Not only are there significant difficulties of moral hazard and adverse selection, but the very basis of evaluation, not simply the ordering of preferences, may be disputed by people holding opposed political views. [10] In dealing with decision-making, he observes that any system of local administration, if it is to be allocatively efficient, requires a means of ensuring that preferences and needs are known and responded to.[11] The means of determining these needs and preferences might involve voting in a variety of forms, but there are also other mechanisms such as surveys, citizen polls and so on that might not be seen as being inherently democratic.[12] He maintains that the pursuit of allocative efficiency would suggest the use of multiple and overlapping methods of involvement and of determining what people need and want, while recognising the need for deliberation, debate and judgement in political decision-making.[13] Furthermore an efficient democratic system is likely to be differentiated, with a mixture of participative and representative approaches operating at a number of different levels.[14] Allocative efficiency is enhanced by participation in clarifying the differentiation of views and preferences and allocatively efficient decisions are likely to require the operation of democracy at various levels and in different forms are claims made by the author in re-affirming the notion that efficiency in decision-making will be enhanced through greater participation by persons who are likely to be affected by the decisions taken.[15]

It is tempting to claim that Walsh's argument is in direct opposition to the central theme of this thesis which is based on the premise that greater democratic involvement in the decision-making process will result in a cost to efficiency. This, however, is a nuance, because quite clearly, Walsh, in dealing with allocative efficiency is concerned with the quality of decisions insofar as they are judged in terms of intended preferences and needs, and these are always normatively informed, usually contested and even contradictory. Consequently, Walsh is referring to the efficacy or effectiveness of the decision-making system rather than efficiency which, on the stipulated definition, is measured in terms of the time taken to make a decision.

Indeed, on his account Walsh cannot distinguish allocative efficiency from effectiveness. While this research is aimed at showing that the more democratic the decision-making system becomes, the greater the cost to efficiency, recognition must be given to the concept expounded by Walsh that decisions may be enhanced by greater public participation. In the context of this thesis, this has more to do with the quality of the decisions taken rather than with efficiency.

1.2 DEMOCRACY.

Writers have over the years drawn attention to the difficulties encountered by them and others when attempting to provide a definition of the concept *democracy.* Ronen states that defining democracy is a challenge[16] while Nwabuezi maintains that no word is more susceptible to a variety of tendentious interpretations than democracy.[17] Be that as it may, in the interests of progress, it is necessary to pursue the illusive meaning of democracy. The following definitions have been accessed and will form the basis for further analysis:-

- A form of government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation.[18]

- A form of government in which the people govern themselves or elect representatives to govern them.[19]

- Government by the people; that form of government in which the sovereign power resides in the people as a whole, and is exercised either directly by them (as in the small republics of antiquity) or by officers elected by them.[20]

The foregoing definitions encapsulate the inherent value that people should be sovereign and able to take control of the decisions which affect their lives. They also convey a message that in a democracy the people either rule directly through an assembly or by authority; such authority being representative of the

will of the people. One of the leading theorists of contemporary democracy, Robert Dahl, in referring to representative democracy versus assembly democracy poses the following question:- "How can citizens *participate* effectively when the number of citizens becomes too numerous or too widely dispersed geographically (or both, as in the case of a country) for them to participate in making laws by assembling in one place?"[21] He concludes that the only feasible solution, though it is highly imperfect, is for citizens to elect their top officials and hold them more or less accountable through elections by dismissing them, so to speak, in subsequent elections.[22] He draws this conclusion on the basis that binding decisions are to be made by persons who are subject to the decisions, that is, by members of the association, not by persons outside the association.[23] He claims that this assumption rests on the elementary principle of fairness that laws cannot rightfully be imposed on others who are not themselves obliged to obey these rules.[24] Dahl, argues that democratic decision-making in a community means that "all members are treated as if they were equally qualified to participate in the process of making decisions about the policies of the community".[25]

In recent time many news theories of democracy have emerged, but with few exceptions, they tend to affirm central features of Dahl's account, specifically the emphasis on political equality and enduring significance of representation. Indeed, even the recent wave of 'deliberative democrats' who look to claim much valuable in the tradition of direct democracy, conclude that any institutional innovation will have to supplement rather than replace representative systems. Given that Dahl's account of democracy remains as significant as any other, this theory will be further explored and then applied to the case of democratic innovation in post-apartheid local government. This process will enable the operationalisation of the broad concept of democracy into four, more specific, criteria appropriate to the context of representational local government, namely: inclusivity, transparency, accountability and participation.

Before doing this however, let us explore Dahl in more detail. Having outlined his basic conception of democracy above, Dahl then explores some criteria that the process of governing in contemporary societies would have to meet in order to satisfy the requirement that all the members are equally entitled to participate. He unpacks his notion of political equality in terms of five normative criteria. These are: *effective participation, voting equality, enlightened understanding, control of the agenda* and *inclusion of adults*.[26] As it is intended to focus the research on factors which capture the substance of democracy in

municipalities, it is appropriate to include some details from Dahl's argument on these criteria at this stage.

Effective participation. Before a policy is accepted, all members must have equal and effective opportunities for making their views known to other members as to what the policy should be.[27] Dahl, in addressing this issue, states that throughout the process of making binding decisions, citizens ought to have an adequate opportunity, and an equal opportunity for expressing their preferences as to the final outcome. They must have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another.[28]

Voting equality. When the moment arrives at which the decisions about policy will finally be made, every member must have an equal and effective opportunity to vote.[29] All votes must be counted as equal.[30] Elaborating on this aspect, Dahl makes the point that at the decisive stage of collective decisions each citizen must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by any other citizen.[31] In determining outcomes at the decisive stage, these choices and only these choices, must be taken into account.[32] This criterion may be said to require voting equality at the decisive stage. This criterion does not specify a particular method of voting or elections.[33] To require that citizens have equal opportunities to express their choices could be satisfied if the votes or voters were selected randomly, that is, by lot.[34] Nor does equal voting mean that each citizen should necessarily be entitled to an equal vote in districts or equal numbers of voters or residents.[35]

Enlightened understanding. Within reasonable limits as to time, each must have equal and effective opportunities for learning about the relevant alternative policies and their likely consequences.[36] Dahl maintains that each citizen ought to have adequate and equal opportunities for discovering and validating (within the time permitted, by the time permitted by the need for a decision), the choice on the matter that would best serve the citizens' interests.[37]

Control of the agenda. The members must have the exclusive opportunity to decide how matters are to be

placed on the agenda of matters that are to be decided by means of the democratic process.[38]

Inclusion of adults. All, or at any rate, most adult permanent residents should have the full rights of citizens that are implied by the first four criteria.[39]

How should we expect Dahl's theory to apply to in the context of post-apartheid South African local government, and especially the reform of practice in a more democratic direction? To answer this question we outline the broad strokes of democratic reform in recent legislation, summarised by the term 'participatory governance', applying Dahl's criteria to each aspect of participatory governance. This offers some insight into the democratic dividend offered by participatory governance. However, no account of democratic municipal decision-making can only focus on participatory governance, and so the intended relationship between participatory governance and the representative structures is also considered. From this analysis it emerges that the democratic operation of post-apartheid local government can be assessed more thoroughly if the broad concept of democracy is dissembled into four sub-concepts: inclusivity, transparency, accountability and participation

As argued in Chapter One, the post-apartheid system of local government in South Africa requires municipal councils to develop a culture of municipal governance that shifts from the strictly representative type of government to participatory governance. The new system envisages a far greater involvement by residents than simply casting their votes in a municipal election once every five years. Rather, local communities should exercise their democratic rights to have their demands heard before final decisions are made. Broadly framed by the constitution and entailed in various pieces of legislation, primarily the Municipal Structures Act, the Municipal Systems Act and the Municipal Finance Management Acts, these requirements for public participation consist of three main aspects: the definition of the municipality, ward committees and requirements for public participation.

As noted in Chapter one the definition of residents as structurally part of the municipality is in some ways the most remarkable and yet intangible innovation. Although it clearly indicates a democratic impulse, it is

far from clear what the practical ramifications of this gesture are. Hence there is little more that can be said about this. In respect of ward committees however, much more can be said, and each of Dahl's normative criteria, namely, effective participation, equality in voting, gaining enlightened understanding, control of the agenda and inclusion of adults, will be examined in relation to the establishment and operation of ward committees.

In terms of the provisions of the Structures Act, certain types of municipalities may establish ward committees. The objective of a ward committee is to enhance participatory democracy in local government. To begin with, the design of ward committees meets the first criterion (effective participation), in that municipalities are required to provide training in local government to ward committee members.[40] In addition, decisions of a ward committee are meant to be taken, where possible by consensus, or otherwise by a majority of votes. The one obvious constraint on effective participation is that the meeting must be chaired by the ward councillor who also sets the agenda. This requirement, therefore, also obstructs adherence to one of the other criteria, namely, control of the agenda. Although ward committees are not empowered to make final decisions, this function having been reserved for council and certain committees, they may make recommendations. This process is deemed to be democratic in the sense that members of a ward committee have equal voting status. With regard to Dahl's third criterion, reference is again made to the requirement for municipalities to provide training for ward committee members, thereby, facilitating enlightened understanding. With regard to the control of the agenda, although members may submit items for inclusion in the agenda, the responsibility for controlling the agenda is vested in the chairperson of the ward committee. Dahl's final criterion, namely, inclusion of adults, is met, in the sense that municipalities, when dealing with the composition of ward committees, are required to take into account the need for women to be equally represented in a ward committee and for a diversity of interests in the ward to be represented.[41]

The third aspect of participatory governance consists of forms of public consultation around a wide-ranging set of issues. Some, like the budget drafting process, IDP review and performance management system are annual processes. Others, like service agreements and the passing of by-laws are more ad hoc processes. Nevertheless, all have requirements for forms of public participation, from simply informing the public of a

proposed change in by-law, to consultation with the public around the annual budget, to actively involving the public in need identification as part of the IDP process. Given the number and variety of such processes, it is difficult to apply Dahl's criteria generally, but nevertheless some comments are possible.

In respect of effective participation it is clear that processes of public consultation are designed precisely to improve residents ability to make their views known. However, it seems equally commonsensical that all members of the community will not be able to do so with equal effectiveness. The practical requirements to ensure that every resident has precisely the same opportunity to engage are daunting enough on their own before one even adds the obstacles facing poor and marginalised groups. While the efficacy of public participation is always an empirical question, there seems good reason to assume that in practice it will range from adequate to even further marginalising the disempowered. In respect of voting equality at least, processes of public participation promise one form of quality in that no-one gets to vote – no resident at least. It is imperative to note, as section 4 of the Municipal Systems Act outlines, that decision-making powers are retained by council. At best voting equality might mean voting on a deliberative outcome, for example, what percentage rates increase a public meeting thought fair. In terms of enlightened understanding many of the same arguments that applied to effective participation apply again. While legislation does require that the municipality take steps to 'encourage' the community to participate (Section 4(2)(c) of the Municipal Systems Act), the practical limits on participation and the massive inequalities in knowledge and skills, especially as applies to the complex terrain of local governance, suggests this democratic objective will remain somewhat elusive.

Equally, if not more elusive, will be agenda-setting as it is usually the prerogative of councillors and officials to determine the form and content of public participation. While residents enjoy the de jure right to initiate engagement, the practical constraints of daily life, added to the inequalities of resources and knowledge refereed to above, suggest that this will be the exception rather than the rule. Lastly, in respect of inclusion of adults, it seems that, as with ward committees processes of public consultation are both open to all and sometimes even intended to reach the poor and marginalised, but might well find these good intentions skewed by the real problems of difference and inequality.

The analysis so far has focused on the application of Dahl's' theory to participatory governance but, as already suggested, the municipal decision-making process includes more than ward committees and processes of public consultation, it also includes the council. Thus any assessment of the democratic dividend added by participatory governance must also consider the relationship between participatory governance and the council's own processes. Indeed, to anticipate findings evident later in this study, this relationship turned out to be an important one, and allows the distinction to be drawn between in the decision-making process between an 'external' moment involving ward committees and public consultation, and an 'internal' moment, referring to the council's internal operation. Where the former refers to the relationship between council and the community, the latter refers to the relationships within the council especially, as we shall see, between the executive and the committee system,

Applying Dahl to the council's internal processes means considering the structures of the executive, council and committees, and how ward committee and public consultation processes feed into the processes of decision-making internal to the municipality as an organisation. Given the variety of options open to municipalities in terms of how they organise themselves internally in terms of both structures (for example which kind of executive) and processes (what extent and degree of delegation from council to the executive) it is impossible to do this at this stage. Only once we have considered the research findings would such an analysis be possible. However, what is possible now, is assist in sharpening subsequent analysis by disassembling the concept of democracy into four sub-components on the basis of the preceding argument. More specifically, in examining the democratic nature of municipal decision-making across both external an internal moments, the study will ask the following questions: how inclusive is decision-making? How transparent is decision-making? How accountable are decision-makers, and how thoroughgoing is participation?

1.2.1 Inclusivity

As a point of departure, reference is made to Miller's first of three conditions which he argues must be met

if an ideal democracy is to be achieved, namely, *inclusivity*.[42] The essence of this is that, to be inclusive, every member of the political community takes part in decision-making on an equal basis. Rory Riordon in constructing a proposed model for municipal government claims that municipal government should be controlled by a council that is elected by all adult citizens and elected to do the job of running the city.[43] The selection of the term *Inclusivity*, in the context of this thesis, therefore combines Miller's requirement for each member of the political community to participate on an equal basis and Dahl's claim for adults to have the full rights as citizens, which are implied in his other criteria, namely effective participation, voting equality and enlightened understanding.[44]

Applied to this study, inclusivity is relevant to both external and internal aspects of decision-making. From an external perspective, inclusivity foregrounds the problems of *de facto* rather than *de jure* exclusion on the basis of difference and inequality noted above. While both ward committees and processes of public consultation are intended to include all residents, indeed some might even be targeted at the poor and marginalised, there is good reason to assume that not everyone will be included, and more significantly, not every group will be equitably included. From an internal perspective, the question of inclusion relates to the relationship between executive and council, and also to the role that parties play in the decision-making process. There is also the broader question of the extent to which the 'external' moment to the decision-making process feeds into the internal 'moment', given the right council's retains to make decisions, raising the possibility of ignoring, or cherry-picking from the external moment.

1.2.2 Transparency

Allan Cochrane maintains that, above all, it is important that decision-making is transparent and open in a representative system, so that it can be scrutinised, even – or perhaps particularly – when it involves contractual deals and other agencies to deliver services.[45] Sarah Hetherington and Katherine McKenzie point out that the clear message emanating from the new municipal legislation is that reciprocal communication and information flow between councils and communities is central to the way the municipality functions.[46] They maintain that the old style of governance where information was jealousy

guarded and ratepayer and civic associations regarded as a nuisance and media as the enemy, has no place in a modern, democratic municipality.[47] They stress that empowering communities with knowledge and information about the municipality and how it works – through councillors, public participation and information processes, the Internet and direct communication – must contribute to the aim of being "developmental."[48] Tony Heyneke, in supporting the concept of transparency, encourages all municipalities to open all meetings to the public and also stresses the importance of allowing the public access to official documents such as minutes of meetings and copies of auditors' reports.[49] He believes that attendance by the public at council and committee meetings and providing the public with access to official documents will empower committees and promote public participation.[50] The Batho Pele Principles,[51] also highlight the need for openness and transparency.

Again, the relevance of transparency to both external and internal moments of the municipal decision-making process is clear. Externally, the operation of ward committees and processes of public consultation is clearly undermined by the lack of transparency. Under such conditions particular interests could become framed as community interests, and Dahl's requirements for enlightened understanding and control of the agenda are frustrated. Internally, the issue of transparency emerges even more sharply as the making of decisions is located here. No matter how inclusive the external progress of participatory governance, no matter effective the participation or enlightened the popular understanding, all amounts to nothing if, in the internal phase, a lack of transparency allows for unpopular decisions. Hence transparency sits at the democratic centre of the relationship between the external and internal moments to the decision-making process.

1.2.3 Accountability

Owen Hughes states that "accountable" is being liable to be called to account; (responsible to persons for things.)[52] On this basis he maintains that, the basic notion of accountability, is that those acting on behalf of another person or group, report back to the person or groups, or are responsible to them in some way.[53] He argues that this is a principal/agent relationship where the agent carries out tasks on behalf of the

principals and reports to them on how they have been performed.[54] Doreen Atkinson claims that arguments for the system of proportional representation in South Africa are based on the notion of representative as *delegate*.[55] She maintains that the hallmark of a successful representative is their responsiveness to the preferences and wishes of specific groups/classes/localities to be represented.[56] Hughes in supporting this view states that some kind of accountability is needed whenever there are hierarchical relationships or a relationship between principals and agents, in order to ensure that those with authority act in ways that their ultimate owners wish.[57] Indeed, he holds that accountability is fundamental to any society with pretensions to being democratic, [58] and that the relationship between government and citizen depends on the system of accountability, whereby the government organisation carries out its function and the citizenry allows it to do so, but on condition the powers are not exceeded and that the agency is accountable.[59] He points out that representatives of the citizenry are able to be called to account by the ordinary citizen, mainly through the act of voting.[60]

Accountability is relevant to the external aspect of municipal decision-making insofar as it is characterises the relationship between ward committees and the community. However, the position, in practice, is far more complicated. Atkinson poses the question as to whether councillors should be concerned with the interest of the whole city or of the ward.[61] She points out that "focus" in this context, refers to the unit whose interests are to be promoted.[62] From this premise she maintains that the modern councillor has several competing foci of representation, including the ward, the city as a whole, the party or the pressure group. She notes that different foci are not necessarily mutually exclusive.[63] Accountability is also an issue for public consultation processes, especially when such processes affect multiple agency delivery – which is often the case with the supply of water and electricity. As Cochrane notes, decisions are often made within forums or joint committees or are the result of negotiations between officials, well insulated from public scrutiny so that when they emerge, it remains unclear who is to blame or who should be given the credit for making them.[64]

Accountability also applies to the relation between the external and internal moments, both in the relationship between ward committees and ward councillors, and in the relationship between deliberations emerging from public consultation and council decisions. So long as council, and thereby the ward

councillor, retains decision-making power, accountability remains as an issue. Lastly, accountability emerges as an issue in the process of decision-making internal to the municipality to the extent that council delegates powers to the executive to act on its behalf.

1.2.4 Participation

Oakley and Marsden give the following four explanations of public participation.[65]

i. Public participation is considered a voluntary contribution by people to some public programme or other supposed to contribute to national development, but the people are not expected to take part in shaping the programme or criticising its contents.

ii. With regard to development....participation includes people's involvement in decision-making processes, in implementing programmes, their sharing in the benefits of development programmes and their involvement in efforts to evaluate such programmes.

iii. Public participation is concerned with the organised efforts to increase control over resources and regulative institutions in given social situations for groups or movements of those excluded from such control.

iv. Public participation is an active process by which beneficiary or client groups influence the direction and execution of a development project with a view to enhancing their well being in terms of income, personal growth, self reliance or other values they cherish.

Perhaps a more useful conception of participation and its relationship to democracy is articulated by David Beetham. Beetham distinguishes between the concept of representative government, which may or may not be particularly democratic, and representative *democracy*, which is a representative government conducted according to democratic principles.[66] Of the former – representative government – it may or may not be

true, as it is frequently alleged, that it assumes that citizens are passive, that they are incompetent to participate in decision about complex issues.[67] He argues that representative democracy on the other hand, cannot be realised or sustained without an active citizen body.[68] In broad terms, the view that in order for democracy to survive and grow, it must be supported by a system of public participation is generally supported by writers on this subject.[69]

Similarly, Harold Wolman, states that the bedrock of American local democratic theory is that the role of the local government is to reflect the will of people, and the direct individual participation in local government is the best means of achieving this end.[70] Cochrane states that underlying much of the argument for local democracy or democratisation is a belief in the importance of active involvement by "citizens." Participation is itself seen to be a good thing, which encourages the "empowerment" of those who were previously merely defined as passive recipients of initiatives developed by experts of one sort or another.[71] Along these lines Edgar Pieterse claims that participation is a political practice that fosters access to relevant information, influence over the allocation of scarce resources, awareness about the benefits of collective action in terms of strengthening livelihood strategies and increasing social capital, and citizenship.[72] It is, by definition, a process of social learning because it serves to empower uninformed, marginalised citizens about how they can advance their interests in conjunction with their (multiple) communities.[73] As an alternative to the static rendition of the current obsession with social capital in development circles, social learning is suggestive of an open-ended process rather than a defined outcome.[74]

In respect of public participation it is evident, as Edgar Pieterse, notes that the new local government policy framework is, if nothing else, ambitious.[75] It is a commanding, complex, forward-looking and optimistic manifesto to systematically realise a participatory local governance system that is at the heart of an intergovernmental effort to achieve democratic citizenship, integrated development and reconciliation between the divided communities of South Africa.[76] Central to this complexity are precisely the requirements to public participation outlined in the legislation. To a significant extent these external requirements have already been outlined, and ward committees and processes of public participation explained. However, participation could also relate to processes internal to municipal decision-making, and

reflects on the respective standing of councillors in the decision-making process. Here we find echoes of Dahl's points about effective participation and equality in voting. Simply put, the closer the internal processes of the municipality approach these gaols, the more democratic such processes are.

In sum then, while Dahl's theory of contemporary democracy is an excellent theoretical starting point for exploring the democratic innovations in post-apartheid local governance, it is not possible to apply Dahl yet to all aspects of the municipal decision-making process. Much hangs on the empirical evidence yielded by the case-studies, especially as regards the internal moment to the municipal decision-making processes. Nevertheless, Dahl's theory does direct us to the significance of inclusivity, transparency accountability and participation in assessing the democratic status of municipal decision-making; a theoretical analysis bolstered by arguments from a variety of other scholars. On the basis of this theoretical analysis, the preliminary case for the hypothesis can be advanced.

2. A CASE FOR THE HYPOTHESIS.

The focus of this thesis is on municipal decision-making and whether the decision-making structures and processes are able to accommodate the requirements of both efficiency and democracy, as envisaged in the Constitution and the new municipal legislation. Before being able to determine the extent of the tension between efficiency and democracy in decision-making, it is necessary to examine, in some detail, the statutory provisions pertaining to these two concepts.

2.1 Efficiency

The meaning of efficiency in the context of municipal decision-making has already been explored under 1.1 above from which it was concluded that the level of efficiency is measured in accordance with the time taken to perform a task. Therefore, the longer it takes to reach a decision the greater the loss to efficiency. For the purpose of this research, only the efficiency of decision-making and not the quality of decisions

taken, which has more to do with the efficacy or effectiveness of decision-making, will be addressed.

There are numerous examples, contained in the new local government legislation, which require municipalities to conduct their activities efficiently, examples of which are as follows:-

- An obligation on municipalities to collect all money that is due to and payable to them.[77]

- Municipalities are required to develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances.[78]

- The introduction of performance management for municipalities as a statutory requirement. [79]

- Municipalities must maximise efficiency of communication and decision-making within the administration.[80]

- Municipalities must provide services in a manner that is conducive to the prudent, economic, efficient and effective use of available resources.[81]

- The new system of local government requires an efficient, effective and transparent local public administration that conforms to Constitutional principles.[82]

The new legislation, in particular the Municipal Finance Management Act, while imposing tight time lines for certain procedures, for example, the finalisation of the annual budget, also contain punitive measures for non-compliance. It therefore imposes a responsibility on councils to ensure that they practice decision-making efficiently.

2.2 Democracy

While recognising the importance of the requirements of efficiency imposed on municipalities, far greater responsibilities exist in respect of adherence by local government to the requirements of democracy. This is understandable in the context of the history of local government in South Africa where, prior to 1994, municipalities conducted their activities according to racial groupings within the policy of separate development. Against this background, a cornerstone of the new local government system is a requirement that municipalities are to conduct their activities in a more democratic way than before

Yunus Carrim, the former Chairperson: Provincial and Local Government Portfolio Committee acknowledges that there is "the constant challenge of weighing the need for speedy delivery with the need for community participation."[83] He maintains, however, that this should not be reduced to a crude trade off and that speed is not all.[84] Furthermore, he stresses that the quality and sustainability of delivery are also important and this is enhanced by effective community participation. [85] Pauli Weideman, the Deputy Director, Research in the Department of Planning, Local Government and Housing in the Western Cape refers to the global trend towards accommodating the public in the affairs of business and government.[86] She supports the statement that the birth of the new South Africa and the first democratic elections have accelerated the search for approaches to increase the involvement of the public in all spheres of government. [87] She also draws attention to the fact that most of the new municipalities are too big in terms of population size and area to allow for direct participation of the majority of the residents in all relevant municipal matters.[88] She maintains that for participation to be effective, clear rules and procedures specifying who is to participate or to be consulted, on behalf of whom, on which issue, through which organizational mechanism, with what effects.[89] She emphasises the need for public participation to be structured.[90]

The demands made through the process of community participation may be beyond the means of the municipality to deliver. Furthermore, few members of the community understand the limitations on the municipality's powers and functions and often expect them to fulfil needs which are beyond their

competence. Public participation in the decision-making process will need to be institutionalised, and, in so doing, it is likely that additional steps will be included in the process. Each of these additional steps is likely to extend the decision-making process which will entail more time and thereby constituting a loss of efficiency. It seems to be a reasonable assumption to make that adding more stages and more committees to the decision-making process will result in a more protracted route which will, in turn, impact negatively on the ability of the municipality to take prompt decisions. In this regard, reference is made to the work done by Flyvberg in analysing rationality and power *vis-a-vis* the Aalborg Project.[91] The relations of the city government to other main actors in the Aalborg Project and to the project itself are shown in Appendix 5.

The Aalborg Project may be interpreted as a metaphor of modern politics, modern administration and planning, and of modernity itself. The basic idea of the project was comprehensive, coherent, and innovative and it was based on rational and democratic argument. Sadly it disintegrated into a large number of disjointed sub - projects, many of which had unintended, unanticipated, and undemocratic consequences. The Aalborg Project, designed to substantially restructure and democratically improve the downtown environment was transformed into environmental degradation and social distortion. Flyvberg points out that institutions that were supposed to represent what they themselves call the "public interest were revealed to be deeply embedded in the hidden exercise of power and protection of special interests." He concludes that the Aalborg Project "is the story of modernity and democracy in practice, a story repeated all too often for comfort for a democrat."[92] Reference is made to the Aalborg Project purely for the purpose of drawing attention to an extreme case where the efficiency and, in fact, the success of the project was bedevilled by the degree of public involvement in the decision-making process. The research will seek to uncover, firstly the extent to which the design of municipal decision-making structures and processes accommodates public participation and, secondly the effect thereof on the efficiency of decision-making.

In making a case for the hypothesis an attempt was made to bring to the fore the democratic requirements to be met by municipalities in the performance of their decision-making function. The hypothesis which emerges from this is as follows:-

The efficiency in municipal decision-making is likely to be inversely proportional to the degree of

democracy manifested in the decision-making structures and processes of that municipality.

However, as four concepts have been identified which are deemed to capture the essence of democracy in municipal decision-making and as the impact on the efficiency may vary amongst these principles, the following four sub-hypotheses have been formulated:-

a) the efficiency in municipal decision-making is likely to be inversely proportional to the degree of *inclusivity* manifested in the decision-making structures and processes of that municipality.

b) the efficiency in municipal decision-making is likely to be inversely proportional to the degree of *transparency* manifested in the decision-making structures and processes of that municipality.

c) the efficiency in municipal decision-making is likely to be inversely proportional to the degree of *accountability* manifested in the decision-making structures and processes of that municipality.

d) the efficiency in municipal decision-making is likely to be inversely proportional to the degree of *participation* manifested in the decision-making structures and processes of that municipality.

These will form the basis of the empirical study. In the next chapter we explore in more detail the methodology best suited for this empirical work.

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CHAPTER THREE

RESEARCH QUESTIONS AND METHODOLOGIES

INTRODUCTION

This research project seeks to interrogate the changes in local government specifically insofar as they impact on the decision-making structures and processes. The key issues are the criteria for democracy, as identified in Chapter Two, namely, *inclusivity*, *transparency*, *accountability* and *participation* and the expectation for efficiency to prevail in decision-making in local government. With these issues in mind, it is necessary to take a step back to examine how the changes in local government and their impact on the decision-making process can best be probed.

Chapter Two covered, *inter alia*, the statement of the problem and the formulation of the objectives. Following on from there, this chapter describes the activities to be conducted to achieve the desired objective, that is, to unpack the decision-making structures in local government with a view to determining the levels of efficiency and democracy and to confirm whether or not, in fact, there is a tension that exists between them. Accordingly, this chapter will cover, firstly, the research questions, secondly the methodologies, thirdly the methods and techniques to be used for the collection of data, fourthly the scope and limitations of the study, and fifthly, the participants.

1. THE RESEARCH QUESTIONS.

1.1 Efficiency

When addressing the efficiency of the decision-making structures and processes, the research will focus primarily on the following question:-

To what extent do the various municipal decision-making models promote efficiency in decision-making?

This research will accordingly examine the various decision-making models in operation in municipalities in South Africa and will pay specific attention to the efficiency achieved by each of these models. Attention will be given to both decision-making structures and processes. When dealing with the structures, attention will be given to, *inter-alia*, the council, itself, as a decision-making structure, the executive, that is, either the executive committee or executive mayor-in-mayoral committee, the number and composition of standing committees and any other decision-making structure. When dealing with decision making processes, the research will focus on powers and functions, statutory requirements, delegation of authority, work flow, time frames etc.

Specifically four levels of decision-making will be addressed, namely, council, executive, standing committee and administrative decision-making. Municipal councils whether they are metropolitan, local or district have been vested with original decision-making powers as contained in the Constitution. However, in recognising that the size of full council is too large to be an efficient decision-making structure, statutory provisions have been enacted to facilitate the establishment of an executive (the primary decision-making body of the council) and a system of standing committees, accountable either to the executive or to the council. Not only may councils establish a system of standing committees, but the legislation makes provision for councils to initiate a system of delegations to these committees which is designed to optimise efficiencies.

In addition, not only will the research focus on the levels of decision-making referred to above, but three distinct types of decision-making common to all municipalities will also be included in the research, namely, the adoption of by-laws, the annual budget and approval of building plans.

1.2 Democracy

When addressing the question of democracy in municipal decision-making, the research will focus primarily on the following question:-

Given the way in under which municipalities functioned during the previous regime, it is understandable that the new system of local government places considerable emphasis on the requirement for the new municipalities to conduct their activities far more democratically than before. Therefore, while municipalities are expected to be efficient, there are a far greater number of statutory provisions all aimed at ensuring that the democratisation of local government becomes a reality. The legislation expects municipalities to supplement the system of representative government with a system of participative governance which will enable communities to have a say in decisions which affect them.

In Chapter Two, four criteria were identified which best capture the substance of democracy when applied to the function of decision-making in local government, namely, *Inclusivity*, *Transparency*, *Accountability* and *Participation*. The research will focus on the extent to which these requirements are manifested in the decision-making structures and processes of local government decision-making. For example, the cornerstone of participative governance is the establishment and institutionalisation of a system of ward committees. The research will accordingly probe the composition, powers and functions of ward committees and, more importantly, the influence which they exert on the formal municipal decision-making structures and processes.

The research will also attempt to ascertain the attitudes of the key role players to the democratisation of local government. The new system of local government not only brings with it new structures and processes, but it also requires that the very culture of local government must change. There is the constant challenge of weighing up the need for speedy delivery with the need for community participation. For example, do the major role players believe that for the new local government system to work properly, delivery and democracy need to be mutually re-enforcing or do they believe that public participation interferes with a council's right to govern?

Finally, under the question of democracy in decision-making, the research will focus on the steps taken by municipalities towards building the capacity of communities. In this regard, it is necessary to distinguish between informed participation and uninformed participation and to examine the municipality's role in building capacity of communities. Municipalities are required, in terms of the Systems Act to develop a culture of community participation which will enhance informed

participation and which will, in turn, allow local government to become more developmental. Municipalities are required to make provision in their annual budgets to develop a culture of community participation[1] and the council's executive must report annually on the involvement of communities and community organisations in the affairs of the municipality.[2] The executive is to also ensure that regard is given to public views and to report on the influence of consultation on the decisions of council.[3]

1.3 Efficiency versus Democracy.

When addressing the question of efficiency versus democracy in municipal decision-making, the research will focus primarily on the following question:-

> Will an increase in the level of democracy in decision-making result in a reduction in the level of efficiency?

As frequently stated, the new system of local government expects a far greater degree of democracy in the way in which municipalities conduct their business. It also stresses the importance of efficiency. Can these two requirements co-exist? Is there perhaps a chance that they may even complement one another? Is there a correlation between the two concepts? For example, will the achievement of a higher level of democracy necessarily mean a cost against the level of efficiency and *vice-versa*? Put differently, does it necessarily mean that efficiency will have to be sacrificed if the level of democracy is increased? Will a higher level of efficiency be achieved through having less public participation? Is it likely that a more informed community will promote a more active democracy? If so, have attempts by councils towards building the capacity of communities had the desired effect? Attention will also be given to whether or not an efficiency threshold exists, below which the democratisation of local government would be meaningless.

Attention has been drawn above to the tensions that are likely to exist between democracy and efficiency. Having regard to the hypothesis and sub-hypotheses contained in Chapter Two, the bases for the research will be designed in a way so as to test these suppositions, or rather hypotheses – in other words the research will be structured around the research questions in a way that will attempt to test the hypothesis so that it may be proven to be either right or wrong.[4]

Therefore, firstly, when dealing with the requirement of *inclusivity*, the premise on which the research will be based is that greater inclusivity in the decision-making structures and processes will entail a cost to efficiency and *vice-versa.* For example, it is assumed that the executive mayor-in-mayoral committee system is less democratic but more efficient than an executive committee. This statement is made against the background that the mayoral committee need not be constituted on a multi-party basis whereas the executive committee must be constituted in such a way that parties and interests represented in the municipal council are represented in the executive committee in substantially the same proportion.

Secondly, the higher levels of *transparency* will have a negative influence on efficiency levels. There are a significant number of statutory provisions which require municipalities to conduct their business in a more transparent way, for example, permitting the presence of the media and the public at meetings of council and committees. The research will attempt to show that compliance by municipalities with these requirements will entail a debit against the level of efficiency of the decision-making system.

Thirdly the degree of *accountability* demanded of representatives will influence the level of efficiency in decision-making, that is, greater measures aimed at ensuring accountability will entail a cost to efficiency and *vice- versa.* The rendering of account usually takes place at meetings. More meetings require more time which, in turn, will retard the efficiency of the decision-making system. Fourthly, greater involvement by the community and community organisations in the affairs of local government will have a negative influence on the level of efficiency in municipal decision-making. For example, the efficiency of the decision-making system will be retarded if all matters requiring a decision are first routed through a system of ward committees.

2. METHODOLOGIES

From the foregoing, it is apparent that the research is to cover complex issues concerned with of municipal decision-making. On that basis, it is necessary to select a suitable methodology for the task ahead. As the choice of methodology and reasons for this choice are to be dealt with, it is necessary to gain an understanding of the term "methodology." The following definitions have been selected to assist in this matter:-

Methodology: A set of methods and principles used to perform a particular activity.[5]

Methodology: The study of the direction and implications of empirical research or, of the suitability of the techniques employed in it.[6]

Methodology: A body of methods, procedures, working concepts, rules and postulates employed by a science, art or discipline.[7]

Methodology: The system of methods and principles used in a particular activity science etc.[8]

Methodology: The logic of the application of scientific methods to the investigation of phenomena.[9]

Methodology: Methodology concerns itself with the study of principles of method use, in the sense that it sets out to describe and question the methods that might be employed in some activity.[10] Methodology is, therefore a higher order term than methods and, indeed than procedures, models, tools and techniques, the use of all of which can be facilitated, organised and reflected upon in methodology.[11]

From the foregoing definitions the methodology for this research represents a body of models, methods, procedures, working concepts and rules which will be used to probe the decision-making structures and processes of municipal decision-making. As the research is to cover complex and diverse issues concerned with the process of decision-making in municipalities, a pluralist methodology has been selected which brings with it, the value of learning from a variety of methodological positions rather than being faced with problems experienced by persons who specialise in the use of just one methodology.[12]

2.1 The Research Model.

Given the fact that municipalities are regarded as systems, in that they are often referred to as the system of local government and that they, within themselves, are made up of numerous systems or sub-systems (financial, political, legal, administrative), the research will be conducted within the

Systems Model. Within the Systems Model, three systems approaches are distinguished, each having its own application. These are the Functionalist Systems Approach, the Interpretive Systems Approach and the Emancipatory Systems Approach[13] and some detail of these approaches has been included as follows:-

2.1.1 The Functionalist Systems Approach

As the title of this approach denotes, it looks at systems from the functionalist point of view. When systems are looked at from the functionalist point of view, they are seen as being made up of parts or sub-systems. The functionalists seek to discover and understand the laws that govern the relationships between the parts or sub-systems. The "root metaphors" of mechanism, organicism and formism are prevalent within functionalism.[14] It is common to hear reference to the decision-making mechanism, the engine room, the nerve centre or the heart of an organisation. The arms and legs (appendages) are often used to describe the implementing agencies of the organisation. This methodology is a hard systems approach and will be used as the main focus. It will be supplemented by various methodologies drawn from the soft systems approach.

This thesis lends itself to research using the functionalist approach. Its basic goal is to demonstrate law-like relations among objects using a nomothetic background. In this regard it is necessary to draw attention to the considerable number of statutory requirements embodied in, *inter alia*, the Constitution and the Municipal Structures and Systems Acts within which the decision-making process in municipalities must function. Further the organisation metaphor, *organism*, is indeed appropriate as very often the income received through rates and tariffs is seen as the *life blood,* the authority – the *heart*, the senior managers – the *nerve centre*, the departments – the *legs* etc. Municipalities are made up of numerous systems, all interdependent and collectively aimed at improving the well-being of the inhabitants. For example, the political system (being a body of councillors), the administrative system (being the officials), the financial system, the technical system etc. The research will be conducted into the structural and procedural aspects of decision-making and will include not only the constituent parts, but, also the relationship between the parts. These relationships may be more important than the nature of the parts themselves. It will enable the decision-making process to be investigated within the context of the organisation as a whole as well as examining the interdependency of the constituent parts.[15]

The research will investigate the key strategic contingencies and the influence these have upon each other and the decision-making structure. Firstly, the type of decision-making structures and processes in operation will be determined.[16] Secondly, is the decision-making process capable of achieving or promoting the goal of the municipality?[17] Has the decision-making structure been designed in such a way so as to promote community participation and efficiency? Given the contextual factors, is it possible for the decision-making structures to be designed in such a way so as to achieve both? Thirdly, the technical subsystem[18] will be examined. The research will also cover aspects such as size, composition, powers and functions of committees, delegations etc, together with the committee structure. In addition the existence and roles of other political structures such as ward committees will be examined. Fourthly, the management[19] of the decision-making process will be examined. Aspects such as co-ordination, compliance with statutory requirements, institutionalisation of ward committees etc will receive attention. The weakness of the Functionalist Systems Approach is that although attention is given to human beings, the tendency is to treat them mechanistically. It is for this reason and others that the Interpretive and Emancipatory approaches will also be employed.

2.1.2 The Interpretive Systems Approach

Given the nature of this research project, most of the research will employ a hard systems approach. However, there are areas which will require a soft system approach. Jackson points out that the Interpretive Systems Approach is often referred to as "soft system thinking" because it gives pride of place to people rather than to technology, structure or organisation.[20] Thus in contrast to the functionalist approach (often referred to as hard systems thinking) for the Interpretive Systems Approach, the primary area of concern is perceptions, values, beliefs and interests. The Interpretive Systems Approach advocates that methodology should be geared to getting as close as possible to what is going on, preferably by getting "inside" people's heads to find out what they are thinking.[21] Embracing "subjectivism" leads soft systems thinking to diverge from functionalism in many respects, but the two approaches do, it can be argued, share in common a commitment to regulation.[22] In this regard attention has already been drawn to the fact that it is essential to recognise a legislative background to this research project. Various acts of Parliament regulate not only the establishment of local government structures (The Structures Act) but, also the culture of local government (The Constitution and the Systems Act). Therefore, although both hard and soft systems are being employed to undertake the research, "both share in common a commitment to regulation."

The Interpretive Systems Approach seeks to tease out integrative values from multiple viewpoints and so assist managers to predict and control outcomes. The metaphors most commonly found in the interpretive systems approach are "culture" and "politics"[23] This approach will be used to determine whether there has been a change in the culture of the organisation. The Constitution of 1996 introduced a new system of local government, new structures, new principles and new ideas. Not only did the new requirements mean changing the structure of municipalities, it also meant changing the culture within these organisations. The changes meant that the way people think about local governance had to change. For example, it meant that municipal councils are now required to take decisions with communities instead of for them.

The new system of local government requires, *inter alia*, that the traditions and assumptions of representative democracy must change as citizens claim their rights and exercise more effectively their voice in municipal matters. It affects also the roles of politicians and officials as they become more visible and accessible to the community and find that they are required to become accountable to a wider audience. It is necessary to recognise that a major paradigm shift has manifested in South Africa and it is necessary for all concerned to view local governance through a new lens, a fresh pair of eyes.

The extent to which municipalities will succeed in meeting the challenges of the new system of local government relies heavily on the perception of the participants in the decision-making structures and processes. Differences in values lead to different perceptions being held by different people (take for example the perceptions of poverty stricken, indigent persons as opposed to the perceptions of affluent persons). Councils must reconcile the differences in perceptions and, in so doing, ensure effective and efficient service delivery. Through regular interaction with communities, councils can begin to understand differences in perceptions and, once perceptions are understood, the reconciliation of divergent views can be tackled. For example, families without basic services will probably have negative perceptions of the value of a new waterfront development. Their perception, quite understandably, is that the municipality should rather be utilising funds to provide the infrastructure necessary for the supply of electricity, water and sanitation. It is the function of councillors and officials to reconcile divergent perceptions. In this example, through public meetings, the media and ward committees, the council could draw attention to the value of the proposed waterfront and the positive impact that development has on job creation and poverty eradication.

The interpretive systems approach will be used to determine the impact of the new municipal legislation on decision-making. Has the culture within municipalities changed to meet the challenges of democratisation and the intention for residents to participate in the decision-making processes? Are participants in municipalities viewing the world through new eyes or is the resistance to change syndrome still prevalent? The instruments through which this methodology is to be employed will include observation and interviews. Participants will be drawn from councillors, officials, communities and members of civil society.

2.1.3 The Emancipatory Systems Approach.

A study of the history of local government in South Africa and the injustices of the apartheid regime confirm that the choice of this methodology is totally justified. Specific provision is made in the Constitution for municipalities to encourage the involvement of communities and community organisations in the matters of local government. Exclusion from democratic local government on racial grounds has resulted in a situation where communities are unaware of the means available to improve their lives. Therefore, as residents will not be able to immediately exercise all their rights to participate as provided by the law, municipalities are also tasked with building capacity in communities. This methodology will be used, therefore, to determine what municipal councils have done to assist communities in recognising that their current state of affairs is not inevitable and that it is something which they can transform through their own actions. More specifically, what steps have municipalities taken to encourage democracy in communities by promoting public participation in decision-making.

Development is essential to promote the general welfare of the majority of the people. Effective development is not possible without effective governance and administration. The Constitution tasks municipalities with the promotion of social and economic development of communities.[24] In discussing the development duties of municipalities, reference is also made to the requirement that a municipality must manage its administration and 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.[25] Development is aimed at promoting the general welfare as far as possible, in other words, to make for a better way of life for residents.

The way of life of people, how they spend their life in a specific environment to remain alive and enjoy living, consists altogether of many different components ranging from material wants to spiritual needs, the satisfaction of which is influenced by factors such as residence, education, occupation and reaction. The welfare of people does not only relate to prosperity, education, occupation and reaction. Therefore, this methodology will be used to determine the municipality's involvement in the promotion of the social development of communities and the emancipation of individuals through community participation in municipal decision-making.

In sum, flowing from the different schools of systems theory this thesis will develop a methodology consistent with the pluralist approach, being sensitised to the concerns of each of the three methodologies and hopefully compensating for the weaknesses of each too. This review has alerted the study to three broad categories of research, structural design, organisational culture and institutional capacity. In researching the *structural design* this part of the research, which will produce information on decision-making structures and processes, is likely to form the largest part of the research, given the vast volume of statutory provisions which regulate the structural and procedural aspects of decision-making. The research will therefore seek to identify the structures and processes involved in municipal decision-making and, thereafter, capture data pertaining to their composition, terms of reference, rules of procedure, delegations of authority etc. It will also attempt to determine the steps taken by councils to advance the requirements of efficiency and democracy in the design of their decision-making structures and processes. Finally, an attempt will be made to determine the basis of a comparative analysis which will enable comparisons to be drawn on the levels of efficiency achieved by the various municipalities in the performance of the decision-making function. Similarly, the application of the democratic practices by those municipalities will also be compared.

In researching the *organisational culture*, the focus will be on whether or not the culture of the organisation has changed. The new system of local government calls for a change in the culture of the organisation. In essence, it will be necessary to make an assessment of the attitude of the key role players (the mayor, the executive, city manager, senior officials, communities and civil society) on whether or not, the stated objective for the municipality to conduct its activities in more democratic ways than it did before, has been achieved. Their views on issues pertaining to the transformation of local government, capacity building, empowerment, participative governance, gender equality will assist in determining whether a change in culture has, in fact, taken place.

Finally, with regard to *institutional capacity*, the research will proceed on the basis that the new system of local government promotes the concept of creating space for communities and community organisations to become involved in matters of local government. Municipalities are expected to allocate funds to develop a culture of community participation by, for example, building the capacity of local communities in municipal decision-making. The research will seek to determine whether municipalities have the necessary institutional capacity to promote the new system of local government. For example, the research will attempt to determine what attempts have been made to institutionalise public participation, the existence of community strategies and attempts at building the capacity of communities, councillors and the administration (officials).

2.2 Quantitative and Qualitative Approaches.

Within the Systems model, it is necessary to determine whether the research is going to entail *quantitative* or *qualitative* approaches. Mouton states that the quantitative approach may be described in general terms as that approach to research in the social sciences that is more highly formalised as well as more explicitly controlled, with a range that is more exactly defined, and which, in terms of the methods used is relatively close to the physical sciences.[26] In contradistinction, qualitative approaches are those approaches in which the procedures are not as strictly formalized, while the scope is more likely to be undefined, and a more philosophical mode of operation is adopted.[27]

Ernest House agrees that debates about methodology are productive only if the subject matter is considered first.[28] Further that research methodology depends primarily on the nature of the subject matter of the discipline, the content, the object and what one is trying to investigate.[29] In addressing the quantitative/qualitative divide he states that quantitative studies are more precise, explicit, and predetermined and assume that the relevant variables can be identified in advance and validity measured.[30] They use mathematical models as simplified representations of substantive problems.[31] On the other hand, he maintains that qualitative studies rely on more provisional questions, data collection sites, people to interview, and things to observe.[32]

In evaluating the subject matter of this thesis, cognisance must be taken of the need for a flexible approach given the diversity of the concepts to be included in the research. House argues that as the content under investigation changes, as black holes are discovered, for example, the methods of

investigation may also change: new methods may be needed to deal with formulated content.[33] In similar vein, Marshall and Rossman maintain that because the research progresses, the methods may change and the researcher must ensure this flexibility.[34]

Charles Reichardt and Sharon Rallis, while acknowledging the substantial differences between qualitative and quantitative research traditions maintain "that a meaningful and enduring partnership between qualitative and quantitative researchers based on shared fundamental values is both possible and desirable"[35] Mouton, in summarising the differences between qualitative and quantitative approaches reduces those to differences in structuring, control and scope.[36] He states that qualitative approaches are relatively more open and broader in the way in which they tackle problems than are quantitative approaches.[37] He concludes by pointing out that it is important to emphasize the parallels and areas of overlap between these two approaches.[38]

While acknowledging this potential harmony, this study is conducted mostly along qualitative lines, specifically using case-studies to offer a series of fine-grained accounts of a complex subject. While the findings of such a study has limited generalisability, the research design nevertheless allows for the disproving of certain claims, for example, the case-studies disprove the claims that executive mayors-in-committee are more efficient than executive committees.

2.3 METHODS AND TECHNIQUES OF DATA COLLECTION.

A qualitative method with quantitative moments has been selected for this project. As the research is not generally interested in the mathematical significance or statistical analysis of a particular activity but rather seeks to allow the researcher the opportunity to research selected issues in depth, a qualitative research method will be employed for most of the research. However, certain areas of the research will employ a quantitative approach, for example, the frequency of meetings, workload and evaluations of the efficiency of decision-making structures and processes. In addressing the selection of methods and techniques to be used in the research, reference is made to be statement by Mouton "that researchers ought to accept as a general principle that the inclusion of multi sources of data collection in a research project is likely to increase the reliability of the observations."[39] Furthermore, he maintains that "by employing different methods of data collection in a single project, we are, to some extent, able to compensate for the limitations of each. In this regard Marshall and Rossman emphasise that the methods planned for data collection should be related to

the type of information sought.[40] They maintain that the researcher should determine the most practical, efficient feasible and ethical methods for collecting data as the research progresses.[41]

The following data collection methods have accordingly been selected for this approach: *the review of documents*, *in-depth interviewing* and *observation.*

2.3.1 The Review of Documents

The research in respect of all the case studies will commence with a review of documents. This method is unobtrusive and depending upon the accessibility to information, is likely to reduce the time allocated to individual interviews significantly. At the outset, the researcher will benefit from data which will assist with his/her orientation of that case study. For example, information regarding the demarcation of boundaries, number of wards, category and type of municipality etc. is contained in the Section 12 Notice.[42] In addition, there are many internal documents which will need to be accessed and exposed to a process called content analysis. Marshall and Rossman point out that "the raw material for content analysis may be any form of communication, usually written materials (textbooks, novels, newspapers, e-mail messages); other forms of communications-such as music, pictures or political speeches – may also be included.[43]

Given the parameters of this research, useful data will be collected from council documents, for example, policy statements, by-laws, agendas and minutes of meetings, terms of reference of committees, standing orders etc. The provisions of the Promotion of Access to Information Act require municipalities to make this type of information (with certain exceptions) available to members of the public on request.

To place this in context, in terms of the overall thesis and within the Systems Model, this part of the research will produce information on the Structural Design, that is information on the decision-making structures and processes. The hard systems methodology will be used for the primary focus and will be supplemented where necessary with various methods from the soft systems methodologies.

2.3.2 In-depth Interviewing

This research project will rely extensively on in-depth interviewing. The interviews will take the form of a conversation, rather than a structured, questionnaire type of interview. The researcher will explore topics connected with public participation in municipal decision-making, for example, "what are the respondents' views on how seriously the public's input is treated by the decision-makers?"

This method has a particular strength, in that, an interview provides a useful way of accessing large amounts of data quickly. When more than one person is interviewed in focus group interviews, for example, ward committees, the interview process is likely to gather a wide variety of information across a large number of subjects. It is the intention, within each case study to identify a number of elite interviewees,[44] also referred to, sometimes, as key informants.[45] Individuals who are considered to be influential, prominent, and/or well informed in a community, are selected for interviews on the basis of their expertise in areas relevant to the research. For example, the leader of the majority party in council (the mayor), the leader of the opposition in council, chairpersons of ward committees and municipal managers. Combined with observation, interviews will assist the researcher in understanding the meaning that participants hold for the matters referred to in the research questions. Interview notes or a tape recorder will be used during focus interviews for the purpose of capturing the information required.

Cognisance is taken of the fact that municipal governance and therefore municipal decision-making takes place in a political environment. For this reason and others, interviewees may be unwilling or may be uncomfortable sharing all the information that the researcher hopes to explore.

2.3.3 Observation at Meetings

As municipal decision-making of the type that is the focus of this thesis, is an activity which takes place at meetings, the research will include observation at meetings as one of the means of data collection. Where possible, meetings of the council, the executive, standing committees and ward committees, in all the case studies, will be attended for observation purposes. An observation record as captured below has been designed for the purposes of keeping records which has regard to

the requirements of consistency and uniformity. Wherever possible, for verification purposes, meetings will be attended by a team consisting of two observers.

TABLE 2 OBSERVATION RECORD	
Council and Committee Meetings	
Item/Activity observed	**Notes**
1. Composition of Committee (1.1) Numerical (1.2) Gender Sensitivity (1.3) Race (1.4) Political Affiliation	
2. Terms of reference	
3. Rules of Order	
4. Delegations	
5. Public Participation	
6. Response to Public Input	
7. Efficiency	
8. Decision-Making Process (8.1) Consensus (8.2) By Majority Vote	
9. Influence of Officials on decision-making	
9. Referral of Items to Other Political Structures e.g Ward Committees.	

Particular attention will be given to the degree that the requirements of efficiency and democracy are upheld during decision-making. For example, with regard to efficiency, attention will be given to the size of the decision-making structure, the terms of reference, standing rules, delegation of authority, frequency and duration of meetings, workload etc. The observer will also give attention, on the other hand, to levels of inclusivity, transparency, accountability and participation during his/her attendance at meetings.

Care will need to be taken to ensure that the observation record contains detailed, non judgemental, concrete descriptions of what has been observed. This will facilitate the analysis process and allow for the systematic comparison and verification of data obtained through other data collection methods and techniques.

3. THE SCOPE AND LIMITATIONS OF THE STUDY.

There are 284 municipalities in South Africa.[46] The municipalities making up the 284 are divided into three categories: six (6) metropolitan councils (Category A), forty seven (47) district councils

(Category C) and two hundred and thirty one (231) local councils (Category B).[47] Another distinction which can be drawn is the type of municipality. The type of municipality is determined by the type of executive authority in existence in that municipality. The category, type, size etc. are contained in the notice published in terms of Section 12 of the Structures Act, which establishes the municipality. The following types of municipality are identified in Section Seven of the Structures Act: -

(a) Collective executive system which allows the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested.

(b) Mayoral executive system which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee.

(c) Plenary executive system which limits the exercise of executive authority to the municipal council itself.

(d) Sub-council participatory system which allows for delegated powers to be exercised by sub-councils established for parts of the municipality.

(e) Ward participatory system which allows for matters for local concern to wards to be dealt with by committees established for wards.

With regard to (e) above which deals with ward committees, Section 72 of the Act identifies the types of municipalities which are entitled to establish ward committees.

From a practical point of view, it is not possible, within the framework of this study, to research the decision-making structures and processes of all 284 municipalities. With this in mind, the first steps towards selecting municipalities as case studies, was to exclude Category C municipalities (District Municipalities). The case studies have been drawn from categories A and B only. The reason for excluding Category C municipalities is that district municipalities do not have the same degree of interaction with communities as experienced by local and metropolitan councils. There are a number of reasons for this, the main one

being that local municipalities continue to perform most of the functions of district municipalities (as listed in Section 84 of the Structures Act). Until the division of functions between district and local councils has been finalised, research into the impact of public participation on decision-making in district municipalities would be meaningless.

The second step was to select municipalities in different categories, and with different types of executive authority. Given these criteria, four municipalities have been identified details of which are contained in Table 3. How community involvement in decision-making is facilitated varies from one municipality another, but, the requirements for this to happen are contained in the new municipal legislation, in particular, Chapter Four of the Systems Act. As already stated most of the new municipalities are too big in terms of population, size and area to allow for direct participation by the majority of the residents in all municipal activities. With this in mind and working from the premise that it is not possible for councils to engage ward committees on every matter, it is necessary to limit the number of issues for the purpose of this research, and in so doing acknowledging the construction of boundaries. Hence only three activities have been selected, namely, processes leading up to the adoption of the annual budget and the enactment of by-laws and the approval of building plans. With regard to the choice of by-laws, attempts will be made to identify by-laws common to all four case studies, for example, the credit control by-laws. Statutory provisions are contained in the new municipal legislation which require municipalities to facilitate extensive public participation before adopting a by-law and the budget. The procedures, with particular reference to the requirements for public participation are contained in Appendices 6 and 7.

To sum up, therefore the selection of municipalities to be researched, as shown in the table below, was based on two key variables of a structural nature, namely, the category of municipality (metropolitan or local) and the type (executive mayor or executive committee).

TABLE 3 : CHOICE OF CASE STUDIES					
Municipality	**City**	**Category**	**Type**	**Executive Authority**	**Ward Committees**
Nelson Mandela Metropolitan Council	Port Elizabeth	A Metropolitan Municipality	Executive Mayor System	Executive powers exercised by an executive mayor assisted by a mayoral committee	Yes 52 Wards
eThekwini Metropolitan Council	Durban	A Metropolitan Municipality	Executive Committee System	Executive powers exercised by an Executive Committee	No
Buffalo City local Council	East London	B Local Municipality	Executive Mayor System	Executive powers exercised by an executive mayor assisted by a mayoral committee	Yes 45 Wards
Msunduzi Local Council	P.M. Burg	B Local Municipality	Executive Committee System	Executive powers exercised by an executive committee	Yes 37 Wards

Reference was made at the beginning of this chapter to a threshold with a suggestion that efficiency in decision-making is likely to be impeded by democratisation only if the level of efficiency has reached a certain threshold. For the purpose of this thesis, threshold is recognised as the level which separates these municipalities which are able to fulfil their basic function and those which are not. Information obtained from the Department of Provincial and Local Government, (DPLG) confirmed that there are currently 139 municipalities which are unable to fulfil their basic functions. The municipalities which have been selected as case studies as shown in the above table are all functioning above the threshold level.

4. PARTICIPANTS

By definition, municipalities comprise three components, namely, the elected representatives (councillors), the appointed staff and the citizens. In addition there is what is known as the broader civil society which is made up of numerous interests, for example, business, Non-Governmental Organisations (NGO's), Community Based Organisations (CBO's) etc. The description of the relationship between councillors and officials that existed prior to 1994 was simplistic in that, it maintained that "councils took decisions and officials implemented them." This distinction is (and perhaps always was) unrealistic. Officials constantly influence policy, for example, by the

submission of reports to council and committees. In addition executive policy made by the legislators usually does not provide sufficient detail for the implementation of such policy. Officials make a multitude of decisions in order to implement policy effectively. Furthermore, elected representatives' activities are not confined to taking decisions and councillors are becoming more and more involved in implementation. The distinction between the role of the elected representatives and officials has accordingly become increasingly blurred and some discussion has been included in Chapter Two on the tensions that have emerged between mayors and municipal managers, and in general, between member of the executive and senior officials.

The role of citizens in municipal decision-making is less direct. Citizens are, however, involved in local government in a number of ways – as voters, as consumers of services, (for example electricity and water), as members of interest groups, as stakeholders, through specialised structures such as ward committees. It is necessary to identify appropriate members within the three components of local government to participate in this study. Firstly, participants from the elected representatives will include the mayor, and/or the deputy mayor; and/or the speaker; and the members of the executive committee or mayoral committee, ward and PR councillors (councillors elected by proportional representation). Secondly, participants from the ranks of the officials will include the city manager; and/or the manager in the city managers office; senior and middle management; and specialised staff (for example, legal advisors, secretariat managers, media liaison officers etc.). Thirdly, participants will be drawn from community structures and from the ranks of civil society, for example, the press and the chambers of commerce or business.

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CHAPTER FOUR

THE MSUNDUZI LOCAL MUNICIPALITY

INTRODUCTION

The first case study is the Msunduzi Local Municipality. In Chapter Three this municipality was identified as a Category B municipality with a collective executive system. The research will attempt to produce sufficient evidence to support the hypothesis, formulated in Chapter Two which claims that "the efficiency in municipal decision-making is likely to be inversely proportional to the degree of democracy manifested in the decision-making structures and processes of that municipality."

The research will have as its bases that efficiency in decision-making is measured in terms of the time taken to make a decision and that democracy is operationalised in terms of the principles of *Inclusivity*, *Transparency, Accountability* and *Participation.* In this Chapter I intend to deal firstly, with the application of the research methodology, secondly, with issues of orientation, thirdly, with the outcomes of the empirical research into efficiency and democracy as they are manifested in the decision-making structures and processes of the Msunduzi Municipality and, fourthly, to draw conclusions from the findings yielded by the research.

1. APPLICATION OF THE RESEARCH METHODOLOGY.

Written permission to conduct the research was obtained from the Acting City Manager, Mr Thabane Zulu on 2 September, 2004. As the research into the Msunduzi Municipality was viewed as the pilot study, a generous time frame of eleven weeks was allocated. The research which commenced on 3 September 2004 aimed to access data on decision-making structures and processes within the categories of *Structural Design*, *Organisational Culture* and *Institutional Capacity.* The review of documents was the first data collection method employed and for the next three weeks a comprehensive review was undertaken of the committee system, size and composition of committees, terms of reference, standing rules, delegations, workloads, frequency of meetings etc.

together with policies on public participation and communication. This data was accessed from council and committee agendas, policy statements and documents and by-laws; a list of these sources is contained in Appendix 8 and breakdown showing the types of documents reviewed is contained in the following table:-

TABLE 4 :MSUNDUZI LOCAL MUNICIPALITY: REVIEW OF DOCUMENTS	
TYPE	**N°**
1. ESTABLISHMENT OF THE MUNICIPALITY	6
2. COMMITTEES	15
3. PUBLIC PARTICIPATION	4
4. PROCEDURES	5
5. BUDGETS	3
6. BY-LAWS	5
TOTAL	**38**

It was necessary to supplement the data obtained through the review of official documents with data from focus interviews and observation at meetings. While the review of documents as a method of data collection falls within the hard systems methodology and concerned itself with qualitative and quantitative research, a soft systems approach was used for focus interviews and observation at meetings and concerned itself primarily with qualitative research.

In accordance with the research design a number of elite interviews or key informants were identified from within the ranks of the elected representatives (councillors); the administration, (officials) the community and civil society. (The local newspaper and the Chamber of Business were selected as representatives of civil society) A total of 27 focus interviews were conducted, details of which are contained in Appendix 9, while a summary of the breakdown of interviewees into the three categories referred to above, is contained in the following table:-

TABLE 5 : MSUNDUZI MUNICIPALITY : FOCUS INTERVIEWS		
CATEGORIES OF RESPONDENTS	**N°**	**TYPE**
COUNCILLORS	11	(7) Executive Committee Members (4) Standing Committee Members
OFFICIALS	12	(7) Executive Management Members (5) Middle Management Members
OUTSIDE ORGANISATIONS	4	(2) Consultants (1) Organised Business (1) Media
TOTAL	**27**	

Focus interviews and observation at meetings ran concurrently during the period 27 September to 25 October 2005. Details of the meetings attended for observation purposes are contained in appendix 10 while a summary has been included in the table which follows:-

TABLE 6 : MSUNDUZI LOCAL MUNICIPALITY : OBSERVATION : MEETINGS ATTENDED	
TYPE	**N°**
1. COUNCIL	1
2. EXECUTIVE COMMITTEE	2
3. STANDING COMMITTEES	3
4. WARD COMMITTEES	2
TOTAL	**8**

2. ORIENTATION

The focus of the research at the outset was to identify the decision-making structures, the nature of these structures, their powers, functions, composition etc. As a point of departure, the key variables in respect of, firstly the structures and secondly the decision-making processes were researched. Specifically, within the structure, attention was given to the primary decision-making body which is the executive committee. The role of the other components namely, the council, the standing committees and the ward committees were also researched. From a procedural point of view the focus was directed on the powers and functions of these committees with particular reference to the delegation of authority. Part of the research focused on the steps in the decision-making process leading to the making of by-laws and the adoption of the annual budget.

To begin with, it was necessary to trace and examine the details pertaining to the establishment of the Msunduzi Municipality. In accordance with the provisions of Section 12 of the Structures Act, Notice N° 352 dated 19 September 2000, published in the Provincial Gazette of KwaZulu-Natal by the Minister of Traditional Affairs, Safety and Security and of Local Government, established a district municipality known as DC22 (uMgungundlovu District Municipality). A demarcation map showing the extent and boundaries of the district municipality is attached (Appendix 11). Within the district municipality, which is a Category C municipality, as determined by the Demarcation Board, are seven local municipalities, including the Msunduzi Local Municipality:

KZ 221.....uMshwati Local Municipality
KZ 222.....uMngeni Local Municipality
KZ 223.....Mpofana Local Municipality
KZ 224.....Impendle Local Municipality
KZ 225.....Msunduzi Local Municipality
KZ 226.....Mkhambathini Local Municipality
KZ 227.....Richmond Local Municipality

The Msunduzi Local Municipality was also established in terms of Notice N° 352 published by the Minister of Traditional Affairs, Safety and Security and of Local Government, in the Provincial Gazette of KwaZulu-Natal on 19 September 2000. A map showing the boundaries of KZ 225 (Msunduzi) is attached (Appendix 12).

The notice further specified that the municipality is a Category B municipality, as determined by the Demarcation Board. The type of municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.[1] It is noteworthy that the said notice, in describing the type of municipality, did not include a "ward committee participatory system." The notice also provided for 37 ward councillors and 36 proportionally elected councillors; a total of 73. This new municipality, with new boundaries, new structures, new systems and new principles came into being after the elections of December 2000.

Having uncovered the details pertaining to the establishment of the municipality, I now shift to the decision-making structures. The Section 12 notice, referred to above, established the type of

municipality for Msunduzi as that of a collective executive system which is one of the types identified in the Structures Act. Other types include the executive mayor system. The Structures Act lays down the provisions for the composition of executive committees.[2] In accordance with these provisions, the Msunduzi Municipality has an Executive Committee consisting of ten councillors. The composition of this committee was determined on the basis that parties and interests represented in the municipal council are represented in the executive committee in substantially the same proportion as they are represented in the council. The Executive Committee of the Msunduzi Municipality accordingly has six councillors from the African National Congress, two from the Inkatha Freedom Party and two from the Democratic Alliance. Both the Mayor and Deputy Mayor are elected by the Council from the members of the Executive Committee. The following table contains the names and party affiliation of the councillors currently serving on the Executive Committee.

TABLE 7 : MSUNDUZI LOCAL MUNICIPALITY : MEMBERS OF THE EXECUTIVE COMMITTEE

NAME	PARTY
Councillors H Zondi (Mayor) Chairperson Z Hlatswayo (Deputy Mayor) O Ganie FXM Grantham G Meyer TA Zungu	AFRICAN NATIONAL CONGRESS
Councillors H Kadir WF Lambert	DEMOCRATIC ALLIANCE
Councillors B Phungula D Zondi	INKATHA FREEDOM PARTY

The Municipal Structures Act describes the functions of an executive committee as follows:

"44. Functions and powers of executive committees.-

1. An executive committee is-

(a) the principal committee of the council if a municipality of a type that is entitled to establish an executive committee; and

(b) the committee of a municipal council which receives reports from the other committees of the council and which must forward these reports together

with its recommendations to the council when it cannot dispose of the matter in terms of its delegated powers.

2. The executive committee must-

(a) identify the needs of the municipality;

(b) review and evaluate those needs in order of priority;

(c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan and estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and

(d) recommend or determine the best methods, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

3. The executive committee in performing its duties must-

(a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;

(b) evaluate progress against the key performance indicators;

(c) review the performance of the municipality in order to improve-

(i) the economy, efficiency and effectiveness of the municipality

(ii) the efficiency of credit control and revenue and debt collection services; and

(iii) the implementation of the municipality's by-laws;

(d) monitor the management of the municipality administration in accordance with the policy directions of the municipal council;

(e) oversee the provision of services to communities in the municipality in a sustainable manner;

(f) perform such duties and exercise such powers as the council may delegate to it in terms of section 32;

(g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and

(h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

4. An executive committee must report to municipal council on all decisions taken by the committee.

3. RESEARCH FINDINGS

3.1 Efficiency

At the inaugural meeting of the Council held on 15 December, 2000, a resolution was adopted which delegated to the Executive Committee authority to exercise any of the powers, duties and functions of the Council except those plenary powers expressly delegated to other standing committees and those powers which are wholly reserved for the Msunduzi Municipal Council,[3] which are listed below:-

1. the framing and approval of estimates (the budget).

2. the assessment and fixing of rates and granting of exemptions and rebates of rates.

3. the expropriation of or the temporary taking of the right to use immovable property.

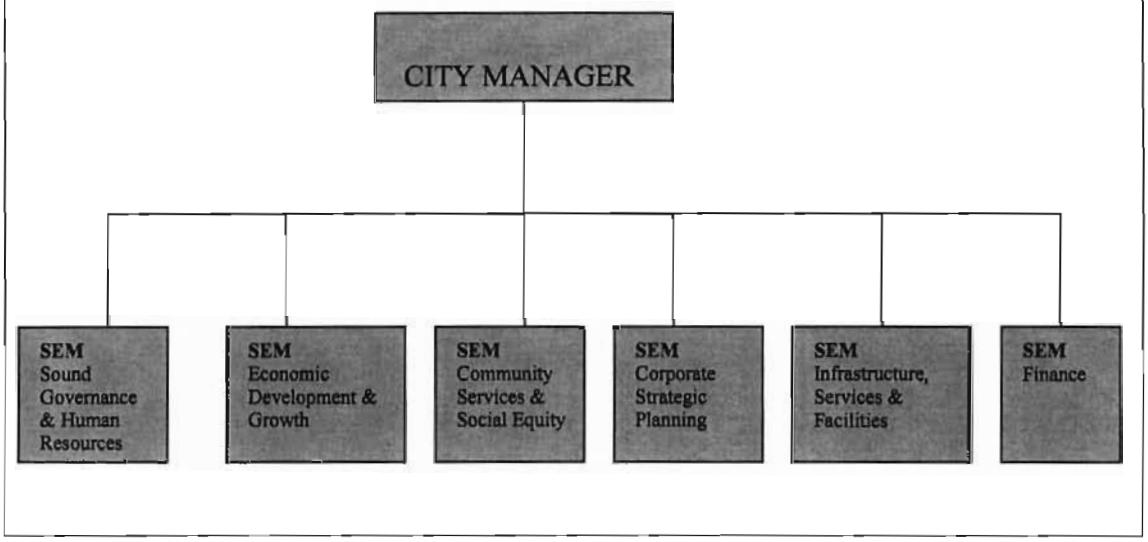
4. the approval of tariffs.

5. the making of rules and by-laws under any law.

The Executive Committee, therefore, has wide powers and is regarded as the Council's primary decision-making body. However, in recognising that, in practice the workload and the diversity of matters requiring decisions would most likely overburden the Executive Committee, the Structures Act allows councils to establish other committees to assist the Executive Committee or Executive Mayor.[4] The Msunduzi Council, acting in accordance with the said provisions, established a number of other committees, namely the Budget and Finance Committee, the Audit Committee and the Procurement Committee. It also established four Standing Committees to assist the Executive Committee. These are the Economic Development and Planning Committee; the Technical and Engineering Services Committee; the Housing and Community Services Committee and the Human Resources Committee. (These committees, are referred to as standing committees, portfolio committees or support committees. In the interests of uniformity, the term Standing Committees will be used throughout this thesis and should be taken to include portfolio and support committees.)

In providing details of Msunduzi's decision-making structure, it is necessary to record that, in order to give effect to the new system of local government, the Msunduzi Council has also restructured the administration of the municipality. The restructuring of the top echelon referred to as the macro structure as shown on the following table was put into effect in 2003.

TABLE 8: MSUNDUZI LOCAL MUNICIPALITY : ADMINISTRATIVE STRUCTURE



This restructuring entailed placing all functions under six functional areas previously managed by eight heads of departments. Each of these functional areas, known as Strategic Business Units is managed by an appointed official. These six officials who report directly to the City Manager hold the title of Strategic Executive Manager (SEM). Reference is made to the macro restructuring of the organisation because, amongst other things, it impacts on the decision-making process. This statement is made on the basis that the Standing Committees currently in operation are based on the committee structure of the erstwhile Pietermaritzburg–Msunduzi Transitional Local Council. This structure had been designed around the functions of the eight municipal departments that existed at that time, for example the Health, Parks and Amenities Committee dealt with matters relating to the Parks and Recreation Division, the Health Division, etc, while the Planning and Development Committee dealt with items related to the Town Planning Department, the Human Resources Committee dealt with staff matters etc. The provisions contained in the Systems Act require the municipality to establish clear relationships, and facilitate co-operation, co-ordination and communication between its political structures and political office bearers and its administration.[5] In this regard the Council's Executive Committee on 30 June, 2003 requested the submission of a report with proposals, for the realignment of the Standing Committees in line with the restructuring of the organisation and the responsibilities of the respective Strategic Executive Managers. The directive issued by the Executive Committee is currently receiving attention and the draft proposals for the realignment of committees and the administrative structure are contained in Appendices 13 and 14 respectively. Once refined, the proposals will be submitted to the Executive Committee and Council for adoption. Thereafter, the structure of the committee system is likely to undergo significant changes with regard to membership, terms of reference, delegations etc.

As already mentioned, the Executive Committee is the primary decision-making body within the Msunduzi Municipality. It exercises wide delegated powers on behalf of the Council but attention must be drawn to the checks and balances which ensure accountability. These are:- Firstly, the Constitutional requirement that decisions on certain matters are reserved for Council and may not be delegated to another political structure[6] (e.g. budgets and bylaws). Secondly, the requirement contained in the Structures Act which provides that "an executive committee must report to the municipal council on all decisions taken by the committee."[7] Thirdly, the Council (a) in accordance with procedures in its Rules of Order may, or, at the request in writing of at least one quarter of the councillors (19 councillors), must review any decision taken by such political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and (b) may require the Executive Committee to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.

In addition to the authority delegated to the Executive Committee, the Standing Committees were also vested with plenary powers to enable them to deal with matters falling within their terms of reference, in accordance with a resolution adopted by Council on 29 October, 2001. However, the Council, acting on a recommendation by the Executive Committee adopted a resolution on 23 February, 2004 to withdraw the delegated plenary powers previously granted to the Standing Committees. This resolution has a bearing on the decision-making process in respect of both democracy and efficiency. This impact which this has on democracy will be dealt with in the next section. To turn now to the impact of this resolution has on efficiency, it is necessary to draw attention to provisions contained in both the Structures and Systems Acts which encourage the delegation of authority. Specific reference is made to the Systems Act which provides that "A municipal council must develop a system of delegation that will maximise administrative and operational efficiency."[8] The resolution in question would seem to be inconsistent with the statutory provisions which clearly encourage delegation. Viewed from a practical point of view, meetings of Standing Committees are convened, the matters on the agenda are discussed but the taking of final decisions on matters within their terms of reference is prohibited. The status of Standing Committees has therefore been reduced to that of an advisory committee.

Previously, before the withdrawal of the delegations, Standing Committees were able to discuss and dispose of items thereby minimising duplication and delays. The situation as it stands means that the items with recommendations are then conveyed from the Standing Committee to the Executive

Committee. Even items of a mundane nature are subjected to a two step process, Standing Committee and Executive Committee. It can be argued that the Executive Committee very rarely takes a decision which is not in keeping with the recommendation forwarded by the Standing Committee. In discussing the frequency of this occurrence with a member of the Secretariat, she estimated that this has happened less than five times since December 2000. In the light of this, it is argued that the *de jure* centralisation of decision-making power is not *de facto* centralisation in the sense that the vast majority of recommendations of Standing Committees are adopted by the Executive Committee thus having the same end result. This argument, however, does not nullify the criticisms that have been expressed by respondents with regard to, for example, the additional workload placed on the Executive Committee, duplication, and delays. Other respondents, however, whilst acknowledging these shortcomings, felt that the centralised nature of the decision-making process made for efficient taking of decisions. Furthermore, although the Executive Committee's composition was drawn from three political parties, co-operation and synergy amongst its members was evident. This view was based on the premise that decisions were taken on the basis of consensus and seldom, if ever, went to the vote.

The responses obtained during focus interviews on the question of efficiency can be analysed as follows:-

TABLE 9 : MSUNDUZI LOCAL MUNICIPALITY : EXECUTIVE COMMITTEE : EFFICIENCY RATING

No of Respondents	Positive Rating	Negative Rating	Unsure / Non-committal
25	8	13	4

It is important to emphasise that, generally, councillors who believed that the decision-making model in operation in the Msunduzi Municipality was efficient made this claim on the basis of the synergy achieved during meetings of the Executive Committee. One of the members of the Executive Committee had this to say on this issue:- "I think that it (the Executive Committee) is efficient and (I) don't think that the fact that it has a laborious route to follow is a handicap. I think again, that you are getting a wide diversity of opinion." While this is noteworthy and commendable particularly as the composition of the committee is of a multi-party nature, it was necessary to identify other indicators which would either support or refute these claims.

Firstly, further research was done using agendas and minutes of meetings of the Executive Committee held during the period January to June 2004. The outcome is summarised in the following table.

TABLE 10 : MSUNDUZI LOCAL MUNICIPALITY : FREQUENCY, DURATION AND WORKLOAD OF MEETINGS OF THE EXECUTIVE COMMITTEE FOR THE PERIOD JANUARY – JUNE 2004			
DATE OF MEETING	**DURATION OF MEETING**	**NUMBER OF ITEMS**	**AVERAGE TIME PER ITEM**
16 January 2004 (special)	01 hour	04	15 mins
22 January 2004	06 hours	29	12 mins
23 January 2004 (special)	45 mins	08	06 mins
26 January 2004 (special)	01 hour	04	15 mins
02 February 2004 (special)	45 mins	04	11 mins
05 February 2004	04 hours	13	18 mins
09 February 2004 (special)	01 hour 30 mins	04	22 mins
13 February 2004	04 hours	35	07 mins
19 February 2004	05 hours	35	08 mins
04 March 2004	06 hours	32	11 mins
15 March 2004	07 hours	34	12 mins
23 March 2004 (special)	03 hours 30 mins	06	35 mins
29 March 2004 (special)	01 hour 30 mins	02	45 mins
01 April 2004	05 hours 30 mins	37	09 mins
22 April 2004	09 hours	37	15 mins
26 April 2004 (special)	02 hours 30 mins	13	12 mins
03 May 2004	05 hours 30 mins	29	11 mins
11 May 2004 (special)	06 hours	07	51 mins
13 May 2004 (special)	02 hours	03	40 mins
14 May 2004 (special)	30 mins	03	10 mins
27 May 2004	07 hours 30 mins	45	10 mins
09 June 2004	07 hours 30 mins	49	09 mins
17 June 2004	07 hours	31	13 mins
18 June 2004 (special)	02 hours	03	40 mins
24 June 2004	08 hours	34	14 mins
AVERAGE OVERALL TOTALS			
4 meetings per month	04 hours per meeting	20 items	18 mins per item

(The figures contained in the above table have been rounded off to the nearest whole number)

With regard to the analysis contained in the above table, meetings of the Executive Committee seem to be inordinately long, especially as many of the items have already been discussed at meetings of the Standing Committees. The "rehashing" of items already debated at length seems unnecessary, particularly given the very small percentage of recommendations by Standing Committees that are rejected by the Executive Committee. The criticisms of the centralised nature of the decision-making system seem to be further justified given the contents of a report prepared for the Executive Committee by the Strategic Executive Manager (Sound Governance and Human Resources) dated 14 October, 2004 in which he lists in excess of 80 outstanding items (matters not yet finalised) which had accumulated during the period January to September 2004. The finalisation of many of these items is dependent on reports from municipal departments. Based on a performance rate of 18 minutes per item, (as per Table 20) the approximate time necessary to deal with these matters would be in the order of 24 hours (80 items x 18 minutes per item). On the basis that the average meeting of the Executive Committee has a duration of four hours, it is estimated that it would require six meetings to clear the backlog. In accordance with the current frequency of meetings, (two per month) three months would be required. This, of course, pre-supposes that (a) all the reports requested are submitted timeously and (b) that only the outstanding items will be dealt with at the meetings of the Executive Committee during the three months referred to.

Reference was made earlier to the absence, in the Section 12 Notice, of any reference to a ward committee participatory system for Msunduzi. Some comments on this issue are necessary. A cornerstone of the new system of local government is the involvement of communities in municipal matters as contained in the Constitution.[9] The primary means of achieving this is through the establishment and operationalisation of ward committees. As the Msunduzi Municipality is of the type of municipality which is eligible to establish ward committees in terms of the Structures Act, it was necessary to have a closer look at why the Section 12 notice did not contain this provision. In discussions with a well known consultant on local government matters, he maintained that prior to the publication of the Section 12 notice in 2000, discussions between the respective municipality and the Member of the Executive Committee (M.E.C.) for Local Government should have been conducted to consider, *inter alia*, the inclusion in the notice of a ward participatory system. If this, for some reason, was not done, the notice would not include that provision. He made the following points in this regard. Firstly, the municipality concerned must be of the type eligible for a ward committee system as defined in terms of the Structures Act. Secondly, some municipalities in KwaZulu-Natal have, while other municipalities do not have ward committees. Thirdly, even if provision for a ward committee participatory system is made in the Section 12 Notice, the decision to establish ward committees rests with the municipality concerned. Fourthly, application may be made to the M.E.C. for a revised Section 12 notice to be published in the Provincial Gazette; such

notice to make provision for the establishment of ward committees. Fifthly, if the decision is taken to establish ward committees, a committee for every ward must be established. However, notwithstanding the absence in the Section 12 Notice of the enabling provision to establish ward committees, the Msunduzi Municipality, in recognising the importance of such structures, went ahead and initiated a process by way of a Council resolution dated 17 January, 2001 to establish ward committees in all 37 wards. (To regularise this matter it will be necessary to publish a revised Section 12 Notice). The ward committees were established in accordance with the provisions contained in Part Four of the Structures Act, and Section Four of the KwaZulu-Natal Determination of Types of Municipality Act No 7 of 2000 which provides as follows:

> **4. Category B municipalities.**—In category B the following types of municipality may be established in the province:
>
> (a) a municipality with a collective executive system;
>
> (b) a municipality with a collective executive system combined with a ward participatory system;
>
> (c) a municipality with a plenary executive system; and
>
> (d) a municipality with a plenary executive system combined with a ward participatory system.

In addition to the establishment of ward committees, the Msunduzi Council went a step further and recorded its intention to create what it called the Msunduzi Development Forum. It was felt that this structure should be formed to facilitate easy consultation with ward committees as a group in cases where agreements and inputs from communities were needed, for example, the process of compiling an Integrated Development Plan (IDP). It was the intention for all ward committees to be represented on the Msunduzi Development Forum which was to be seen as an umbrella body. The Msunduzi Development Forum, for whatever reasons, did not materialise. The extent to which the ward committee system enhances participation in decision-making will be covered in the following section.

In Chapter Three, the intention to research the procedures and processes involved in making by-laws and adopting the annual budget was stated. The reasons for adopting this approach are that, firstly procedures for making by-laws and adopting the budget are laid down in detail in the Systems Act and the Finance Management Act respectively (Appendices 6 and 7 refer). Secondly, the procedural requirements, which are applicable to all municipalities, will allow for meaningful comparisons to be made from the four case studies in respect of both efficiency and the extent of public participation. With regard to the making of by-laws, for the purpose of meaningful comparison, a by-law common to all municipalities was selected. According to the Systems Act all municipalities "must adopt by-laws to give effect to the municipality's credit and debt collection policy, its implementation and enforcement."[10] It is, therefore, the intention in the case of all four case studies to attempt to trace the steps followed to adopt by-laws dealing with the respective council's credit control policy.

Firstly, a paper chase was undertaken to uncover the steps followed to adopt the by-laws dealing with Council's Credit Control Policy, the outcome of which is contained in Appendix 15. The paper chase entailed tracing the path followed and steps taken from the inception to the finalisation of the said by-laws. This task took the form of an intensive search into the minutes and agendas of meetings of the Executive Committee. Secondly, an attempt was made to trace the route followed to approve the 2004/2005 budget, the outcome of which is contained in Appendix 16. In summary the budget cycle commenced in October and was finalised in May the following year, a period spanning seven months.

During the research into the making of by-laws, it became apparent that, other than tariffs, Council very rarely embodied its policies in by-laws. Coincidentally, Council has also recognised this peculiarity in its policy formulation processes and the Executive Committee, on 9 June, 2004, requested its legal advisers to comment on the need for policies adopted by Council to be embodied in by-laws. The report requested was not yet available at the time that this research was undertaken. However, the views of the Council's legal advisers on the matter were canvassed and they agreed that the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.[11] It is not compelled to legislate in any of its functional areas. However, there are statutory provisions that some decisions of the council must be captured in by-laws, for example: -

- Section 75(l) of the Systems Act provides that: -

"A municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy."

- Section 98 of the Systems Act provides that: -

"A municipal council must adopt by-laws to give effect to the municipality's credit and debt collection, its implementation and enforcement."

- Section 6(i) of the Property Rates Act provides that: -

"A municipality must adopt by-laws to give effect to the implementation and enforcement of its rates policy."

The Systems Act sets out the way in which a municipality exercises its legislative and executive authority, which includes, *inter alia*, by passing by-laws and taking decisions on any of the abovementioned matters.[12] The conclusion reached on this particular issue is that, although a municipality is not compelled to make by-laws (legislate) except where the legislation stipulates that some decisions of the council must be laid down in by-laws, there are distinct advantages gained through enacting by-laws:

Firstly, *enforcement.* Policies which are embodied in by-laws have the force of law which makes enforcement more successful. Secondly, *public participation.* The Systems Act contains detailed requirements for the involvement of the public in the by-law making process, for example, "No by-law may be passed by a municipal council unless the proposed by-law has been published for public comments."[13] Thirdly, *authority.* In recognising the importance of this function, the Constitution provides that the right to adopt by-laws is reserved for the council.[14] In other words this function may not be delegated to a committee of the council or any other political structure. Fourthly, the *statutory requirement* for Council to compile and maintain its collection of by-laws. The Systems Act, in referring to this requirement requires municipalities to compile and maintain a collection of all its by-laws[15] in bound or loose leaf form so that they are readily accessible. Where possible, the collection must be kept in electronic form. The municipality must provide, at the request of the public, a copy of an extract from its municipal code.[16] Whilst it is acknowledged that by not embodying policy decisions in by-laws is a far simpler procedure and far less protracted, the view is expressed that the Msunduzi Council should give serious consideration to exercising its legislative

powers by making by-laws on all major issues. These points are regarded as important because the process involved in making a by-law provides a framework or structure within which the adoption of policy decisions must be dealt with by the decision-making body. The process makes for public input and for the final resolution to be taken by council bearing in mind that the adoption of by-laws may not be delegated. Furthermore, because the amendment of a by-law also requires adherence to statutory provisions, the decision-making body is less likely to amend policy decisions (incorporated in by-laws) in a whimsical or arbitrary manner.

In the preceding paragraphs reference has been made to decision-making by the Executive Committee and decision-making by the Council itself. The research was extended to include decision-making at the administrative level of the municipality. The approval of building plans is a function which the Council has delegated to its Chief Building Inspector and it was this function that was selected as an example of administrative decision-making. The purpose of this research was twofold. Firstly, to determine the efficiency displayed by the administration in taking decisions under delegated authority. Secondly, to develop a comparative analysis in terms of which the efficiency demonstrated during administrative decision-making can be measured against Council and Executive decision-making. The choice of this function was further motivated by a number of other factors. The criteria and requirements for the approval of building plans are prescribed by law, namely, the National Building Regulations, which are applicable to all municipalities. The approval of building plans is required to be done efficiently and expeditiously because, in this case, "time is money" by virtue of the fact that delays in the approval plans has a direct impact on the amount of revenue raised by the municipality in respect of, for example, property rates, tariffs, charges etc. Delays in the approval of building plans are, therefore, counter-productive for both the developer and the municipality. The approval of building plans is a function which requires the co-ordination of input of a number of municipal departments, for example, road transportation, health, electricity, sewerage, drainage, fire etc.

The research into the efficiency achieved in the approval of building plans in the Msunduzi Municipality yielded the results contained in the following table: -

TABLE 11 : MSUNDUZI LOCAL MUNICIPALITY: APPROVAL OF BUILDING PLANS 1 JANUARY – 30 JUNE 2004		
MONTH	**N°**	**VALUE (R)**
JANUARY	79	18 738 027
FEBRUARY	96	31 305 437
MARCH	150	22 965 599
APRIL	91	17 856 425
MAY	119	12 443 824
JUNE	131	65 696 727
TOTAL	**666**	**169 006 039**

In discussions with the Chief Building Inspector, Msunduzi Local Municipality, it was discovered that the process of approving building plans in that Municipality was up to date and that there were no backlogs.

In summarising the findings of the research into the efficiency of the decision-making structures and processes in the Msunduzi Municipality, the following points are made: - Both advantages and disadvantages are apparent in the existing system in terms of which wide decision-making powers are vested in the Executive Committee. Firstly, with regard to the advantages, this Committee comprises ten full-time Councillors who have their offices at City Hall. This promotes easy access to Councillors and enables meetings to be convened at short notice. Secondly, the Committee is comparatively small in size which makes for greater efficiency than, for example, a body like the full Council which comprises 73 Councillors. Thirdly, although the Executive Committee is a multi-party structure, the research has shown that a high degree of consensus and synergy is evident. Fourthly, the Executive Committee generally has the support and confidence of the full Council as is borne out by the extent of the authority delegated to it. The points made seem to confirm the existence of efficient structures and processes. The questions to be addressed are, therefore, the reasons for such lengthy meetings, sometimes up to eight hours and longer in duration and what gives rise to the long lists of outstanding items? On the one hand the centralisation of the decision-making function in the Executive Committee does promote efficiency, on the other hand there are aspects which mitigate against efficiency. Firstly, it substantially increases the workload of the Executive Committee because Standing Committees are not authorised to finalise items. Secondly, the system allows duplication and overlapping to occur between the Executive Committee and Standing Committees, for example, an item dealing with a five percent increase in refuse removal tariffs involves following a protracted route through the Standing Committee, through the Executive Committee and finally through Council before the tariff can be implemented. Often the Executive Committee allows itself to be bogged down in detail which ordinarily, should, fall within the purview of the Standing Committee. To move to ward committees, it is safe to say

that, in the Msunduzi Municipality, the existence of ward committees does not impede the decision-making process because the process simply does not allow this to happen. The research has shown that no statutory provisions exist for ward committees to be consulted on the two items selected for analysis, that is, by-laws and budgets. Whether or not ward committees are consulted depends entirely on the decision of the ward councillor. As ward committees have not been properly institutionalised and as the only conduit by means of which information is conveyed to and from ward committees is through the ward councillor, co-ordination and good administration are often lacking.

The process followed in respect of the 2004/2005 Capital and Operating Budgets which commenced in the last quarter of 2003, and ended with the adoption by Council on 13 May 2004 met deadlines and complied with provisions of the Municipal Finance Management Act. On this basis the process is deemed to be efficient. This, however, cannot be said of the process followed in respect of the Credit Control By-laws. The process commenced in October 2001 and the by-laws were finally approved on 13 May 2004. The process not only followed a protracted route but also appears to be inordinately lengthy and time consuming.

Finally, decision-making at the administrative level in respect of the approval of building plans, under delegated authority, showed itself to be efficient. This statement is made against the background of, firstly, there were no backlogs, and, secondly, a total of 666 decisions were recorded during the period 1 January-30 June 2004. The Executive Committee recorded a total number of 501 decisions for the same period and accrued a significant backlog of matters requiring decisions.

3.2 Democracy

In dealing with democracy, the distinction will be made between "internal" democracy, that is, democracy within the council and "external" democracy in the sense of public participation in decision-making. The four democratic criteria identified in Chapter One, namely *Inclusivity*, *Transparency*, *Accountability* and *Participation* were used as the basis for this research. Therefore, to begin with the focus was on whether efforts have been made to involve all Councillors in decision-making. At the outset it is appropriate to refer to the steps taken to appoint every Councillor to serve on at least one committee as shown in the following table: -

TABLE 12 : MSUNDUZI LOCAL MUNICIPALITY : COMPOSITION OF COMMITTEES	
	N°
Chairperson of Council Meetings : The Speaker	1
Membership of the Executive Committee (inclusive of the Mayor and Deputy Mayor)	10
Membership of the Economic Development and Planning Committee	17
Membership of the Technical and Engineering Services Committee	18
Membership of the Housing and Community Services Committee	16
Membership of the Human Resources Committee	11
TOTAL	** 73

**The following points pertinent to the membership of standing committees are noteworthy: -

(1) members of the Executive Committee have also been appointed to serve on standing committees

(2) meetings of standing committees are chaired by members of the Executive Committee, as follows:

Human Resources Committee – Councillor Z Hlatswayo

Economic Development & Planning Committee – Councillor O Ganie

Technical & Engineering Services Committee – Councillor FXM Grantham

Housing & Community Services Committee – Councillor TA Zungu

(3) the Mayor and Deputy Mayor are *ex-officio* members of all standing committees

Even though Standing Committees do not possess any powers to take binding decisions and may only forward recommendations to the Executive Committee, the decision taken to appoint all Councillors to one or more of the decision-making structures must be recognised as a noteworthy step towards promoting inclusivity amongst councillors and, therefore, towards democracy within the Council. In addition, as referred to in the preceding section, the *de jure* position is that Standing Committees do not have powers to adopt final decisions. However, the *de facto* position is that almost all of the recommendations submitted to the Executive Committee from the Standing Committees are adopted as resolutions. Meetings of the Executive Committee are conducted on an open basis in terms of which Councillors, other than Executive Committee members, are entitled to be present, may participate in discussions, but may not vote. Reference is also made to further opportunities for Councillors to be involved in decision-making by virtue of their right and obligation to attend the monthly meetings of the full Council and to be part of the decisions in

respect of those items reserved for Council, the passing of by-laws, the approval of budgets, the imposition of rates and other taxes, levies and duties and the raising of loans.

As pointed out in Chapter Two, the Constitution introduces a new system of local government, new structures, new principles and new ideas. Not only do the new requirements mean changing the structure of municipalities, but they also aim at changing the culture within these organisations. The changes mean that the way people think about the municipality has to change. For example, to what extent has the Council moved towards the situation where it takes decisions with communities rather than for them? Therefore, to shift the focus to transparency and public participation in decision-making with regard to the Msunduzi Municipality, the research focused on the manifestation of transparency and public participation at meetings; through ward committees; in the making of by-laws and in adopting the budget.

Capacity building and communication were also included in the research. To begin with the Msunduzi Council has adopted a policy to allow public participation at meetings of its committees. The essence of this policy is to accommodate members of the public and the media at meetings. Members of the public are entitled to address the committee on any item which appears on the agenda for a maximum of three minutes, or for such period as the chairperson may allow. The policy binds the committee to take into account the views expressed by members of the public. This policy is in keeping with the Constitution which requires municipal councils to conduct their business in an open and transparent manner, and to close its sittings and those of its committees, only when it is reasonable to do so, having regard to the nature of the business under discussion. [17]

Accordingly, with few exceptions, meetings of the Msunduzi Council and of its committees are open to the media and the public, with due cognisance being given to the statutory requirement which prohibits councils from excluding the public and media when dealing with certain items (for example, the by-laws and the budget). Whilst acknowledging the attempts made by the Msunduzi Municipal Council to promote transparency and public participation at meetings of Council and its committees, it is important to draw attention to the fact that the research failed to trace any attempt to engage the public when compiling the public participation policy. The Council has also not given any indication of its intention to make by-laws incorporating, *inter alia*, its public participation policy (which would have required the involvement of the public as required by the Systems Act). It should be pointed out that this policy was adopted several years before the enactment of the Systems Act which regulates public participation in the matters of local

government and, perhaps, this accounts for the absence of public participation in the adoption of this policy. Nevertheless, the bold step taken by the Council, at that time, in pioneering the participation by the public at meetings of committees is, in some small way, diluted, in that the steps leading up to the adoption of the policy, did not include public participation. This statement is particularly pertinent given the nature of the policy, namely "Public participation at meetings."

One of the primary means of involving the public in municipal decision-making is through ward committees. As indicated previously, ward committees were established in 2001, by the Msunduzi Council. However, although ward committees were established, the research undertaken has highlighted the fact that attempts at operationalising the committees have, in many cases, not been successful. Respondents were unanimous in expressing the view that apart from a small number which were operating, in the main ward committees had failed. Furthermore the ward committee system has not been fully institutionalised into the formal decision-making process within the municipality. Although administrative arrangements have been made to indicate the respective ward and ward councillor's name on every report submitted to the Executive and Standing Committees, input by the ward committee is far too often absent. An analysis of in excess of sixty items considered recently by the Executive Committee failed to trace any direct input from ward committees. One of the requirements necessary to operationalise ward committees is to build capacity amongst ward committee members. In recognising this need, the Msunduzi Council invited proposals to provide a capacity building programme. An estimated amount of R800 000 was required for which an external funding source had been identified. However, the funds did not materialise and the capacity building programme was shelved. In conducting further research into funding for capacity building of ward committee members, information was obtained which identified the Development Bank of South Africa (DBSA) as the funding source. In spite of attempts having been made, it was not possible to establish the reason for shelving this initiative.

In dealing with the establishment and structure of ward committees, some respondents made the point that although this initiative is an attempt to involve communities, certain obstacles exist. A respondent pointed out that "One of the main obstacles is the requirement that the ward councillor shall be the chairperson. The criticism of this requirement is based on the fact that the ward councillor is a member of a political party." Although the intention is that the ward committees should not be politically exploited, instances of exploitation are frequent. For example, in most instances, ward councillors are far more familiar with municipal issues and procedures, through being exposed to these at meetings and through interaction with officials, than the rank and file of ward committee members. This places the ward councillor at an advantage where he/she is able to

manipulate the committees for political purposes. Attention is also drawn to the alleged preferences given to certain civic organisations aligned to a political party. The view has also been expressed that the structure of the ward committee is too narrow and does not allow for a wide range of civic organisations to be represented. In a nutshell, these respondents maintain that ward committees are too party oriented. One suggestion made is for the ward councillor to serve, not as chairperson, but in an *ex officio* capacity without voting rights. The present system which allows the ward councillor to chair meetings of the ward committee with a deliberative and a casting vote is often seen as an obstruction.

The next point of criticism is that unless ward committees are institutionalised and are able to input directly into the decision-making process, they will remain an end in themselves only. At present the only conduit for referral of items to and from the ward committee is through the ward councillor. Therefore, the chances of the committee, firstly being aware of what is being considered and, secondly, being able to make a contribution is in the hands of the ward councillor. Closely connected to these criticisms is a view which draws attention to the disservice rendered to communities by Council's failure to operationalise the Msunduzi Development Forum as referred to earlier. It was not possible to identify the reasons for not operationalising the Msunduzi Development Forum. It did, however, reveal that the KwaZulu-Natal Provincial Administration had agreed to allocate an initial amount of R50 000 and a further R250 000 towards on-going expenses.

It was necessary to determine the involvement, if any, which ward committees have in, firstly, the making of by-laws and, secondly, the compilation and approval of the annual budget. In dealing with the making of by-laws and the requirements therefor, the Systems Act contains detailed provisions which require municipal councils "to publish by-laws in the Provincial Gazette, and when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community."[18] These provisions do not go so far as specifically requiring municipal councils to refer by-laws to ward committees. Of course, the enabling legislation, while not specific, requires councils to bring the contents of the by-law to the attention of the community. The research has shown that the Msunduzi Council has not included the referral of by-laws to ward committees as part of its procedures. The research has also shown that while this requirement is absent from the procedures, the referral of by-laws to ward committees has been left to the discretion of the chairpersons of ward committees. A possible reason for this is the statutory requirement for a closing date to be included in the press notice by which comments are to be submitted. Given the fact that there are 37 ward committees, which meet, at best, once per

month, the anticipated delay in obtaining their input may be seen as unacceptable. As mentioned in Chapter Two, very often delays in finalising by-laws have financial implications (for example, the imposition of new tariffs). However, at a meeting of the ward committee for Ward 33, held on 5 October, 2004 the chairperson provided details of the Council's debt collection and indigent policies. Although this served the purpose of informing the ward committee of the said policy, and, in so doing, also met the requirements of accountability, it was too late to make input by virtue of the fact that the Council had already adopted resolutions on these matters on 27 September, 2004.

In considering the requirements for consulting with the community, particularly in respect of the making of by-laws, reference must be made to the relevant statutory provisions.[19] Once these requirements have been identified, the intention is to determine whether or not Msunduzi is ensuring statutory compliance. The Systems Act requires municipalities to publish a by-law in a manner that allows the public an opportunity to make representations. The Act provides that where feasible the by-law is to be published in a local newspaper, or in any other practical way to bring the contents of the by-law to the attention of the local community.[20] The legislation therefore affords councils the opportunity to make rules on how notice of the by-laws is given to the public, for example, whether it is by way of posters or through the media. The Msunduzi Municipality has a policy of publishing in the local newspaper its intention to adopt a by-law. The notice of the by-law must indicate the due date and to whom comments or representations may be submitted. The opportunity to comment must be open to all residents. It must make special provision for people who cannot write. The notice must include an invitation to persons who cannot write to go to an office where a municipal staff member will assist that person to write down comments and representations.[21]

To turn now to the Msunduzi Municipality and how it measures up to meeting these requirements. The attached notice (Appendix 17) has been randomly selected and is entitled "Public comment on proposed by-laws: Advertising Signs." The notice appeared in the Witness, Pietermaritzburg on 27 May, 2004 and the closing date for comments was stated as 17 June, 2004. The notice indicates the office at which the draft by-laws may be inspected and also accommodates persons who require assistance. It would seem that the statutory requirements have been met. There is, however, a noteworthy requirement, and that Section 160(4) of the Constitution requires municipalities to publish the draft by-law,[22] not merely to refer to a notice drawing attention to the council's intention to adopt a by-law. In a sense, the Msunduzi Municipality, strictly speaking, has not complied with this provision. However, the wording under this section must be questioned. Surely municipalities are not expected to publish the entire draft by-law? The cost of doing so would be prohibitive.

Returning to the public participation on this particular initiative, the press notice referred to above was followed by a public hearing which was attended by 50 to 60 persons. The attempts made at promoting public interest in the advertising signs by-laws may be regarded as relatively successful, in that written comments from seven different sources were received.

The compilation and approval of the annual budget was the second area which was researched and focused on the participation of ward committees and other attempts made to promote public participation. It is necessary to draw attention to the recent enactment earlier of new financial legislation for municipalities in the form of the Local Government Municipal Finance Management Act[23] which contains detailed requirements in respect of public participation during the budget process. The Act provides, *inter alia*, that immediately after an annual budget is tabled in a municipal council, the municipal manager must make public the annual budget and invite the local community to submit representations in connection with the budget. It also provides that the municipal council must consider any views of the local community. Municipalities are also required to conduct their public participation programme for the annual budget in accordance with the provisions of the Municipal Systems Act.[24]

With the foregoing in mind, public participation for the 2003/2004 and 2004/2005 budgets was researched. In the build up to the finalisation of the 2003/2004 Capital and Operating Budget, the council purchased one tabloid size colour page in the local newspaper (as per copy contained in Appendix 18). The purpose of doing this was to draw attention to the highlights of the budget as contained in the Mayor's budget speech, pie charts, projections etc. This information was published in the local press on Monday, 2 June, 2003 and was followed up by a public meeting on Saturday, 7 June. It is noteworthy that the meeting was very poorly attended by the public, in that the only outside representatives were from the Pietermaritzburg Chamber of Business and the Society for the Prevention of Cruelty to Animals (SPCA).

During the build up to the finalisation of the budget for 2004/2005, a new approach to promote public participation was adopted in terms of which a roadshow was arranged. The Mayor, Councillors and Officials attended public meetings in Edendale, Vulindlela, Northdale, City Centre and Imbali. Although attendances were much higher than the previous year, it has been acknowledged by all concerned that there is much scope for improvement in promoting a greater public involvement in budgetary matters. The Chamber of Business has stressed the need to be consulted earlier in the budget process, if it is to provide any meaningful input and has also

appealed to be recognised as a major stakeholder in the finances of the city. Public participation did influence Council's decision during the 2004/2005 budget deliberations which resulted in a reduced rates increase, but a higher increase in the electricity tariff. The following extract from the minutes of a special meeting of the Executive Committee held on 11 May, 2004 refers:-

> The widespread request for a decrease in the rates for 2004/2005 arising from the public participation process was considered and it was agreed that the rates increase be decreased by 1% to 8% and that, in order to balance the budget, the electricity tariffs be increased by an additional 1% over the increases initially proposed.

As indicated when the making of by-laws was receiving attention earlier, the requirement to refer the budget to ward committees is absent from the legislation. The view expressed by respondents is that in future years, early planning and the engagement of ward committees in the budget process may achieve success in promoting a greater public interest in the budget.

The research also focussed on other attempts made by the Council in involving the public in decision-making. One example is the initiative which later became known as the Shosholoza Tours. These tours entailed visits early in 2003 by a team of Councillors and Officials to all 37 wards and were aimed at engaging the community, promoting community interest in municipal decision-making, re-instating the community's confidence in Council's ability to deliver, focussing on the needs identified by communities, expediting the delivery of services, creating employment opportunities and eradicating poverty. First hand information on the needs of communities was obtained as contained in lists of urgent projects submitted by ward committees. A consolidated list of projects was compiled and submitted to the Council for consideration. The list contained requests ranging from traffic calming measures to the purchase of heaters for a crèche (copy of a page randomly selected is attached as Appendix 19). These requests prompted a positive response from the Council and an amount of R9, 250, 000 (37 wards x R250, 000 per ward) was allocated for ward projects. The spending of the R250, 000 per ward was left up to the ward committees acting in consultation with communities. A records search identified that the most recent report submitted to the Executive Committee was dated 4 April, 2004 and reflected a total expenditure of R438 847.00, at that stage.

The research also covered questions of capacity building and communication. Broadly speaking, it focused on the Constitutional provision which requires municipalities to encourage the involvement of communities and community organisations in the matters of local government.[25] Three areas were identified, namely, capacity building for councillors; for ward committee members and for municipal staff. The responses received pointed overwhelmingly to a general lack of capacity in the first two areas. (Many of the respondents, particularly Councillors, indicated that they were not in a position to comment on capacity building for staff).

To begin with, very little was done to orientate the newly elected Councillors when they took office in December 2000. The research did show that presentations on the new municipal legislation were given to Councillors. They were furnished with a copy of the Code of Conduct for Councillors and a publication by Makhosi Khosa entitled "Being yourself, representing others, A Guide for Local Government Councillors in South Africa." The respondents indicated that this was insufficient and expressed the view that Councillors in the pre-interim and interim phases received far more training in local governance than the current crop. With only one year remaining in their five year term of office, many Councillors were still not equipped to meet the demands of holding public office. The responses in respect of capacity building for members of ward committees were even more negative. The view expressed was that ward committees had not been developed to the point that their views influenced municipal decision-making. Until such time as members received appropriate training, this was unlikely to happen. There was, however, a view expressed by one Ward Councillor that capacity building for his ward committee was unnecessary as there was already considerable expertise in local government within the ranks of the members. Reference has already been made that the need for building capacity in ward committees was recognised by the Council. However, the outside funding did not materialise and the training proposals never brought to fruition. Some optimism was expressed by a small number of respondents who felt that the training necessary for ward councillors would be part and parcel of the initiative to establish Citizen's Centres at various locations in the city. The principles of Batho Pele (which is the Government's policy on improving service delivery in all spheres of governance) and the proposed functions of the Citizen's Centres as identified, in a report dated 15 May, 2001 by the City Planner, were used as a basis for this concept. In brief these functions aimed at promoting greater communication with communities, capacity building, recording of complaints and the planning of service delivery.

As indicated previously, most of the respondents were at a loss when it came to capacity building for municipal employees but a small number drew attention to the following aspects. Firstly, it was

necessary to change the organisational culture of the municipality. The new organisational culture is founded on the philosophy of Competency-based Performance Management (CPM), the central focus of which is customer satisfaction. CPM is seen as a means of improving work processes and operations to meet customer demands. According to the philosophy behind CPM (as contained in their workshop task manual) the four internationally acknowledged benchmarks for best practices, namely, customer perspectives, the financial perspective, the internal business perspective and the learning and growth perspectives have been adopted as their code of practice. These benchmarks are being used as the cornerstones for structural and cultural change in the organisation. Secondly, a comprehensive training programme for staff has been developed. The training programme is based on a holistic view to add value and increase efficiency in service delivery.

The research also sought to establish the steps taken to set up a communications system between the Council and its residents. In keeping with the Constitutional requirements of inclusivity, transparency, accountability and community involvement, the Systems Act makes it compulsory for councils to communicate with its residents. Instances which require formal notification to be given to the public include:-

- Notice to be given of the time, date and venue of council meetings (both ordinary and special meetings).
- Notice advising the public of meetings at which the Auditor General's Annual Budget is to be discussed.
- Publication of by-laws before enactment.
- Notice of meeting to discuss IDP process plan.
- Notice of the adoption of the IDP.
- Reporting to the public on the Performance Management System.
- Communicating council's key performance indicators and performance targets to the public.

- Publishing of sections of the Code of Conduct for staff members that affect the local community.

- Notice of the salaries and benefits applicable to the post of municipal manager and every manager directly accountable to the municipal manager.

These are statutory requirements and the research has shown that these matters have been well attended to. However, communication with the residents of the City should entail far more than the publication of official notices in the local newspaper, if council is to meet the requirement of communicating effectively with residents. Without exception, respondents indicated that the Council was woefully lacking in its endeavours to engage the community through communication. The view expressed by a respondent from the media was that public participation was a non-event because there was no free flow of information from the Council to the media. The current situation served to bear out these views as Council was seen to be on the defensive amidst allegations of inefficiencies, corruption, nepotism etc. and offered nothing to counteract such allegations.

Some of the other criticisms which were expressed during interviews included:

- Failure to convene regular press conferences ("This demonstrates a complete lack of knowledge on how to play the media game" was a comment made during an interview).

- Debates on major issues being conducted at caucus meetings behind closed doors.

- The perceived existence of a hostile atmosphere between the local newspaper (The Witness) and the Council ("points at a complete breakdown in the relationship").

- The absence of any vigorous municipal reporting ("It is noticeable that Council does nothing to initiate anything with the media. You would expect personal relationships to develop between political office bearers and journalists").

- The apparent non-existence of any strategy to work with the media.

- Reluctance of officials to make information available to the press ("Previously there were always officials prepared to speak....").

- The suggestion that there is no evidence of Council doing anything to make it easier for the public to access information e.g. a one stop shop help line.

- Lethargy on the part of ward councillors to make information available to the press ("other than to serve personal interests").

- Failure to make better use of the local radio station.

On a positive note the decision of Council to launch an official newsletter of the Msunduzi Municipality was greeted with enthusiasm by some respondents. The first edition of Umphithi was published in September, 2004 and promises to be a monthly publication. With the demise of this newsletter's predecessor, the Capital Vibe, still fresh in the minds of respondents, reservations were expressed regarding the sustainability of the new initiative.

In sum, there are clear indications that the organisational culture of the municipality has changed since 1994. Although the Council still operates in accordance with a representative type of local government, the shift towards a participative type has started. The Council has shown that it is willing to embrace the new system of local governance. However, its media relations, communications, capacity building for all role players and its system of delegations to decision-making structures other than the Executive Committee need to be addressed. Special mention must be made to the need to take steps to operationalise and institutionalise ward committees if they are going to exert any influence on the formal decision-making system.

4. CONCLUSION

Since 1994, local government in South Africa has faced the most drastic changes of the three spheres of government. For the first time local government is a partner in the governing of the country. Amidst the transformation of local government and all that it entails, this study focuses on the tension between democracy and efficiency. It probes the suggestion of a possible flaw in the institutional design of the new system. Is the Msunduzi Municipality able to accommodate the requirements of efficiency and democracy or will one be compromised to achieve the other?

The Msunduzi City Council has reserved very few decision-making functions for itself. In fact, it has delegated every function it possibly can. Only those which the law stipulates may not be delegated have been reserved for Council. This means that the Executive Committee enjoys wide decision-making powers. Furthermore, the delegations to Standing Committees have been withdrawn and these functions, too, are exercised by the Executive Committee. A combination of the two has created a highly centralised, all powerful, Executive Committee.

The Standing Committees, having been stripped of their decision-making powers have been reduced to advisory committees in the sense that they submit recommendations to the Executive Committee. An argument in favour of this process of a two level structure can be made against the background of the requirements of democracy. Bearing in mind that every single Councillor serves on at least one of the structures (Executive or Standing Committees), the opportunity is afforded to make input into the decision-making process. Although this process is cumbersome and time consuming, the view is expressed that the input made by Standing Committees adds value to the decisions taken. Setting aside the democratic qualities of this system, the Executive Committee also receives the benefit of recommendations which have been debated by specialised committees, for example Planning items by the Economic Development and Planning Committee; human resource matters by the Human Resources Committee, etc.

The counter argument is that efficiency in decision-making will be enhanced if Standing Committees are reinstated with delegated authority to take final decisions which fall within their terms of reference. This argument is in line with statutory provisions which promote the introduction of a system of delegations to promote administrative and operational efficiencies. There will be an opportunity for Council to review its present decision-making structure when it considers the proposals on the realignment of committees.

Democracy, as operationalised by the requirements of *Inclusivity, Transparency, Accountability* and *Participation* in decision-making in the Msunduzi Municipality, was the focus of considerable research. Although criticisms in certain instances are probably justified, in the words of one of the respondents: "The Msunduzi Municipality can claim to be one of the first municipalities, not simply to open all committee meetings, but to also allow members of the public the right to speak." Furthermore even though its initiative to establish ward committees has only achieved moderate success and its communication strategy and capacity building attempts lacking, a number of

positive aspects have emerged, namely, the Shosholoza Tours; the publication of the budget in 2003; the roadshows to promote public involvement in the budget in 2004; the launch of a new newsletter and the pioneering initiative taken around allowing public participation at meetings.

In conclusion, the Msunduzi Council has not yet been able to promote a more active local democracy in terms of which a shift from a representative type of local government to a participative type of local governance has been achieved. However, to some degree efficiency in decision-making has been sacrificed to allow for greater inclusivity, transparency, accountability and public participation in the decision-making process.

REFERENCES

1. KwaZulu-Natal: *Determination of Types of Municipality Act*, 2000, (Act 7 of 2000), Pretoria, Government Printer, 2000.
2. *Act 117 of 1998,* Section 42.
3. *Act 108 of 1996*, Section 160 (2).
4. *Act 117 of 1998*, Sections 79 and 80.
5. *Act 32 of 2000*, Section 53.
6. *Act 108 of 1996*, Section 160(2).
7. *Act 117 of 1998*, Section 44 (4).
8. *Act 32 of 2000*, Section 59 (1).
9. *Act 108 of 1996*, Section 152 (1) (e).
10. *Act 32 of 2000*, Section 98.
11. *Ibid*, Section 11.
12. *Ibid.*
13. *Ibid,* Section 12 (3) (b)
14. *Act 108 of 1996*, Section 160 2 (a)
15. *Act 32 of 2000*, Section 15 (1).
16. *Ibid*, Section 15 (3).
17. *Act 108 of 1996*, Section 160 (7).
18. *Act 32 of 2000,* Section 13.
19. Ibid, Section 12.
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. Republic of South Africa*: Local Government Municipal Finance Management Act*, 2003, (Act 56 of 2003), Pretoria, Government Printer, 2003.
24. *Act 32 of 2000*, Chapter 4.
25. *Act 108 of 1996*, Section 152 (1) (e).

CHAPTER FIVE

THE BUFFALO CITY LOCAL MUNICIPALITY.

INTRODUCTION.

The Buffalo City Local Municipality, located in East London, is the second case in this study. The redemarcation of municipalities resulted in a significant increase in both the geographic area and population for the new municipalities. In the case of East London and the surrounding areas, the 2000 Local Government elections ushered in a new municipality, that being the Buffalo City Local Municipality. The municipalities that were previously in existence in this area were disestablished and the Buffalo City Local Municipality has incorporated the erstwhile municipalities of East London, Beacon Bay, Gonubie, Kidds Beach, Berlin and King Williams Town.

Like Msunduzi the Buffalo City Municipality is a Category B municipality, but it differs from Msunduzi in the type of executive authority in operation. As prescribed in the Section 12 Notice which established the Municipality, Msunduzi has a collective executive committee system. The Buffalo City Local Municipality, on the other hand, has an executive mayor-in-mayoral committee system in operation. This is the main structural difference between the two cases as both municipalities have introduced a system of ward committees. It is also noteworthy that both municipalities have been recognised as aspirant Metropolitan Municipalities by the Demarcation Board.[1] Thus the contrast between Msunduzi and Buffalo isolates the executive structure as the sole structural variable, promising insight into its significance for efficiency, democracy and the relationship between them.

The research will focus on the decision-making model in operation in the Buffalo City Local Municipality but more specifically on the executive mayor-in-mayoral committee model. Is this model more efficient than the executive committee? Does it allow for greater internal democracy by way of councillors' participation in decision-making? Does this model promote greater external democracy in decision-making by way of community participation? What are the attitudes of the main role players towards achieving the Constitutional objective of "encouraging the involvement of community organisations in the matters of local government."[2]

1. APPLICATION OF THE RESEARCH METHODOLOGY.

The methodology employed to research decision-making in Msunduzi was also put to use in respect of the second case study, the Buffalo City Local Municipality. However, the logistics involved in undertaking research six hundred kilometres from home called for tighter time frames than the eleven weeks set aside for the Msunduzi Municipality. Preparation, access and review of documents was scheduled for the week ended 14 November 2004 and a two week period commencing 15 November 2004 was allocated for a visit to East London for the purpose of carrying out further research.

Using the same categories that were identified during the documents review for Msunduzi, namely, establishment of the municipality, committees, public participation, procedures, budgets and by-laws, the required documents were sourced from the East London Library, the archives of the local newspaper, namely, the Daily Dispatch and the Municipal Records Department. The accessing of data through the review of documents, whilst being time consuming, is unobtrusive and provided important base information on which to conduct further research. A list of the 32 documents reviewed is attached (Appendix 20) whilst the breakdown into categories is shown in the table that follows.

TABLE 13 : BUFFALO CITY LOCAL MUNICIPALITY: REVIEW OF DOCUMENTS	
TYPE	**N°**
1. Establishment of the Municipality	8
2. Committees	9
3. Public Participation	7
4. Procedures	1
5. Budgets	6
6. By Laws	1
TOTAL	32

For the following reasons it was not possible to attend any meetings of the decision-making structures as an observer. Firstly, the Mayoral Committee which meets on a fortnightly basis conducts its activities behind closed doors. In other words, meetings of the Mayoral Committee are closed to the public and the media. Further comments on this issue will be made under the heading "Democracy." Secondly, in accordance with the long standing practice in East London, the Council meetings are held on the last Tuesday of every month. The meeting for November 2004 was

accordingly held on the thirtieth, a date which unfortunately fell outside of the scheduled visit to Buffalo City for research purposes.

In accordance with the procedure adopted for the Msunduzi case study, a number of elite interviews or key informants were identified from within the ranks of the elected representatives (councillors); the administration (officials); the community and civil society. A total of sixteen interviews were conducted, details of which are contained in Appendix 21 whilst a summary of the breakdown into the categories identified has been included in the following table.

TABLE 14: BUFFALO CITY LOCAL MUNICIPALITY: FOCUS INTERVIEWS	
CATEGORIES OF RESPONDENTS	**N°**
COUNCILLORS	7
OFFICIALS	4
OUTSIDE ORGANISATIONS/PERSONS	5
TOTAL	16

Analysis of the data captured was done on the same basis as applicable to the Msunduzi Municipality, namely, efficiency and democracy but I begin with a brief orientation of the establishment, extent, structure and composition of the Buffalo City Local Municipality.

2. ORIENTATION

In terms of Notice N° 651 dated 19 September 2000, published in the Provincial Gazette of the Province of the Eastern Cape by the member of the Executive Council responsible for Local Government, a district municipality known as Amatole was established. A demarcation map showing the extent and boundaries of the district municipality is attached (Appendix 22). Within the district municipality are eight local municipalities. Including the Buffalo City Local Municipality these are:

Mbhashe Local Municipality
Mnquma Local Municipality
Great Kei Local Municipality
Amahlati Local Municipality
Buffalo City Local Municipality

Ngqushwa Local Municipality
Nkonkoke Local Municipality
Nxuba Local Municipality

The Buffalo City Local Municipality was also established in terms of Notice N° 651 dated 19 September 2000 and a map showing the boundaries of this Municipality is attached (Appendix 23). The notice specified that the local municipality is a Category B Municipality as determined by the Demarcation Board and of a type as described in Section 3(b) of the Determination of types of Municipality Act 5/200 (E.C). The type referred to under Section 3 (b) is a municipality with a mayoral executive system combined with a ward participatory system. Provision is also made in the notice for 44 proportionally elected councillors and 45 ward councillors, a total of 89. The establishment of the district municipality and local municipality as referred to above took effect after the first election of the councils for these municipalities in December 2000.

The focus of the research now turned to determining what decision-making structures were in operation. The Buffalo City Municipal Council has elected from amongst its members, an Executive Mayor and a Deputy Executive Mayor. The Structures Act contains specific provisions in respect of the composition, delegations and dismissal of members of the Mayoral Committee.[3] There are two particularly noteworthy provisions. Firstly, it is a statutory requirement that a mayoral committee is appointed to assist the executive mayor. Secondly as noted in Chapter One the mayor may confine the selection of councillors to serve on the mayoral committee to members of his/her party only, thereby excluding all other parties. This is precisely what has occurred in Buffalo. The Mayoral Committee comprises the Mayor, Deputy Mayor and the nine portfolio councillors as shown in Table 15. All members of the Mayoral Committee are drawn from the leading political party in council, that is, the African National Congress.

Section 56 of the Structures Act contains the following provisions with regard to the functions and powers of executive mayors: -

(1) An executive mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.

(2) The executive mayor must –

(a) identify the needs of the municipality:

(b) review and evaluate those needs in order of priority:

(c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans: and

(d) recommend or determine the best way, including partnerships and /or other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The executive mayor in performing the duties of office, must –

(a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in the subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general:

(b) evaluate progress against the key performance indicators ;

(c) review the performance of the municipality in order to improve-

(i) the economy, efficiency and effectiveness of the municipality;

(ii) the efficiency of credit control and revenue and debt collection services

and

(iii) the implementation of the municipality's by-laws;

(d) monitor the management of the municipality's administration in accordance with the directions of municipal council;

(e) oversee the provision of services to communities in the municipality in a sustainable manner;

(f) perform such duties and exercise such powers as the council may delegate to the executive mayor in terms of section 32:

(g) annually report on the involvement of communities and community organisations in the affairs of the municipality: and

(h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

(4) An executive mayor must perform a ceremonial role as the municipal council may determine.

(5) An executive mayor must report to the municipal council on all decisions taken by the executive mayor.

(6) The deputy executive mayor of a municipality exercises the powers and performs the duties of the executive mayor if the executive mayor is absent or not available or if the office of the executive mayor is vacant.

TABLE 15: BUFFALO CITY LOCAL MUNICIPALITY: MAYORAL COMMITTEE		
POSITION	**INCUMBENT**	**FUNCTION/PORTFOLIO**
Mayor	Councillor S Maclean	Chairperson
Deputy Mayor	Vacant	
Mayoral Committee Member	Alderman J H Badenhorst	Finance Portfolio
Mayoral Committee Member	Councillor S R Dikimolo	Engineering Services and Infrastructure Portfolio
Mayoral Committee Member	Councillor S Gamba	Special Projects Portfolio
Mayoral Committee Member	Councillor F W Mbovane	Social Services Portfolio
Mayoral Committee Member	Councillor L Mosana	IDP, Budget Policy and Performance Management Portfolio
Mayoral Committee Member	Councillor D Matika	Corporate Services Portfolio
Mayoral Committee Member	Councillor L Simon	Sustainable Development and Integrated Environmental Management
Mayoral Committee Member	Councillor S Tyilo	Development Planning Portfolio
Mayoral Committee Member	Councillor A Whittles	Economic Development and Tourism Portfolio

3. RESEARCH FINDINGS

3.1 Efficiency

The Buffalo City Council has, as in the case of Msunduzi, adopted a resolution which delegates to the Executive Mayor-in-Mayoral Committee authority to exercise any of the powers duties and functions of the Council except those which are expressly reserved for the Council itself. The Executive Mayor-in-Mayoral Committee, by virtue of its wide powers, is recognised as the Council's primary decision-making body. In addition the Council has in operation a number of other committees, classified into Operational Standing Committees and Strategic Standing Committees. The Executive Mayor has appointed a chairperson for each committee from the Mayoral Committee as follows: -

TABLE 16: BUFFALO CITY LOCAL MUNICIPALITY : OPERATIONAL STANDING COMMITTEES

	NAME OF COMMITTEE	CHAIRPERSON
1	Corporate Services Standing Committee	Councillor D Matika
2	Development Planning Standing Committee	Councillor S Tyilo
3	Engineering Services and Infrastructure Development Standing Committee	Councillor D Miolo
4	Finance Standing Committee	Alderman J H Badenhorst
5	Social Services Standing Committee	Councillor F W Mbovane

TABLE 17: BUFFALO CITY LOCAL MUNICIPALITY STRATEGIC STANDING COMMITTEES

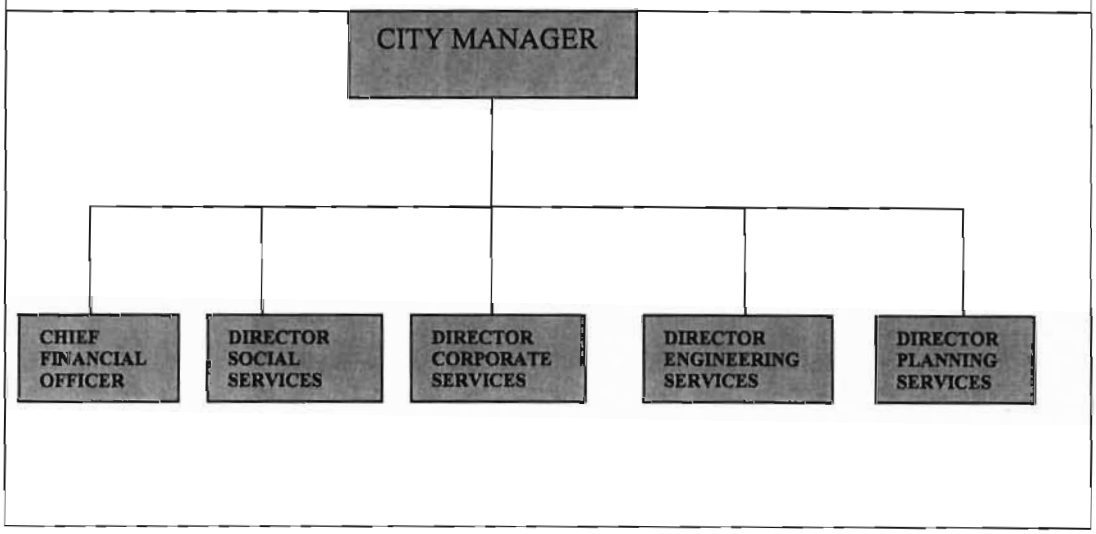
	NAME OF COMMITTEE	CHAIRPERSON
1	IDP, Budget and Performance Management Committee	Councillor L Mosana
2	Special Programmes Committee	Councillor S Gamba
3	Economic Development and Tourism Committee	Councillor A Whittles
4	Sustainable Development and Integrated Environmental Management Committee	Councillor L Simon

Some comments on the committee systems in operation in Msunduzi and Buffalo City are appropriate at this stage. Prior to 1994, the erstwhile East London Municipality operated what was known as an Action Committee. The Action Committee consisted of all Councillors. In other

words it was the full Council functioning under a different name. The Action Committee was divided into a number of portfolios, for example, Finance, Housing, Electricity, Public Works, Parks etc. Councillors were appointed to serve on one or more portfolios. Each portfolio elected a portfolio leader whose role it was to lead discussions on items falling into his or her portfolio during debates at meetings of the Action Committee. This Committee, although cumbersome, nevertheless had the advantage of involving all Councillors in decision-making. Whilst the Buffalo City Committee system underwent a dramatic change, the same cannot be said of Msunduzi. The Pietermaritzburg Municipality for decades operated a multiple committee system. This involved having several committees in operation overseeing specific functions, for example Electricity, Parks, Recreation, Health etc. In the 1980's, the management or executive committee system came to the fore. While the other committees continued to exist, the management or executive committee was regarded as the Council's primary decision-making body. This committee system has remained largely intact but operates in accordance with new systems and principles as embodied in the new municipal legislation. As indicated in Chapter Four, the Msunduzi Municipality has announced that it intends realigning the committee system to match the new administrative structure.

As happened in the Msunduzi Municipality, the transformation process which took place in the Buffalo City Municipality also included reorganising the administration. The current administrative structure is shown in Table 18.

TABLE 18: BUFFALO CITY LOCAL MUNICIPALITY: ADMINISTRATIVE STRUCTURE



In the light of the drastic changes brought about by the new system of local government which included new principles, new structures, new boundaries, new municipalities with increased duties, it became imperative that the administrative structures would also have to change. For example, the

growing view that cities must be seen not only as service delivery agents but rather as dynamic areas for economic, social and cultural development required a rethink with regard to the organisational structure of municipal administrations. In Msunduzi and Buffalo City, the redesign and implementation of what is known as the Macro Structure has been completed. This task involved the re-grouping of functions (previously under departments) under newly created Strategic Business Units in Msunduzi and under Directorates in Buffalo City. In determining the new structures, new functions such as the promotion of economic development, the promotion of social equity, performance management, the principles of Batho Pele, etc, all had to be accommodated. Above all, municipalities are required to restructure their administrations to give effect to the Constitutional requirement contained in Section 153 (a) which states that "a municipality must structure and manage its administration and budgeting and planning process to give priority to the basic needs of the community, and to promote the social and economic development of the community."[4]

It is noteworthy that on 10 December 2002 the Buffalo City Municipality's Mayoral Committee approved the realignment of the political and administrative structures resulting in the establishment of a committee system as shown in Tables (16) and (17). Furthermore, as envisaged in the notice which established the Municipality, the Council on 13 February, 2001 approved the establishment of ward committees.

Having identified the decision-making structures in place within the Buffalo City Municipality, the research then probed the procedures in operation and sought to identify indicators that would assist in assessing the efficiency of the process. In addressing the role of the Standing Committees, attention was given to their powers and functions with particular reference to the question of delegated authority. In this regard reference is made to the following resolution adopted at the inaugural meeting of the Buffalo City Council held on 14 December 2000: -

> that in order to facilitate the initial functioning of the Buffalo City Municipality the powers and functions as previously delegated to the Executive and Standing Committees of the erstwhile East London Transitional Local Council .....be delegated to the Executive Mayor until the matter is further reviewed by the Council; such powers and functions to be exercised in terms of all applicable and valid regulations, policies and procedures.

In terms of this resolution, the Executive Mayor is vested with all of the powers and functions previously delegated to the former Executive and Standing Committees. The research has shown

that although subsequent resolutions adopted by the Council established a committee system comprising several Standing Committees, delegated authority for these committees to take final decisions is absent. In scrutinising the terms of reference of the Standing Committees, it is obvious that the intention of establishing these committees is only to "consider and make recommendations to the Mayoral Committee". Similarly a ward committee in the Buffalo City Municipality does not "ordinarily possess or exercise executive authority, but the Executive Mayor or the Council may from time to time refer specific functions or tasks to it". A ward committee may only make recommendations on any matter affecting its ward. Therefore, other than the Council, the only real decision-making structure able to take final decisions is the Executive Mayor-in-Mayoral Committee which exercises wide delegated powers in terms of the resolution adopted by Council on 14 December 2000, as quoted above. The significance of this for democracy will be discussed in the next section.

In examining the structures and processes of the decision-making system against the question of efficiency, my initial assumption was that the system was likely to be highly efficient. The factors supporting this view are, firstly, that the primary decision-making body, the Executive Mayor-in-Mayoral Committee, is comprised of members of the leading political party only. This is more likely to make for clearer lines of authority, leading to unanimity in decision-making, than would a multi-party executive committee system. Secondly, the allocation of portfolios to members of the Mayoral Committee promotes specialisation in particular areas of local governance, a factor, which can only contribute to the efficiency of the decision-making process. Furthermore, as the Executive Mayor-in-Mayoral Committee enjoys wide delegated authority to take decisions, with very few items being dealt with by the full Council.

To a significant extent these assumptions were confirmed by my research. The question of whether or not the process is regarded as efficient was canvassed during the focus interviews. The responses received can be analysed as follows: -

TABLE 19: BUFFALO CITY LOCAL MUNICIPALITY MAYORAL COMMITTEE: EFFICIENCY RATING

No of Respondents	Positive Rating	Negative Rating	Unsure /Non Committal
16	6	3	7

It is understandable that almost 50% of the respondents were unsure or non-committal given the fact that meetings of the Mayoral Committee are closed to the media and the public. In fact,

Councillors who are not members of the Mayoral Committee are not even granted observer status. Nevertheless, it is notable that a clear majority of those who felt they could pass judgement believed the system to be efficient. These beliefs were confirmed by research into the agendas and minutes of meetings of the Mayoral Committee for the period January to June 2004. The outcome is summarised in the following table.

TABLE 20: BUFFALO CITY LOCAL MUNICIPALITY : FREQUENCY, DURATION AND WORKLOAD OF MEETINGS OF THE MAYORAL COMMITTEE FOR THE PERIOD JANUARY – JUNE 2004

DATE OF MEETING	DURATION OF MEETING	NUMBER OF ITEMS	AVERAGE TIME PER ITEM
3 February 2004	02 hours	63	02 mins
17 February 2004	02 hours 20 mins	59	02 mins
2 March 2004	02 hours	55	02 mins
16 March 2004	02 hours 45 mins	69	02 mins
20 April 2004	01 hour 40 mins	68	01 mins
4 May 2004	02 hours 25 mins	30	05 mins
(Special) 18 May 2004	01 hours 50 mins	81	01 mins
(Special) 21 May 2004	02 hours	5	24 mins
8 June 2004	05 hours 15 mins	58	05 mins
22 June 2004	02 hours 20 mins	63	02 mins
AVERAGE OVERALL TOTAL			
2 meetings per month	2 hours per meeting	63 items	02 mins per item

(The figures contained in the foregoing table have been rounded off to the nearest whole number)

According to the definition of efficiency captured in Chapter Two, "to be efficient, it is necessary to be productive with a minimum waste of effort." The Buffalo City Mayoral Committee fulfils this requirement when compared with the Executive Committee of the Msunduzi Municipality. It should be borne in mind that there are several other similarities that exist between these two municipalities; for example, the nature of the items submitted to both executives are substantially the same. Both operate in a system which excludes delegations to other political structures, namely, standing committees and ward committees. Both are subject to the checks and balances in the exercise of their functions. Both are subject to the same legislation in terms of which they are required to promote both efficiency and democracy when performing their decision-making function. Both councils have a majority of ANC members. The main difference is the type of executive, Executive Mayor-in-Mayoral Committee and Executive Committee. It is clear from the

following table that the Executive Mayor-in-Mayoral Committee in Buffalo City performs its decision-making function more efficiently than the Executive Committee in Msunduzi.

TABLE 21: EFFICIENCY IN DECISION-MAKING: COMPARITIVE ANALYSIS: MSUNDUZI AND BUFFALO CITY LOCAL MUNICIPALITIES JANUARY – JUNE 2004

NAME OF MUNICIPALITY	NUMBER OF MEETINGS	AVERAGE DURATION OF MEETINGS	TOTAL NUMBER OF ITEMS	AVERAGE NUMBER OF ITMES PER MEETING	AVERAGE TIME PER ITEM.
Msunduzi Local Municipality	25	4 hours	501	20	18 mins
Buffalo City Local Municipality	10	2 hours	511	63	02 mins

(The figures contained in the foregoing table have been rounded off to the nearest whole number)

By way of explanation, the Executive Mayor-in-Mayoral Committee met twice per month whereas the Executive Committee met four times per month. On average 63 items per meeting were dealt with by the Executive Mayor-in-Mayoral Committee, with an average time of two minutes per item. The Executive Committee dealt with an average of 20 items per meeting, with an average time of eighteen minutes per item. These statistics draw attention to a remarkable difference in the average time, per item, taken by the Executive Mayor-in-Mayoral Committee compared to the Executive Committee.

The focus then shifted to the issue of ward committees. The Section 12 notice published by the MEC made provision for the Buffalo City Council to have an executive mayor combined with a ward participatory system. The Structures Act which provides that municipalities of this type "may have ward committees"[5] ultimately leaves it up to the respective councils to decide whether or not to adopt a system of ward committees. In a report dated 7 December 2000, the Interim Municipal Manager apprised the Council of the implications of setting up ward committees. In essence, Section 73 of the Structures Act prescribes the procedure to be followed and in his submission to Council, the Interim Municipal Manager observed that it was evident from the provisions of this section that ward committees represented a completely new development in local governance and stood to replace the non statutory "development forums" that had recently been established in many areas. Furthermore he pointed out that ward committees could play a vital role in assisting Council and its administration to fulfil their respective obligations. In adopting the resolution to establish ward committees, the Council took cognisance of the fact that ward committees were purely

advisory bodies and as such should not be allocated any decision-making powers by Council. The following functions of ward committees are recognised by the Buffalo City Council:-

(a) To consider and make recommendations on such matters referred to it by Council from time to time.

(b) To consult at regular intervals with ward residents on matters relating to the ward, to develop and submit reports and recommendation on such matters.

(c) To at all times actively promote and further the best interests of the ward.

(d) To make recommendations to the Council in the event of poor performance by a Ward Councillor, subject to a further report by the Executive Mayor in this regard.

(e) To submit a report to the Council on the possible Delegation of Powers to Ward Committees to enable them to function properly.

(f) To make recommendations to the Council on planned capital projects affecting a particular ward.

In addition, the Council determined the composition of ward committees around two main criteria. Firstly, five of the ten members are elected on a geographical basis to represent areas within the ward. Secondly, to accommodate the diversity of interests, the remaining five members are elected to represent various sectors within the ward which may include the youth and culture, women, business and professional, faith/religion and sport.

The research now focused on the institutionalisation of ward committees, an aspect which bedeviled the successful operation of the ward committee system in Msunduzi. The attention of the Buffalo City Council was drawn to the provisions of the Structures Act which state that a council may make administrative arrangements to enable ward committees to perform their functions and exercise their duties effectively.[6] Specific reference was made to aspects such as administrative and secretarial support; accommodation and scheduling of meetings; interaction between ward committees, the Executive Mayor, the Council and Standing Committees; procedure for the delegation of powers; financial implications; and budgeting provisions.

These items highlight an area which is cause for concern. The respondents indicated that the system lacked an efficient mechanism for the transfer of information to and from ward committees. The responsibility for performing this function is uncertain. It seems to rest partly with the member of staff who officiates at meetings of the ward committee and partly with the ward councillors who chair the meetings. Given the vagueness of this arrangement, it is understandable that respondents expressed doubt as to the efficiency of the system and the accuracy of the information, even if it were to find its way onto the agenda of the decision-making structures. This problem is almost identical to the one identified during the research into the Msunduzi Municipality.

With regard to the question of whether the existence of ward committees promotes or impedes the efficiency of the mayoral committee, the view expressed by respondents is that members of ward committees regard meetings of the ward committee as an opportunity to put forward complaints on a range of relatively mundane issues. The research shows that the bigger issues, for example, the annual review of the Integrated Development Plan (IDP), the annual budget and the public participation around the credit control by-laws is done through a system of road shows or cluster meetings. These clusters constitute wards drawn from the same geographical area. Therefore, the conclusion reached is the same as for the Msunduzi Municipality in that the existence of ward committees does not impede the decision-making process because the process simply does not allow this to happen.

From the outset, the Buffalo City Council made it known that the establishment of ward committees would in no way remove from the municipality any of its obligations to communicate with the broader community. Clearly, the Council had in mind other ways of promoting public participation in decision-making. This is borne out by the fact that during October and November 2003, the Credit Control and Debt Collection Policy and Procedures document was exposed to public participation through cluster meetings. The comments from the cluster meetings, as documented and attached hereto as Appendix 24 were submitted to the Mayoral Committee on 9 December, 2003. The records of that meeting show that cognisance was taken of input from the public. The public was able to influence municipal decision-making, as borne out by the resolution adopted by the Mayoral Committee on that day which reads as follows: -

> that the tabled report of the Acting Chief Financial Officer on the Credit Control and Debt Collection Policy and Procedure to the Mayoral Committee held on 9 December 2003, be noted and approved, subject to it being amended to include that the Director of Engineering Services be authorized to repair water leaks on private properties for which a repair fee will

be charged and that the policy thereon be developed by the Director of Engineering Services for submission in due course to the Mayoral Committee meeting.

(Perusal of the input documented in Appendix 24 shows that public concerns around water leaks was one of the issues raised at the cluster meetings. Municipalities generally do not undertake repairs to water pipes on private properties)

It is the stated intention of this thesis to research the procedures and processes involved in making by-laws and adopting the annual budget. Difficulty was experienced in tracing the route followed through the formal decision-making processes in respect of the finalisation of the by-laws for the Council's Credit Control and Debt Collection policies. The research, however, shows that the Buffalo City Municipality's Credit Control and Debt Collection Policy embodied in a document dated 22 August 2003 was dealt with at a special meeting of the Mayoral Committee held on 9 December 2003. The Buffalo City Council, acting on the recommendations submitted by the Executive Mayor-in-Mayoral Committee adopted the Credit Control and Debt Collection Policy on the same day (9 December 2003) (Resolution BCC 278/03.) The said resolution, however, makes no reference to the embodiment of the policy into a by-law. As pointed out in Chapter Two, the Systems Act requires a municipality to adopt by-laws to give effect to the municipality's credit and debt collection policy, its implementation and enforcement. As compliance with this requirement was not apparent from the research, the matter was discussed by telephone with the Legal Adviser, Buffalo City Municipality. He acknowledged that, by statute, his Council was required to make by-laws to give effect to the said policy but had not yet done so, the intention being to do so in the new year (2005). He also pointed out that although there had been extensive public participation in the form of cluster meetings around this policy, as indicated in the schedule contained in Appendix 24, it would be necessary to comply with the formal requirements of public participation before the by-laws could be enacted. The cluster meetings referred to are convened on the basis of combining several neighbouring wards from the same geographical area. Fourteen cluster meetings were held between 30 October and 12 November 2003 for the purpose of discussing, with communities, details of the Council's new Credit Control and Debt Collection policy. As mentioned before, delays in implementing a credit control policy or an increased tariff, for example, will prove costly to the Council. A one month delay will lead to a one twelfth under-recovery in a one year cycle. The cluster meeting system, which, in this case, entailed fourteen meetings, is likely to be far more efficient than a system which requires focus meetings with all forty five ward committees before a decision is taken. The same argument applies to public participation for the IDP Review and Budget.

In dealing with the approval of the annual capital and operating budget, the programme as shown in Appendix 25 shows the various steps from the beginning (July 2004) to finalisation (31 May 2005). There are a number of points to be made which are pertinent to this process. Firstly, the preparation and adoption of the annual budget is probably the most important function performed by the Council. Secondly, the budget procedures are regulated in detail by the provisions of the Municipal Finance Management Act[7] including the consequences which will follow if a municipality fails to approve the budget before the start of the budget year. Thirdly, the Council's Integrated Development Plan informs the contents and priorities contained in the budget, hence the reference in Appendix 25 to the Budget and IDP schedule. Municipalities are required to comply with stringent statutory requirements when dealing with the annual budget and other financial matters. Contravention of certain provisions can lead to severe penalties being imposed including possible imprisonment. It is, therefore, imperative that when dealing with its budget, the Council should act and be seen to be acting meticulously and efficiently. The responsibilities placed on the Mayor with regard to the budget are indeed onerous particularly given the magnitude of the responsibility of the mayoral position. In recognising this, the Municipal Finance Management Act, makes specific provision for the powers and duties assigned to the mayor to be delegated to another councillor.[8] In the case of the Buffalo City Municipality the Mayor has delegated his powers and duties with regard to the budget and other financial matters to a member of the Mayoral Committee, Alderman J.H. Badenhorst. By using this provision, the responsibility for the budget and other financial matters shifts from the Mayor to a "mini minister of finance". The benefits of this arrangement are twofold. Firstly, it lightens the Mayor's workload. Secondly, it allows for specialisation and continuity in budgetary and other financial matters, which can only benefit the council, particularly over a five year term of office.

As was done in Msunduzi, the research was also extended to cover an example of administrative decision-making and, in the interests of consistency, the approval of building plans was selected for this purpose. The research yielded the results contained in the following table:-

TABLE 22: BUFFALO CITY LOCAL MUNICIPALITY: APPROVAL OF BUILDING PLANS. 1 JANUARY – 30 JUNE 2004.

MONTH	N°	VALUE (R)
JANUARY	191	29 972 250
FEBRUARY	302	45 649 401
MARCH	235	34 517 939
APRIL	398	34 021 450
MAY	241	40 842 800
JUNE	253	46 994 363
TOTAL	1620	231 998 203

From the foregoing table, it is observed that a total of 1620 administrative decisions were taken during the period under review. During the same period, the Executive Mayor-in-Mayoral Committee adopted a total number of 511 decisions; this reflecting a significant disparity in the performance of the two decision-making processes. A comparison between the two municipalities also reflects the number and value of plans approved by the Buffalo City Municipality is significantly higher than those approved by the Msunduzi Municipality during the same period.

In general, it seems that Buffalo City's decision-making structures and processes make for an efficient system of decision-making. While the Council has established other structures, for example, standing committees and ward committees, the processes are such that those structures are not allowed to impede the efficiency of the Mayoral Committee. This is achieved largely through the centralisation of almost all decision-making powers in the Executive Mayor-in-Mayoral Committee. As in the case of Msunduzi the delegation of authority goes no further than the executive.

3.2 Democracy

As was done in the case of Msunduzi, in dealing with democracy, a distinction was made between "internal" and "external" democracy. Within the requirements identified in Chapter Two, namely, *Inclusivity, Transparency, Accountability* and *Participation.* Therefore, to begin with in respect of internal decision-making, the focus fell on whether efforts had been made to involve all Councillors in decision–making. During the focus interviews, respondents from the minority parties expressed the view that, whilst they acknowledged that the Buffalo City's Mayoral Committee had been constituted in accordance with the provisions of the Structures Act, it was undemocratic in the sense that its members were all drawn from the leading party in Council. The following extract from the minutes of a Council meeting held on 14 December 2000 demonstrates this view: -

> Councillor Rens said it was the opinion of the Democratic Alliance that it was entitled to representation on the Mayoral Committee and on behalf of the Democratic Alliance, she submitted the name of Councillor Williams to be considered for inclusion in the Mayoral Committee. Councillor Rens' request was Noted by the Speaker .....

This matter was raised during the focus interview conducted with Councillor Rens who stressed the point that the Mayor in constituting the Mayoral Committee in a manner which limited membership to representatives of the leading political party in Council deprived the City of the expertise which existed in the minority parties.

In addition to the criticism expressed regarding the composition of the Mayoral Committee, respondents also pointed out that Councillors, other than members of the Mayoral Committee were prohibited from attending meetings of that Committee. This meant that Councillors from the minority parties were denied access even as observers. In discussions with two of the respondents from the leading party, whilst trying to remain loyal to their party's stand on this matter, nevertheless clearly indicated that they, too, felt that the denial of observer status was undemocratic. Shifting the focus from the Mayoral Committee, attention was given to other attempts made to involve Councillors in the decision-making process. The following table reflects the allocation of councillors to serve on Standing Committees: -

TABLE 23: BUFFALO CITY LOCAL MUNICIPALITY: COMPOSITION OF COMMITTEES		
	Chairperson of Council Meetings: The Speaker	1
1	Membership of the Mayoral Committee/Inclusive of the Mayor and Deputy Mayor	11
2	Corporate Services Standing Committee	14
3	Development Planning Standing Committee	14
4	Engineering Services and Infrastructure Development Standing Committee	14
5	Finance Standing Committee	14
6	Social Services Standing Committee	14
7	Integrated Development Planning (IDP) Budget Policy and Performance Management Committee	14
8	Special Programmes Standing Committee	7
9	Economic Development and Tourism Standing Committee	7
10	Sustainable Development and Integrated Environmental Management Standing Committee	7
	TOTAL	****100**

** The following points pertinent to the membership of portfolio committees are noteworthy:-

1) members of the Mayoral Committee have also been appointed to serve on Standing Committees.
2) Meetings of Standing Committees are chaired by members of the Mayoral Committee as follows: -

Alderman J H Badenhorst	(Finance)
Councillor L Bobo	(Economic Development and Tourism)
Councillor S R Dikimolo	(Engineering Services and Infrastructure Development)
Councillor S Gomba	(Special Programmes)
Councillor D Matika	(Corporate Services)
Councillor F W Mbovane	(Social Services)
Councillor L Mosana	(IDP, Budget Policy and Performance Management)
Councillor L Simon	(Sustainable Development and Integrated Environmental Management)
Councillor S Tyilo	(Development Planning)

3. A Councillor may not serve on more than one operational standing committee (committees numbered 2 –5 in the above table) Note: This provision does not apply to the strategic standing committees marked 6 –8 in the above table)

4. When considering the establishment of standing committees and more specifically the composition of such committees, the Buffalo City Council took "fair representation" to imply a reasonably fair representation of parties and interests, ideally based as far as possible on consensus rather than strict proportionality based on one or other specific formula.

The existence of nine Standing Committees provides the opportunity to involve all Councillors in the activities of at least one political structure other than the full Council. Meetings of Standing Committees allow Councillors to have their say. Generally the rules governing the debates at committee meetings are not as strict as those applicable at meetings of the Council. Therefore, Councillors are able to put their views in a more relaxed atmosphere. The committee structure is designed on a functional rather than a geographical basis and therefore is conducive to specialisation. For example, a Councillor with a financial background may well be designated by his/her party to serve on the Finance Standing Committee. Furthermore these meetings are debating forums where Councillors can come to grips with the "nitty gritty" or finer details of a particular

item. Time constraints do not allow this to happen at meetings of the Mayoral Committee. Some of the advantages of a Standing Committee system have been referred to above, but from an overall perspective this system promotes the involvement of Councillors in the matters of the municipality more frequently than their attendance at meetings of the Council one per month. The disadvantage of the system as it is exists in both Buffalo City and Msunduzi is that the Standing Committees are deprived of any real powers to make decisions. They may only recommend to the executive.

The next part of the research focused on the steps taken by the Buffalo City Council to promote transparency in decision-making. The research uncovered the following snippet which appeared in the Daily Dispatch on 29 October 1995: -

SPRING CALLS FOR COMMITTEE REVIEW.

EAST LONDON: It was time to review the system of the City Council's Action Committee, Mr Errol Spring said at a council meeting in the City Hall last night. He said that access to the Action Committee Meetings should be given to the media and all others interested. It is imperative for people to know the attitude of the council on vital matters of reform.

Until now all Action Committee meetings have been held "in committee."

The statement made by Errol Spring (former Mayor of East London) ten years ago clearly pointed the East London City Council in the right direction. However, his plea fell on deaf ears. Today, under a new government, a new Constitution with new structures and principles, Buffalo City's primary decision-making body still conducts its business behind closed doors. The research then focused on the question of permitting members of the public and the media to be present at meetings of the other decision-making structures. To begin with meetings of the City Council are open to the public and the media and the following notice published by the City Manager ensures that the municipality is compliant with the legislation.

Notice is hereby given that the Speaker of the Buffalo City Council has called meetings of the Buffalo City Council for 2003 on the following dates: 27 May, 24 June, 29 July, 26 August, 30 September, 28 October, 25 November and 9 December 2003 at 15h30 for 16h00

in the auditorium, City Hall, East London. Members of the public are welcome to attend the meeting.

Although the public is invited to the Council meetings, a procedure has been adopted for dealing with confidential items which reads as follows: -

> Included in most council meeting agendas are confidential items that the Council for various reasons wants to discuss without the presence of the general public and sometimes even without the presence of municipal officials. These items are regarded as confidential because they deal with sensitive issues, such as legal or arbitration proceedings or property negotiations to which the Council is or may become a party, appointments, remuneration, misconduct or dismissal of any employees are also matters that can be considered confidential as well as matters that may be prejudicial to the interests of the Municipality. In fact, the Council may decide that any item that is not in the public interest should be dealt with as a confidential item. Included in the procedure is reference to Council "in – committee" which means that public and press are excluded from the meeting and should therefore withdraw from the meeting venue. Any resolutions that the Council adopts "in – committee" have the full force and effect as a resolution of the Council.

In addition to the mechanism to deal with confidential items, the following points have been recorded as being noteworthy with regard to the Buffalo City Local Municipality's public participation at meetings policy is concerned: -

Firstly, although the public is invited to attend Council meetings, there is no provision for members to make input. In other words, members of the public enjoy observers' status only. Secondly, although seating for the public is provided, no facility is provided for the simultaneous interpretation of proceedings into another language. Thirdly, while meetings of the full Council are open to the public, meetings of the Mayor-in-Mayoral Committee are conducted behind closed doors.

From a statutory point of view, the question which must be asked is whether the Council is compliant? This question is asked against the background of the following provisions:-

* The Constitution (Section 160 (7): "A municipal council must conduct its business in an open manner and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted."

* The Systems Act (Section 20 (2)): "A municipal council, or a committee of the council, may not exclude the public, including the media, when considering or voting on any of the following matters: -

  (a) A draft by-law tabled in the council;

  (b) A budget tabled in the council;

  (c) The municipality's draft Integrated Development Plan, or any amendment of the plan, tabled in the council;

  (d) The municipality's draft performance management system, or any amendment of the system, tabled in the council;

  (e) The decision to enter a service delivery agreement referred to in section 76 (b); or

  (f) Any other matter prescribed by regulation."

However, having made reference to the foregoing provisions, the Act allows an executive committee or mayoral committee, as the case may be, to close any or all of its meetings to the public, including the media when it considers that is reasonable to do so having regard to the nature of the business being transacted.[9] The question of the Mayoral Committee conducting its business behind closed doors was discussed with Mr Eddie Botha, Business Editor of the only newspaper in East London, the Daily Dispatch, who commented as follows: -

> I deal with the Mayoral Committee through a spokesman, an adviser to the Mayor. I receive very good co-operation, where there is a major announcement and we need interpretation and comment, I pick up the phone .....an arrangement which I find very handy. There are times when they are pretty pro-active themselves, when they even phone me to give us news. I have a good *rapport* with the Finance portfolio and am able to speak to him on matters such as tariff increases. Sometimes its hard to get officials to talk to you. There is a feeling amongst some of the Councillors that they should make comments (to the press)

rather than officials. We do not always get the inside story. We also get the feeling that by the time items get to the Council, the decision has already been made and Council is merely there to serve as a rubber stamp. I don't think that the system is very open.

In dealing with the question of promoting a more active local democracy through participative governance, generally, the criticisms expressed by respondents pointed at, firstly, a high level of apathy within communities towards the ward committee system. This is borne out by the fact that ward committees experience a high turn over of members; in some cases less than 50% of the members elected in 2001 still served on the ward committee. The term of office of ward committees in Buffalo City has been extended for a further two years. In this regard the chairpersons of ward committees have been vested with authority to co-opt members to serve on the ward committee. Casual vacancies which occur during a committee's term of office are therefore not filled through an election process but rather on a co-option basis.

The second criticism by respondents was based on the perception that the efforts made to fully institutionalise ward committees had not been successful. The basis for this, as in the case of Msunduzi, is the fact that the conduit for conveying information both to and from ward committees is inefficient. In the case of the Buffalo City Municipality, the administration provides "Council Support Services" to assist at ward committee meetings and to assist in conveying decisions through to the formal decision-making system. The respondents generally felt that the unit providing these services lacked the necessary insight and capacity to do the job efficiently. Thirdly, meetings of ward committees are often seen as complaints' sessions, an opportunity for members to record complaints on a host of issues, for example, grass cutting, rates, tariff charges, refuse removal and the like. The consequence of this is that the bigger issues, for example, the budget are overlooked.

The research has shown that the Council has attempted to consult the community on a broader basis on a number of issues. As already mentioned it was the Council's stated intention to function outside the system of ward committees in its attempts to communicate with the public to promote public participation in municipal decision-making. Reference is made to two examples of this action. Firstly, an examination of the programme for the Integrated Development Plan (IDP) Review and the 2005/2006 Budget (as contained in Appendix 25) bears testimony to the comprehensive public programme planned for these two issues. Secondly the schedule contained in Appendix 26 contains information of the 14 public meetings convened between 30 October and 12 November 2003 to discuss with communities the Council's Credit Control and Debt Collection policies. The public meetings referred to above were arranged on a far broader scale than meetings of ward committees.

The research has shown that the Council provided capacity building courses for ward committee members at a cost of approximately one million rand. In addition, a further one million rand was allocated for providing venues and other facilities for meetings of ward committees. The total amount of two million rand was financed partly from internal funds and partly from an external source, namely the Restructuring Grant. Members of ward committees are paid an allowance of fifty rand per meeting. Although the Structures Act specifically prohibits the payment of allowances to ward committee members,[10] the payment of this amount is defended by the Council on the basis that the allowance is re-imbursive in nature and serves to ensure that members are not out of pocket as a result of their activities in promoting local democracy. A further positive point is that ward committees have the opportunity of electing a representative to attend meetings of the Operational Standing Committees. The rules of order for these committees will not allow voting by these representatives and their presence, therefore, is in an observer capacity only. It does, however, confirm another attempt by the Council to involve members of the community in matters of local government.

The Buffalo City Municipality did not include in its ward committee structure a development forum as was mooted during the establishment of ward committees for Msunduzi. It did, however, convene 30 public meetings across the City, in April 2003, where the citizens were giving the opportunity to attend and discuss the IDP, budget and performance management system. The Shosholoza Tours entailed visits by a team of councillors and officials to all 37 wards in the Msunduzi Municipality and aimed at engaging the community, promoting community interest in municipal decision-making, re-instating the community's confidence in Council's ability to deliver, focusing on the needs identified by communities and expediting the delivery of services, creating job opportunities and eradicating poverty.

The initiatives taken by both municipalities are commendable in that they sought to engage the community and to promote public participation. They did differ in two main areas. Firstly, the Shosholoza Tours covered all wards individually, whereas the public meetings convened by the Buffalo City Municipality clustered together a number of wards sharing a common geographical area. Secondly, the Shosoholoza Tours covered a far greater range of issues (Appendix 19 refers). The cluster meetings were focused on specific issues, IDP, Budget etc.

The final part of the research into the Buffalo City Municipality focused on the steps taken by the municipality to assist communities in recognising that their current state of affairs is not inevitable and that, through a process of capacity building, communities will reach a point where they are able to transform through their own action. This part of the research is particularly pertinent against the

background of the previous exclusion of communities from local government on racial grounds and the consequential situation where communities are aware of the means available to improve their lives. The research has already highlighted certain initiatives taken by the municipality in this regard, for example, the establishment of ward committees, cluster meetings, road shows etc.

The research also covered questions of capacity building and communication and with regard to capacity building for Councillors in particular, the erstwhile East London Municipality was proactive, as is borne out by a report which appeared in the Daily Dispatch on 17 January, 1996. The report referred to a decision reached at a meeting of the Human Resources and Administration Committee held the day before in terms of which full orientation courses for Councillors were to be provided. The course would provide training on basic aspects of city business. All Councillors would be entitled to attend the course. Councillors would also have the opportunity to benefit from a bus tour of the city which would assist in orientation. The initiative taken by the Council in 1996 set the pattern for the training of Councillors and officials. Respondents, during focus interviews agreed that steps were taken to provide training for Councillors and officials but acknowledged that there was room for improvement. This training had been a combination of in-house as well as training provided by overseas countries, in particular, Sweden. The research then focused on communication and whether or not the municipality had been successful in keeping the citizens informed of developments in the City. Unlike Msunduzi which had recently launched its own monthly newsletter, Umphithi, Buffalo City relied on the local newspaper, the Daily Dispatch to convey news of a municipal nature to the citizens. It appears that a very good relationship has developed between the local press and the Buffalo City Local Municipality over a long time. This Municipality has also made very good use of the electronic system of communication through its website which contains a wide range of information pertinent to the Municipality and the City.

To summarise what has Buffalo City done to create a more democratic system of local government, one where decisions are taken with rather than for communities? To begin with it has established a system of ward committees. It also provided funds for capacity building of members and to cover start up and operating costs. Secondly, the Council has communicated on a broader basis with the communities through its cluster meetings, and, in so doing, has to some extent met the requirements of accountability. Thirdly, it has a good relationship with the press and the Chamber of Business. Fourthly, it has a most useful website. On the negative side, the activities of the Executive Mayor-in-Mayoral Committee are not transparent. Furthermore, the Mayoral Committee is a single party structure and, therefore, fails to meet the requirements of inclusivity. Msunduzi, on the other hand conducts its activities in a more transparent manner. It allows the media and public to be present at meetings of the executive and also to participate in the proceedings (subject to certain conditions). It, too, has established ward committees but there are problems with the operation of these

committees which are common to both municipalities. Msunduzi, too, has a Standing Committee system but like Buffalo City, these committees do not have any delegated powers. Similar to the cluster meetings initiative taken by Buffalo City, Msunduzi made good use of the Shosholoza Tours to engage the public. Msunduzi does not have a cordial relationship with the local press and until recently did not have a website.

4. CONCLUSION.

The research has shown that compared to Msunduzi, the Buffalo City's Mayoral Committee has been able to achieve a high level of efficiency in performing its decision-making function.....but at what cost? While achieving this level of efficiency, it has sacrificed a degree of internal democracy and thereby limiting the opportunity to promote external democracy. Some comments on the principles of the new system of Local Governance in South Africa are pertinent at this stage. The executive system, whether it is a mayoral committee, or executive committee, was introduced to ensure that generally decisions do not have to wait for full council meetings thereby enhancing efficiency. This is because a committee of ten is more likely to be efficient in decision-making than the full council. This is acknowledged in the White Paper on Local Government by way of a comment that "It is common experience that discussions in large forums tend to be broader and result in decisions more slowly than those in small focused forums".[11] The point made is supported by the fact that the legislation allows councils to delegate almost everything to the executive. Before a municipal council takes a decision on matters specifically reserved for its attention, it must be in receipt of a report and recommendation from its executive. This again confirms the importance placed on the role of the executive. However, whilst acknowledging the importance of efficiency, the White Paper on Local Government, the Constitution and the new municipal legislation all require municipal councils to play a more central role in promoting local democracy. In the words of Yunus Carrim in referring to Municipal decision-making, "Speed is not all".[12]

Councillors are expected to represent community interests within the council but they must be afforded the opportunity to do so. With regard to external democracy, the local sphere of government is an area where citizens should be empowered to participate in decision-making to shape their own environments and extend democratic (social, economic and political) rights.

It is probably true to say that the decision-making structures and processes in operation in Buffalo City are more efficient than those of Msunduzi but this achievement has been to the detriment of internal democracy. In other words internal democracy has been sacrificed to achieve efficiency.

This situation prompts two questions. Firstly, has this situation been brought about because of the particular executive model in operation or do other reasons also exist? Simply put, is the executive mayor system generally detrimental to internal democracy? Secondly, what does this mean for external democracy? In dealing with the first question, whether referring to the current Buffalo City Local Municipality or the erstwhile East London City Council, the local authority has allowed its executive (current mayoral committee and previous executive committee) to conduct its business behind closed doors. Therefore, historically the municipality has not been seen to be open and transparent in its deliberations. The Buffalo City Council has not taken advantage of the new system of local governance to change this. Although executive models differ from one municipality to another, all municipalities are subject to the same statutory requirements in respect of transparency, openness and accountability. Therefore, it is not the Executive Mayor-in-Mayoral committee system that dictates the restrictions placed on internal democracy. There is, for example, nothing to prevent the mayor from appointing a multi-party Mayoral Committee. There is also nothing to prevent other councillors, the media and the public from attending meetings of the Mayoral Committee. With regard to the remarks regarding the powers which municipalities may exercise over these matters, Cameron draws attention to Section 160 of the Constitution which gives municipal councils significant powers over their internal procedures, including making decisions concerning the exercise of all the powers and the performance of all the functions of the municipality, electing an executive committee and other committees.[13] Perhaps, combined with the historical factors, the reluctance of the Council to promote greater internal democracy may also be attributed to the "winner takes all" attitude particularly given the overwhelming majority in Council held by the ruling party. Whatever the reasons are, the organisational culture has not changed sufficiently in order for a claim to be made that the organisation has moved from a representative form of local government to a participative one.

The interdependence between external and internal democracy cannot be over-emphasised. They are opposite sides of the same coin. In fact is it not a case of "charity begins at home?" In other words, should councils not, in the first instance, ensure that their structures and processes promote internal democracy, because, without this, external democracy is unlikely to be effective. This brings back the whole question of attitudes and a change in the culture of the organisation. It seems inconceivable or at least inconsistent that a council would have two differing attitudes, one for internal democracy and another for external. How, for example, is the system of ward committees supposed to promote local democracy, if the chairpersons (ward councillors) are not even allowed to attend, let alone address, meetings of the Mayoral Committee?

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CHAPTER SIX

THE eTHEKWINI METROPOLITAN MUNICIPALITY

INTRODUCTION

The South African Local Government system distinguishes a two-tier system of local and district municipalities, for example, Msunduzi Local Municipality and uMgungundlovu District Municipality and single tier metropolitan municipalities for example, Nelson Mandela Metropolitan Municipality. The first two case studies dealt with urban local municipalities while it is the intention to focus on metropolitan municipalities for the third and fourth case studies. A municipal area is designated metropolitan in accordance with the requirements of the Municipal Structures Act.[1] Amongst other things, the areas must be a "conurbation having: high population density; an intense movement of people; goods and services; extensive development; multiple business districts and industrial areas. It must also be a centre of economic activity with a complex and diverse economy and have strong interdependent social and economic linkages between its constituent units." There are currently six metropolitan municipalities in South Africa. They are: -

City of Cape Town Metropolitan Municipality (Cape Town)
Ekurhuleni Metropolitan Municipality (Gauteng's so-called East Rand)
eThekwini Metropolitan Municipality (Durban)
City of Johannesburg Metropolitan Municipality (Johannesburg)
Nelson Mandela Metropolitan Municipality (Port Elizabeth)
City of Tshwane Metropolitan Municipality (Pretoria)

The following local municipalities have been recognised as aspirant metropolitan municipalities by the Demarcation Board: -

Buffalo City Local Municipality (East London)
Mangaung Local Municipality (Bloemfontein)
Msunduzi Local Municipality (Pietermaritzburg)

1. APPLICATION OF THE RESEARCH METHODOLOGY.

The methodology employed during the first two case studies was also used during the research into decision-making in the third case study, namely, the eThekwini Metropolitan Municipality. A hard systems methodology was employed to access quantitative and qualitative data on structures and processes of decision-making. Thereafter an assessment was made of the efficiency of the system and the factors which promoted or impeded efficiency within the eThekwini Metropolitan Municipality were analysed. The focus then shifted to the extent to which democracy had been accommodated in decision-making. The research looked at internal and external democracy and a soft systems methodology was mainly used for this part of the research which produced qualitative data. As previously indicated, it was necessary to be aware that the requirements of efficiency and democracy feature prominently in the Constitution and subsequent municipal legislation and therefore the question of whether or not the structures and processes were compliant also received consideration. Attention was also given to the attitudes displayed by participants towards democratising local government and whether there had been a change in the culture of the organisation. Finally, the research focussed on the steps taken to encourage communities to participate in municipal matters and the action taken to transform the organisation. Capacity building and communication were also included in the research.

Permission to conduct research into the eThekwini Municipality's decision-making structures and processes was granted in writing by the City Manager, Dr Michael Sutcliffe on 2 February 2005. The research commenced on that day and was scheduled to conclude on 16 March 2005, a duration of six weeks. However, this duration was extended to specifically include the build up to the tabling of the 2005/2006 budget in Council on 26 April 2005.

The research followed the same design employed in the first two case studies and commenced with a review of documents. These sources were placed into the same categories used in the studies of Msunduzi and Buffalo City, namely, establishment of the municipality, committees, public participation, procedures, budgets and by-laws. A total of 22 documents were perused which are listed in Appendix 27, as per the summary contained in the table which follows:-

TABLE 24: eTHEKWINI METROPOLITAN MUNICIPALITY: REVIEW OF DOCUMENTS.	
Type	**N°**
1. Establishment of the Municipality	9
2. Committees	7
3. Public Participation	1
4. Procedures	1
5. Budgets	2
6. By Laws	2
TOTAL	22

The only meeting attended for observation purposes was a meeting of the Executive Committee, details of which are contained in Appendix 28. Again a number of elite interviews or key informants were identified from within the ranks of the elected, representatives (councillors); the administration (officials), the community and civil society. A total of 22 focus interviews were conducted, details of which are contained in Appendix 29, whilst a summary of the breakdown of interviewees into the three categories referred to above, is contained in the following table:-

TABLE 25 : eTHEKWINI METROPOLITAN MUNICIPALITY : FOCUS INTERVIEWS	
Categories of Respondents	N°
1. Councillors	9
2. Officials	10
3. Outside Organisations	3
TOTAL	**22**

2. ORIENTATION.

As was done in respect of Msunduzi and Buffalo City, the first step in the research sought to access the Section 12 notice published in terms of the Structures Act, which would provide base information with regard to, for example, category and type of municipality. In terms of Notice N° 343 published in the Provincial Gazette of KwaZulu-Natal by the Minister of Traditional Affairs, Safety and Security and Local Government of the Province of KwaZulu-Natal, a metropolitan (Category A) municipality was established. The municipality was known provisionally as the Durban Metropolitan Unicity Municipality (later named the eThekweni Metropolitan Municipality). A map showing the outer boundaries of Metropolitan and District Municipalities in KwaZulu-Natal is attached (Appendix 30). A map showing the outer boundary of the eThekwini Metropolitan Municipality is also attached (Appendix 31). The new municipality of eThekwini brings together the seven councils which administered the erstwhile Durban Metropolitan area, the Umkomaas Transitional Local Council and portions of Illembe and Ndlovu Regional Councils. The boundary of

the eThekwini Municipal area stretches from Tongaat in the north, along a 91 kilometres coastline to Magabeni in the south to Cato Ridge in the west covering an area of approximately 2297 square kilometres. The population of the municipal area is estimated to be 3.5 million. For the first time, one local government body is responsible for the overall strategic planning and management of the entire Durban area.

The notice further specified that the municipality should be of the type of municipality with a collective executive committee system with a subcouncil participatory system. Whilst the municipality was established with an executive committee system and a subcouncil participatory system, the research revealed that the subcouncil system was never established. In this regard the Structures Act sets out the requirements for the establishment of subcouncils which are summarised as follows: - After a process of public consultation, the Council must adopt a by-law which determines the number of subcouncils, the geographic area of each subcouncil, provide a name for each subcouncil and provide an equitable financial framework in terms of which the subcouncils must function.[2] The research suggests that the reason for the reluctancy to establish a system of subcouncils may be of a political nature, and instead the Council decided to establish a system of ward committees, which will be dealt with in some detail under the heading "Democracy". Provision is also made in the notice for one hundred proportionally elected councillors and one hundred ward councillors, a total of two hundred.

The focus of the research now turned to determining what decision-making structures were in operation. As referred to above, the eThekwini Metropolitan Council has a collective executive committee system. The Executive Committee comprises nine members, including the Mayor and Deputy Mayor and is composed in such a way that parties and interests represented in the Council are represented in the Executive Committee in the same proportion, as shown in the following table:-

TABLE 26 : eTHEKWINI METROPOLITAN MUNICIPALITY MEMBERS OF THE EXECUTIVE COMMITTEE	
Name Councillors	Party
T O Mlaba (Mayor) Chairperson L Naidoo (Deputy Mayor) T L Gabela S N Gumede P N Kunene	AFRICAN NATIONAL CONGRESS
D Ganesh L M Ploos Van Amstel	DEMOCRACTIC ALLIANCE
J M Mile G B J Ndlela	INKATHA FREEDOM PARTY

The Executive Committee's functions are described in Section 44 (i) (a) of the Municipal Structures Act and captured in Chapter Three in which the first case study, Msunduzi, was dealt with. Suffice is to say that the Executive Committee is the principal committee and receives reports from other committees of Council.

3. RESEARCH FINDINGS

3.1. Efficiency

As the executive system of government was introduced to ensure that critical decisions do not have to wait for full meetings of council, it is understandable that the eThekweni Executive Committee is vested with wide decision-making powers. Therefore, only those functions reserved as the Council's competency have not been delegated to the Executive Committee.[3] The Council has also established four committees, namely the Procurement and Infrastructure Committee; the Health, Safety and Social Services Committee; the Economic Development and Planning Committee and the Corporate and Human Resources Committee. (As indicated in Chapter Four, in the interests of uniformity, all committees established in terms of Section 79 and 80 of the Structures Act will be referred to as standing committees throughout this thesis). Every councillor serves on at least one committee, an aspect which will receive attention under the heading "Democracy".

Members of the Executive Committee are tasked with the responsibility of chairing meetings of the Standing Committees. In addition to the abovementioned Standing Committees, there is a comprehensive system of sub-committees, created on a functional basis. This system includes the community participation, youth affairs and gender sub-committee; the Masakhane, grant-in-aid and poverty alleviation sub-committee; the Metropolitan Police sub-committee; the non racism, non sexism and non discrimination sub committee; the civilian oversight sub-committee; the local labour forum; the human resources and legal services sub-committee; the skills development, management services and organisational development sub-committee; the health emergency services and safer cities sub-committees; the parks recreation, cemeteries and culture sub-committee; the housing, transport and engineering sub-committee; the electricity, water and sanitation and cleansing and solid waste sub-committee; the development, planning and facilitation sub-committee; the business support economic development, city enterprises and markets sub-committee; the area based management sub-committee; the Mayor's decision-making committee and the administrative appeals committee.

A diagram showing the committee system in operation in the eThekwini Municipality is attached (Appendix 32). In addition a flow chart tracing the route taken by an item through the committee system is attached (Appendix 33). For example, using this flow chart, the Town Planning Unit submits a report on a proposed rezoning of a residential property. The report will be placed on an agenda for a meeting of the Development Planning and Facilitation Sub-Committee. The next stage in the process is for the recommendations of the sub-committee to be submitted to the relevant Standing Committee, in this case the Economic Development and Planning Committee. Thereafter, the recommendations of the Standing Committee are placed on the agenda of the Executive Committee. It must be borne in mind that up until the time the item reaches the Executive Committee, none of the structures has been able to finalise the matter because of the absence of delegation of authority. The Executive Committee then considers the rezoning application together with the recommendations of the Standing Committee. At this stage it is possible for the item to be finalised by virtue of the powers vested in the Executive Committee.

The eThekwini Municipality has gone to considerable lengths to ensure the smooth progression of items through a complex system of committees. To support this statement, I have extracted some of the measures taken to achieve this. Firstly, reference is made to the scheduling of committee meetings. In the absence of delegations to committees, arrangements have been made to convene meetings of Standing Committees and sub-committees in such a way so as to reduce delays to a minimum. Accordingly sub-committees meet in the first week of the month, Standing Committees meet in the second week, the Executive Committee meets on second, third and fourth Tuesdays of the month and the Council convenes during the final week of the month.

Secondly, reference is made to the manner in which items are introduced into the system: - Full reports appear only on the sub-committee agendas. From there only recommendations will appear on the agenda for the meeting of the Standing Committee. Likewise, only recommendations of the Standing Committees will be submitted to the Executive Committee, and where necessary, to Council. This filtering process allows for comprehensive deliberation and input to be made *en route* to the Executive Committee. Therefore, most of the work and, in many cases, the framing of the resolution has been completed before the item is placed before the Executive Committee. Thirdly, with a view to reducing delays in communicating resolutions to those responsible for implementation, the committee secretariat is under instruction to ensure that decision circulars, in which the resolutions are clearly set out, are electronically mailed to those concerned within forty-eight hours of the meetings. In short, the eThekwini Municipality demonstrates a business-like approach to its decision-making structures and processes, which is primarily aimed at increasing the

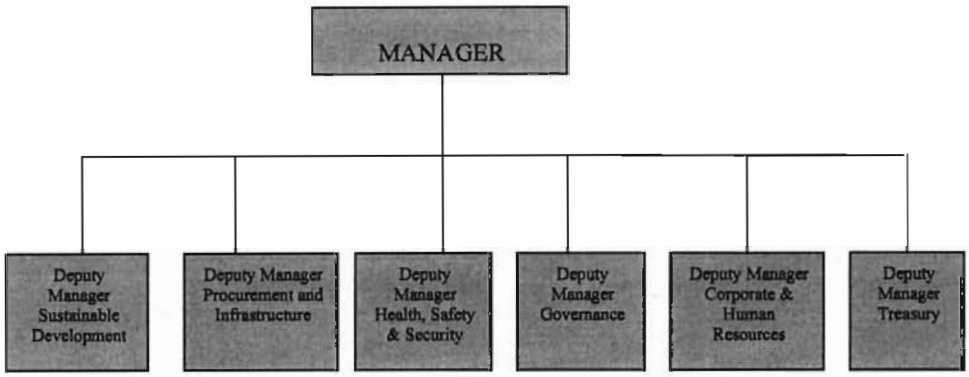
efficiency of the decision-making process. Each step adds value to the ultimate decision adopted by the Executive Committee or Council.

The research then moved to the composition of Standing Committees. It follows that with 200 Councillors and a policy which allows the opportunity for every Councillor to serve on at least one Standing Committee, the eThekwini Municipality's Standing Committees have very large memberships (particularly as there are only four such committees). The Procurement and Infra-Structure Committee has 51; the Health, Safety and Social Services Committee, 37; the Economic, Development and Planning Committee, 56; and the Corporate and Human Resources Committee has 35 members. These committees meet once per month and co-ordination is achieved through the statutory provision in terms of which meetings of these committees are chaired by members of the Executive Committee. This enables members of the Executive Committee to facilitate the smooth flow of items falling within the terms of reference of their Standing Committees, when the items are placed before the Executive Committee.

Dr Michael Sutcliffe, City Manager views the various stages in the decision-making process as important in respect of the overall efficiency of the Executive Committee. He emphasises that given the daunting workload of the Executive Committee, it is essential that items are subjected to a filtering process. This requirement is fulfilled by the committee system where there has been ample time to debate matters and an opportunity to clear up any misgivings. By the time the item reaches the Executive Committee, all likely hitches would have been dealt with and the Executive Committee will be in a position to take a decision, confident in the knowledge that the matter has been fully debated at the first and second levels of the process.

As is the case in both Msunduzi and Buffalo City Local Councils, transformation has also meant re-organising the administration in the eThekwini Municipality, as shown in the following table.

TABLE 27 : eTHEKWINI METROPOLITAN MUNICIPALITY: ADMINISTRATIVE STRUCTURE



The reorganisation of the administrative structure in the three case studies researched so far are similar in may respects, for example, eThekwini has six deputy managers, whilst Msunduzi has six strategic executive managers and Buffalo City has five directors reporting to the respective City Managers. The division of work in all three cases has been done on a functional rather than on a geographical basis. The revision of the micro structure, which entails the remainder of the organisation in all three municipalities, has yet to be completed.

Having outlined the structures and processes, I move to assess their efficiency using both subjective opinions of respondents and more objective measures of performance. Respondents were requested to indicate whether or not, in their view, the decision-making structures and processes in operation in the eThekwini Municipality were efficient. Almost all of the respondents expressed the view that the decision-making system was operating efficiently. The responses received during focus interviews on the question of whether or not efficiency is being achieved in the decision-making process are analysed in the following table. In sum, the views, of respondents show that a substantial majority felt that the Executive Committee does perform its decision-making function efficiently.

TABLE 28: eTHEKWINI METROPOLITAN MUNICIPALITY: EXECUTIVE COMMITTEE: EFFICIENCY RATING

N° of Respondents	Positive Rating	Negative Rating	Unsure/Non Committal
21	16	2	3

As was done in the first two case studies, an analysis of the minutes and agendas of meetings of the Executive Committee for the period 1 January to 30 June 2004 was undertaken. The analysis yielded the following information: -

TABLE 29 : eTHEKWINI METROPOLITAN MUNICIPALITY: FREQUENCY, DURATION AND WORKLOAD OF MEETINGS OF THE EXECUTIVE COMMITTEE FOR THE PERIOD 1 JANUARY – 30 JUNE 2004			
DATE OF MEETING	**DURATION OF MEETING**	**NUMBER OF ITEMS**	**AVERAGE TIME PER ITEM**
17 Feb 2004	2 hours 10 mins	123	2 mins
23 Feb 2004	1 hour 20 mins	30	3 mins
26 Feb 2004	1 hour 15 mins	14	5 mins
9 March 2004	1 hour 54 mins	43	3 mins
20 April 2004	1 hour	43	1 min
18 May 2004	3 hours	55	3 mins
25 May 2004	1 hour 54 mins	34	3 mins
8 June 2004	1 hour 18 mins	29	3 mins
22 June 2004	2 hours 12 mins	40	3 mins
29 June 2004	1 hour 54 mins	27	4 mins
AVERAGE OVERALL TOTALS			
2 meetings per month	2 hours per meeting	43 items	3 mins per item

(Note: The figures contained in the above table have been rounded off to the nearest whole number)

When compared to the Msunduzi Municipality, which also has a collective executive committee, eThekwini is very efficient. However, when measured against Buffalo City, which has an Executive Mayor, it is slightly less efficient.

TABLE 30 : EFFICIENCY IN DECISION-MAKING: COMPARATIVE ANALYSIS: MSUNDUZI AND BUFFALO CITY LOCAL MUNICIPALITIES AND eTHEKWINI METROPOLITAN MUNICIPALITY JANUARY – JUNE 2004				
Name of Municipality	Number of Meetings	Average Duration Of Meetings	Average Number of Items per meeting	Average time per item
Msunduzi Local Municipality	25	4 hours	20	18 mins
Buffalo City Local Municipality	10	2 hours	63	02 mins
EThekwini Metropolitan Municipality	10	1 hour 48mins	43	3 mins

(Note: The figures contained in the above table have been rounded off to the nearest whole number)

The analysis contained in the above table presents an interesting scenario. Firstly, I will compare eThekwini with Msunduzi. Both have Executive Committees, which are multi-party decision-making bodies. Both municipalities have a committee system comprising several Standing Committees, which do not have delegated authority to make final decisions. Both Executive Committees have received from their Councils, very wide delegations, which enable them to deal with almost everything except those items reserved for Council in terms of the Constitution.[4] The organisation in the Msunduzi Municipality is the same as found in the eThekwini Metro, namely, a collective executive committee and, yet, the speed of decision-making is radically different. During the period under review, Msunduzi's Executive Committee convened 25 times and dealt with a total number of 501 items. In the same period eThekwini's Executive Committee convened on ten

occasions and dealt with 438 items. On average Msunduzi took 18 minutes to deal with one item, whilst eThekwini's time per item was only three minutes. The question which must justifiably be asked is why the huge disparity?

Before attempting to provide the answer, it may be prudent to compare eThekwini with Buffalo City. As shown in Chapter Five, Buffalo City has an Executive Mayor-in-Mayoral Committee, which is a single party decision-making body whilst eThekwini operates on a multi-party Executive Committee. Both executive bodies comprise a similar number of councillors. (eThekwini – nine members: Buffalo City – eleven members). Both municipalities have a committee system in operation comprising several Standing Committees which do not have delegated authority to make decisions. Both executives are empowered by their Councils to take decisions on everything except those items specifically reserved for Council in terms of the Constitution. eThekwini and Buffalo City are different categories and types of municipalities namely, Category A vs Category B and have different executives, Executive Committee vs Mayoral Committee and yet their efficiency ratings are very similar. On the other hand the Msunduzi Municipality's efficiency rating is much lower than both eThekwini and Buffalo City. With regard to eThekwini's efficient performance in decision-making, the research has shown that this was not always the case, in that, up until approximately two years ago, lengthy meetings, overlapping and duplication, and delays were prevalent. What, then contributed towards the move to a new, efficient way of taking decisions?

From the findings, it is apparent that there is more to efficiency than simply the design of the executive. In other words and more explicitly, that the multi-party executive committee or the one party executive mayor-in-mayoral committee is no predictor of efficiency. Furthermore the centralisation of authority does not guarantee efficient decision-making. To support this statement, attention is drawn to the many commonalities that exist between the executives of the two KwaZulu-Natal case studies, Msunduzi and eThekwini, namely, both have multi-party executive committees; centralisation of decision-making authority; standing committees without decision-making powers. Given these similarities, it would seem logical to expect that the efficiency rating of the two bodies would be similar. However, this is not the case. As shown above, eThekwini's efficiency rating is far higher than that of Msunduzi.

There are other variables that have an impact on efficiency, in particular, it is also the way in which the processing of items through the various levels is organised. Put differently, it is the design of the process which allows deliberation and input at various levels within the parameters of the structure that makes the difference. Although the Executive Committee ultimately takes the

decision that is binding on the Council, the input made by the Standing Committees during the earlier stages is not lost.

On this the question, the City Manager had this to say: -

> Well, when you sit down to make decisions, that's what you are supposed to do....make decisions! You are not supposed to debate them, because by then, there should have been enough process to do that. The process could either be through community consultation or through formal committees, which we have. So really a lot of preparatory work occurs at that level.

A further point which probably enhances efficiency, but, at the same time, impedes democracy is that the eThekwini City Manager, as Head of Administration is directly involved in steering reports through a complex and protracted committee system. The City Manager has a hands on approach and the laid down procedure dictates that all reports put before the Executive Committee must bear his signature. Furthermore, the Manager is present at meetings of the Executive Committee to offer advice and guidance and to make recommendations. He is well placed to do so, having had the benefit of debates and input during the earlier stages of the decision-making process. By the time the item reaches the Executive Committee, the City Manager, confident in being equipped with sufficient information to steer the item through, usually attends unaccompanied by his senior managers. This arrangement speeds up decision-making but deprives the Executive Committee of first hand input from its expert officials for example, financial officers, engineers, legal advisers etc. The arrangement in respect of attendance at meetings by officials in both Msunduzi and Buffalo City Municipalities is that senior management is required to be present at meetings of the executive. In Msunduzi, a full range of officials is present, for example, engineers, financial officers, legal advisers etc. These officials are present for the purpose of providing expert advice to the committee on items which are on the agenda. Depending upon the number and variety of items, as many as twenty or even thirty officials are present at any meeting. The role of the Msunduzi City Manager is also different in the sense that he has a permanent representative who officiates at meetings of the Executive Committee. This representative's role is to ensure that the resolutions taken are procedurally and lawfully correct and to provide advice to the committee. The senior officials of the Buffalo City Municipality do attend meetings of the Mayoral Committee to provide professional advice on items on the agenda. The role of the City Manager is unclear but it would appear that he, too, as in the case of Msunduzi, has a representative (the General Manager, Organisational Support) who officiates at meetings of the Mayoral Committee. It also would appear, that the arrangements

as they exist in both Msunduzi and Buffalo City do not allow the City Managers to exert the same amount of influence over the activities of the executive as in the case of eThekwini.

Specific attention was given to the efficiency demonstrated by Council in dealing with its budget. As indicated in Chapters Four and Five, strict requirements and time frames are laid down in the Municipal Finance Management Act with regard to the preparation and approval of the budget, for example, "the Mayor of the municipality must table the annual budget at a Council meeting at least ninety days before the start of the budget year"[5] (1 April). The research has shown that the budget was to be tabled in Council on 26 April. The City Manager in explaining the reasons for not meeting the deadline stated that "due to time constraints imposed by the conversion to and implementation of GAMAP (Generally Accepted Municipal Accounting Principles) and the Municipal Finance Management Act, as well as salary increases to negotiate."

In Table 31 the summary shows the steps taken in the budget preparation process. To criticise the eThekwini Council for not meeting the three-month deadline for tabling the budget in Council would be unfair. The reason for making this statement is that the Municipal Finance Management Act was only enacted in 2004 and, therefore, the preparation of the 2005/2006 budgets was the first year that municipalities were required to comply with the new provisions. The reasons offered for the delay by the City Manager, therefore, seem to be acceptable and, consequently, the Council's handling of the budget from an efficiency point of view is satisfactory. Further comments will be made on public participation under the heading "Democracy."

At the time of concluding the research into eThekwini's decision-making structures and processes, the finalisation of the Council's credit control by-laws was still outstanding. Furthermore, despite attempts to trace the reasons for the delay, no conclusive evidence could be accessed. It would seem that the responsibility to conclude this matter lay between the Legal Department and the office of the Chief Financial Officer (City Treasurer). The failure to comply with a statutory requirement leaves a blemish on the eThekwini Metro's efficiency record.

TABLE 31: eTHEKWINI METROPOLITAN MUNICIPALITY: SUMMARY OF THE BUDGET PREPARATION PROCESS		
	Capital Budget	Operating Budget
Nov/Dec 2004	• Report submitted to Executive Committee • Submission and presentations to meetings of party caucuses • Approval of the Capital Budget	
Feb 2005		A series of budget meetings held to discuss: - • Budget Strategy • Budget Policy • Alignment of the operating budget with the IDP.
March 2005		Meetings of senior officials held to • Reduce the budget deficit • To ensure that the increases in rates and tariffs are restricted to an acceptable level.
April 2005	Public Hearings Budget tabled in Council	Public Hearings Budget tabled in Council

The research was extended to include decision-making at the administrative level of the Municipality, and, as in the case of Msunduzi and Buffalo City, the approval of building plans was selected as an example of administrative decision-making. The research yielded the results contained in the following table:-

TABLE 32: eTHEKWINI METROPOLITAN MUNICIPALITY: APPROVAL OF BUILDING PLANS: 1 JANUARY – 30 JUNE 2004		
MONTH	**N°**	**VALUE (R)**
January	332	55 922 621
February	319	47 243 587
March	414	91 537 663
April	292	47 688 427
May	381	57 664 318
June	407	59 223 619
TOTAL	**2145**	**359 350 235**

In discussions with a member of the Building Inspectorate, confirmation was received that, on average, a six week backlog, in the approval of building plans was being experienced.

3.2 Democracy

As in the cases of both Msunduzi and Buffalo City, a distinction was made between "internal" democracy, and "external" democracy, within the democratic requirements of *Inclusivity*, *Transparency*, *Accountability* and *Participation*. To begin with internal democracy, to what extent do the structures and processes in the eThekwini Municipality allow Councillors the opportunity to participate in decision-making? Naturally all Councillors are members of the broader college of decision-making, namely, Council, but the monthly meetings of full Council hardly provide an opportunity for individual Councillors to input into the decision-making process. This statement is made against the background that, firstly, the Council is a very large body of persons, numbering two hundred. Secondly, although there is a statutory requirement for all resolutions of the Executive Committee to be reported to Council, this does not offer much of an opportunity for Councillors to become involved in the decision-making process. This is because almost all the decisions, which are required, have already been taken by the Executive Committee and are, therefore, already "cut and dried".

It is considered opportune, at this stage, to make the point that, in the eThekwini Metropolitan Municipality, items are subjected to a filtering process through a system of committees. This system, which provides adequate time to debate matters and refine recommendations shifts the locus of deliberation from the Council to committees. Given the number and range of matters requiring decisions, a system devoid of committees and which required the full Council to deliberate and take decisions on all matters would be too cumbersome to contemplate. In a way, this reporting requirement represents a sort of *ex poste facto* control because resolutions taken by the Executive Committee take effect immediately (unless otherwise specifically stated) and do not have to be ratified by Council before implementation. Therefore, by the time reports of meetings of the Executive Committee reach Council agendas, it is likely that the resolutions taken would have already been implemented. From a legal perspective, the reversal of an Executive Committee resolution, particularly where rights have accrued to another party may not be possible. As already stated, the provisions of the Structures Act, require that all decisions taken by the Executive Committee are reported to Council,[6] but the provisions also contain an important review mechanism, sometimes used by minority parties in Council. In terms of this provision the Council shall, at the request in writing of at least one quarter of the Councillors, review any decision taken by the Executive Committee in consequence of a delegation or instruction, and either confirm, vary or revoke the decision, subject to any rights that may have accrued to any person. In discussing this matter with Councillor Mitchell of the Democratic Alliance, he stated that his party made use of this technique on a frequent basis, at least four times a year. On the last occasion, the petition had called

for the review of rental increases. The attempt to amend an Executive Committee decision, however, failed because the minority parties were outvoted.

To move now to the composition of the Executive Committee. Although it is a multi-party body, the balance of power vests in the ruling party in Council and decisions are therefore rarely voted on. Included in the Council's Standing Rules is a provision that a member of the Executive Committee has the right to refer any decision to the full Council. This manoeuvre does, at first glance, seem pointless as the balance of power in Council also vests in the leading party and can therefore be likened to passing the decision from "Pontius to Pilate". However, on closer examination this provision is a significant one in the sense that it does enable a member of one of the minority parties to have the matter placed before full Council under a different chairperson and different rules. This does achieve greater exposure, media coverage and public interest. It is also noteworthy that although this provision is embodied in the Council's Terms of Reference, it is not a statutory requirement. The Terms of Reference are currently being revised and fears were expressed during focus interviews by members of minority parties that the revised rules will exclude this provision. The bi-monthly meetings of the Executive Committee are open to the public and the media, but members of the public are prohibited from participating in proceedings. Furthermore, Councillors, other than Executive Committee members are also permitted to be present. Usually they are present as observers only, but on rare occasions, have been afforded the opportunity to speak. There is no provision in the committee's rules of order to require the Executive Committee to afford members of the public the opportunity to speak. It is, therefore, entirely at the discretion of the Mayor to allow this to happen.

The following table reflecting the composition of Standing Committees confirms the Council's intention for all parties to be involved in the decision-making process.

TABLE 33: eTHEKWINI METROPOLITAN MUNICIPALITY: COMPOSITION OF STANDING COMMITTEES

Name of Committee	Chairperson	Deputy Chairperson	Membership	Party Affiliation			
				ANC	DA	IFP	OTHER
Corporate and Human Resources Committee	P N Kunene (ANC)	M J Nene (ANC)	35	20	6	5	4
Health, Safety and Social Services Committee	T L Gabela (ANC)	L Cele (ANC)	37	23	5	5	4
Procurement and Infrastructure Committee	S N Gumede (ANC)	J S Nxumalo (ANC)	51	28	9	9	5
Economic Development and Planning Committee	L Naidoo (ANC)	N F Shabalala	56	33	8	9	6
		***TOTAL**	**179**	104	28	28	19

As shown in the table above, the Standing Committees are chaired by members of the Executive Committee. The Committee System involves a total of 179 Councillors. The balance of the Councillors numbering 21 are either members of sub-committees or have elected not to serve on any of the committees.

Notwithstanding the large membership of Standing Committees, the view expressed during focus interviews was that a good relationship amongst political parties does exist at committee meetings and sincere attempts are made to promote meaningful debate. Although the Executive Committee is a multi-party body, the leading party not only has a clear majority but has also claimed all the important portfolios, for example, Mayor, Deputy Mayor, Speaker and Chairpersons of Committees. In this regard, the Chairpersons of Committees form a mini cabinet within the Executive Committee with membership confined to the leading party only. Initially, the Inkatha Freedom Party was included, but this arrangement subsequently fell away. The leading party's intention to dominate was again demonstrated during the public hearings for the budget held on the 17 April 2005. On this occasion all thirteen hearings were presided over by senior members of the leading party. The minority parties were not afforded the same opportunity. Therefore, through deliberate action, the leading party dominates the decision-making process leaving the minority parties to "live off the scraps".

To move to external democracy, a number of initiatives have been adopted by the eThekwini Council to promote a more active democracy. Firstly, in keeping with the Constitutional requirement to involve communities and community organisations in the matters of local government, the Council has established a Regional Centres Unit in Pinetown, which, to date, has established thirty two regional centres scattered throughout the municipal area. The Head of the Unit, Mr Gerard Strydom explained that regional centres are setting up a network of customer access points, "walk-in" points to the Municipality. Furthermore he pointed out that this is the idea of bringing local government closer to the people and the democratisation of local government.

Staffed by municipal employees and with modern, on-line computer facilities these centres provide facilities for community members to record complaints, pay accounts, obtain information etc. Furthermore, these centres provide a structure for the establishment and operationalisation of a system of ward committees. The idea of utilising regional centres for ward committee activities may, through association, promote the acceptance and recognition of the ward committee system, in that the regional centres are oriented to service delivery. This, in a way, is similar to the Town Hall being seen as the seat of local government and service provider. With this in mind, it is appropriate, at this stage, to deal with the establishment of ward committees. As already mentioned, the

municipality was established with a subcouncil participatory system. This, however, was never implemented and the Council has now embarked on a route to establish ward committees. From a legal point of view, according to John Pailey, Legal Adviser, this will be achieved through the publication of an amendment to the original Section 12 notice, which established the Municipality in December 2000. The said amendment is to be published in terms of Section 16 of the Structures Act. Using the provisions of the Structures Act,[7] a comprehensive document entitled "Rules regulating the establishment and operation of ward committees" was adopted by the Council in February 2005. In addition, a document has been compiled for the purpose of providing a step-by-step guide for facilitating the election of ward committee members. It is interesting to note that the words "The People shall govern", taken from the Freedom Charter appear on the cover page of this document.

The following salient provisions have been extracted from the documents referred to above. Firstly, in dealing with the status of ward committees, the object of a ward committee is to enhance participatory democracy in local government. Furthermore, that a ward committee is an advisory body; is independent; and finally must be impartial and perform its functions without fear, favour or prejudice. Secondly, specific attention is given to capacity building and training, for example, ward committees are required to do an annual capacity building and training needs assessment for members of the committee. Thereafter, an annual capacity building training programme is required for each member of the ward committee. To this end provision is to be made in the annual budget for capacity building and training programme for ward committee members. Thirdly, the composition of ward committees poses some refreshing new ideas; for example, political parties may appoint councillors elected by proportional representation to serve on ward committees in an *ex officio* capacity. This means that, in addition to the elected Ward Councillor, who is the chairperson of the ward committee, Councillors from other political parties may also be appointed by their parties to serve on ward committees. In wards, which have traditional authorities, amakhosi, are *ex officio* members of the ward committee.

Some reference to the election of ward committee members is appropriate. The document referred to earlier contains no less than fourteen rules for the election of ward committee members. These rules deal with; *inter alia*, eligibility, disqualifications, election models (sectoral and geographic representation) etc. The rules do not make provision for the co-option of members should vacancies on the committee occur. Instead, specific provision is made for the filling of the vacancy through an election process. This process is clearly more democratic than the system of co-option to fill a vacancy, as practiced in the Buffalo City Municipality. Reference is, however, made to a provision which enables a ward committee in the eThekwini Municipality to co-opt not more than three members to serve on the committee. The consequence of this is that the membership of the ward

committee is increased, the intention being to ensure broader representation of sectors or geographic areas. This provision caters for a broader representation of sectors or geographic areas and the co-opted members have *ex officio* status only.

A distinguishing factor between the operationalisation of ward committees in eThekwini and those in Msunduzi and Buffalo City is that the regional centres provide a structure, which will render assistance to the ward committees. In other words, regional centres will provide the administrative support to enable ward committees to function. The staff serving regional centres will be municipal employees, appointed by the Council and will take on the role of a catalyst in forging sound relations between the ward committees and their communities, for example, facilitation of ward committee elections. Another provision, which is likely to contribute significantly to the success of the ward committees in eThekwini, is that the Ward Councillor is recognised as the accounting officer for the ward committee. In this regard reference is made to an important provision, which is absent in Msunduzi and Buffalo City, in that, the Ward Councillor is tasked with ensuring that all decisions taken by the ward committee are formalised and submitted to the office of the Speaker for presentation at Council at intervals determined by the Speaker. The meticulous care taken in compiling the documents for the establishment and operation of ward committees in eThekwini bodes well for the successful institutionalisation of the ward committee system into the overall framework of the municipality.

During the focus interview with Dr Sutcliffe, the question of the *modus operandi* of the ward committees was broached. In addressing this issue, Dr Sutcliffe posed this question "What is a ward committee supposed to be?" He then went on to express his views on this matter, as follows: -

> It's not an executive structure. It's not an elected structure in the sense of representative democracy. It's a structure that is part of a participatory democratic structure, and in that sense, I would say that it really doesn't have powers to even put forward recommendations to do X, Y, and Z, because in the end that's what councillors are elected to do, whether it's ward councillors or PR councillors, because they are equal once they are elected.

In dealing specifically with the role of ward committees, Dr Sutcliffe identified two main aims: -

> The first is to begin to reflect on whether developmental local government is actually reaching their ward. If so, how is it reaching their ward? Secondly, whatever suggestions

> they might want to put forward, about what to do and what not to do. ...but they really are (only) suggestions. They should allow us to see whether we are addressing the range of issues at ward level.

Dr Sutcliffe stressed the importance of recognising the councillor as the elected representative of that ward and urged that "we never think of these (ward committees) as structures of representative democracy – these are structures of participatory democracy."

However, the progress made towards the establishment of ward committees was to suffer a major setback. The Democratic Alliance brought an application before the Durban Court on 7 March 2005, co-incidentally during the period that the research was being carried out. This initiative resulted in the following newspaper headline, which appeared on the front page of the Natal Mercury on Tuesday 8 March 2005: "JUDGE'S RULING SCRAPS WARD ELECTIONS."

The Council did not oppose the application brought by the Democratic Alliance and a High Court Judge declared the elections of ward committees in the eThekwini Municipality invalid. The order sought by the Democratic Alliance claimed the elections had been marked by "serious procedural and electoral irregularities." In its submission the Democratic Alliance stated that in terms of the Structures Act, only some municipalities were entitled to form such committees. The eThekwini municipality was not one of them. Whilst it was the intention to amend the Section 12 notice, an application to enable this to happen had never been submitted to the provincial Department of Local Government. Despite this the Council had gone ahead with the elections. During the interview with Councillor Ploos van Amstel, Democratic Alliance Caucus leader, she stated that,

> there was blatant politicisation and manipulation by local ANC branches and Councillors. In many instances, large busloads of ANC supporters were brought into ward meetings with the sole intention of ensuring ANC domination of the committees.

She also stated that there were also examples of persons being elected to committees who did not live in the relevant ward.

The next aspect of community participation that is noteworthy is the venue for the monthly Council meetings. Historically meetings of the full Council were held in the Council Chamber at the City

Hall but with a compliment of 200 Councillors, this presents certain logistical problems. The Speaker has introduced an innovative way of dealing with these and at the same time creating a greater awareness of the Council's activities and has in the last twelve months selected venues for Council meetings away from the City centre in Inanda, Merebank, Folweni, Tongaat, Pinetown, Umlazi and Phoenix. In Folweni and Tongaat, the venue consisted of a massive tent erected on a sports field. Although the public's right to attend meetings of the Executive Committee and Standing Committees does not go so far as to allow residents the right to speak, the opportunity has been created for this to happen at meetings of the full Council. The initiative taken to hold meetings of the Council at venues within the community provides an opportunity for members to be part of the proceedings. To facilitate this involvement, the details of the meeting are publicised in the local newspaper and a general invitation for the public to be present is included in the press notice. The Secretariat tasked with the arrangements, makes provision for 200 Councillors and 100 members of the public. These arrangements include seating, public address systems, interpretation and in some cases refreshments. These special arrangements promote community interest in municipal activities. Members of the public are permitted to raise questions or comment on pertinent issues at these meetings. Confirmation that communities take advantage of this opportunity to participate was obtained during the interview with the Committee Secretary for the Council and the Executive Committee.

With specific reference to public participation in municipal decision-making, in discussions with John Pailey, Legal Adviser, he pointed out that the Municipality's public participation policy was in the course of being embodied in a by-law. In terms of this by-law, various means could be used to solicit the public's input in municipal decision-making, for example, public meetings, referenda, direct input by way of written submissions and plebiscites. It is unfortunate that notwithstanding enquiries made to several officials, the research failed to trace the steps followed to finalise the credit control by-laws.

In addressing the preparation and approval of the budget with particular reference to public participation, it is necessary to refer to the contents in a report dated 8 March 2004 submitted by the City Manager to the Executive Committee and which were highlighted during the review of the Integrated Development Plan. The points contained in the aforementioned report included the requirements for Committees to engage more often than only once per year; the suggestion that the budget did not clearly show how funds were spent for the betterment of the local community; reference to the fact that community needs were not reflected in the budget; that community profiles were inaccurate; that projects delivered were not all utilised by communities. These points prompted a number of initiatives and included community based planning, which aimed at broadening involvement and ensuring ongoing involvement of communities.

In dealing with internal democracy in respect of the Capital Budget for 2005/6 to 2007/2008, the City Manager in a report dated 22 November 2004 advised the Executive Committee that the draft Capital Budget would be presented to the party caucuses for consideration in the first instance. This initiative would enable political parties to obtain information on the Capital Budget principles on an informal basis where there was an opportunity to ask questions of clarity. This step would, in turn, enable the political parties to gain a better understanding of the budget, which is likely to ultimately contribute to the timeous adoption by Council of the budget. Two focus interviews were carried out with members of minority parties to determine whether they placed any value on the budget process outlined above by the City Manager and the opportunity provided to parties to gain a better understanding of the budget. Councillor Mitchell, Democratic Alliance Ward Councillor for Ward 63 declared that there had been no presentation of the draft budget given to the Democratic Alliance. The second interview was conducted with Councillor J Maree of the erstwhile New National Party and Ward Councillor for ward 67 who also stated that the presentation of the Draft Capital Budget to opposition parties never happened.

A number of other issues relating to transparency and public participation in the budget process are noteworthy. The capital budget was informed by the revised Integrated Development Plan (IDP) which had received the benefit of input through public participation. The Executive Committee, in turn, received the benefit of a specific Integrated Development Plan, the strategic focus areas, key performance areas, the project activities and project explanations (Appendix 34 contains details of the format of the Capital Budget). With all this at its disposal, the Council was able to finalise its Capital Budget for the period 2005/2006 to 2007/2008 before the end of December, 2004.

With regard to the Operating Budget, in-house meetings of senior staff were held in February 2005, which covered issues such as budget strategy, budget policy and alignment of the operating budget with the IDP. These meetings provided an opportunity for members of the administration to have their say and to submit proposals. By the middle of March, the point had been reached where steps to reduce the budget deficit were addressed to ensure that the increase in rates and tariffs to balance the budget was restricted to an acceptable level. The following press notice was published early in April by the eThekwini Municipality to promote public participation in the budget process: -

TABLE 34: eTHEKWINI METROPOLITAN COUNCIL. PUBLIC PARTICIPATION: 2005/2006 BUDGET

PUBLIC HEARINGS ON THE 2005/2006 BUDGET

AIM:
* To inform the public of the budget
* To present work done to date in each region
* To invite comments and questions for the purpose of reviewing the budget

DATE: Sunday, 2005-04-17 at 11:00 to 13:00

AREA	VENUE	CHAIRPERSON	PRESENTER
Mpumalanga	Main Hall	Nigel Gumede	Sipho Cele
Greater Hillcrest	Committee Room 1 Pinetown Civic Centre	Lungi Cele	Adrian Peters
Clermont	Clermont Hall	Obed Mlaba	Krish Kumar
Inanda/Ntuzuma	Bester Hall	Zandile Gumede	Hlengiwe Mcuma
Kwamashu	Kwamashu Indoor Sports Centre	Nomusa Dube	Gugu Mji
Verulam	Marquee at Verulam Sports Field	Logie Naidoo	Siphiwe Madondo
Phoenix	Greenbury Hall	Sipho Kaunda	Soobs Moonsammy
Pinetown South	Council Chamber, Pinetown Civic Centre	Themba Makhaye	Neil Macleod
Chatsworth	Montford Hall	Nonhlanhla Kunene	Derek Naidoo
Lower South	Ningizimu Special School	Thandi Gabela	Lindiwe Mahlangu
Upper South	St Ramalinga Hall	B J Buthelezi	Thembinkosi Ngcobo
Greater Durban	Albert Luthuli Hall, City Hall	Fawzia Peer	Michael Sutcliffe
Umlazi	V Community Hall	Joe Nene	Howard Whitehead

Interviews were carried out with various persons on 19 April 2005 (two days after the public hearings) to gauge the public's response to the initiative taken by the municipality. The following comments were randomly selected from the responses: -

> The turn out at the various venues was generally good and averaged between 200 and 300. An attendance figure of 800 was recorded in Mpumalanga [Office of the Deputy City Manager (Finance)].

> Some criticism was expressed on the basis that communities were unaware that the public hearings were being held. Only 58 persons attended the hearing held in Pinetown (Office of the Manager: Regional Centers, Pinetown)

> If it (the public hearings) were on a Saturday afternoon it would work, but not on a Sunday morning. .....I ignored it.....(Mrs L Devling; Chairperson, Combined Ratepayers Association)

Durban's leading newspapers, the Natal Mercury and the Daily News, on the two days following the hearings, made no reference to the Council's attempts to promote public participation. In discussion with Prince Sifiso Zulu, President of the Durban Chamber of Business on 25 April 2005 (the day preceding the tabling of the budget in Council), he stated that the Chamber was recognised by Council as a major stakeholder in the City, although this had not always been the case. Previously, the Chamber was only consulted a day or two before the finalisation of the budget. As a result of an initiative taken by the City Manager, the Chamber was involved in budget preparation several months before the tabling of the budget in full Council. The President confirmed that the Chamber was satisfied with the degree of influence which it was able to exert on the budget proposals, although he did indicate that consensus with the City was not always achieved.

Some comments on the public hearings are appropriate at this stage. Firstly, an attempt was made to accommodate working members of the community by convening the hearings on a Sunday. Secondly, attempts were made to convene the hearings at venues within communities. Thirdly, the aims of the public hearings were clearly stated in the notice, that is, to inform the public of the budget; to present work done in each region and to invite comments and questions for reviewing the budget. Fourthly, a rather unique situation was achieved in terms of which the community, elected councillors and the administration were brought together. Further public participation was still possible because although the budget was to be tabled in Council on 26 April 2005, the MFMA provides a further sixty days for Council to consider any budget submissions by the public and to respond to them. In addition to the efforts made to engage communities in the affairs of local government as outlined in the foregoing paragraphs, reference must also be made to an annual event which is held in April/May of each year. This initiative takes the form of a workshop and brings together stakeholders from across the City. It has been labelled the Big Mama workshop and has as its primary aim the review of the Integrated Development Plan.

The research also focused on the Council's strategy on communication and revealed that the instruments for facilitating communication have been created through the website, bi-monthly Municipal Newspaper, Municipal Manager's Newsletter, and Press Conferences. These instruments of communication will be dealt with *seriatim.* Firstly, the website (www. Durban.gov.za) contains useful information such as contact telephone numbers, organorgrams, jobs, tenders, by-laws,

performance management and public access to information. Access to policy and publications is also facilitated through the website and users can obtain information on matters such as the Long Term Development Framework and Integrated Development Plans. Secondly, the bi-monthly newspaper entitled Ezasegagasini Metro edited by Vasantha Angamuthu contains useful up to date information. There are regular columns containing news "from the City Manager's Desk" as well as "from the Mayor's Parlour." The publications also contain statutory notices, for example, invitation of tenders, employment opportunities, sale of municipal properties etc. This newspaper is distributed as an insert free of charge through the major newspapers in the City. Thirdly the City Manager regularly publishes a newsletter electronically through the website. The following is a list of recent newsletters: -

26 January 2005. Exco notes: 25 January 2005.
2 February 2005. Our preparedness for emergencies.
2 February 2005. Editorial Education Month 2005: Life Long Education.
4 February 2005. Visiting Clermont and Pinetown: Unannounced Visit 1.
8 February 2005. Exco Notes: 8 February 2005. Kwanaloga Court Case.
17 February 2005. Exco Notes 15 February 2005.
17 February 2005. Editorial: The economy of eThekwini.
26 February 2005. Editorial: Human Rights.

In discussions with Ms Vasantha Angamuthu who is also Acting Head of the Communications section, she explained that, in addition to the use of the communication instruments referred to above, frequent press conferences are held for the purpose of disseminating information to the public through the media on particular projects and initiatives.

In sum, in assessing the degree of internal democracy achieved within the eThekwini Municipality, the research has shown that there is insufficient evidence to confirm that the decision-making process has shifted from "the old" to "the new". By virtue of its clear majority in Council, the leading party has been able to dominate the decision-making process allowing little opportunity for minority parties to make any meaningful impact. The Executive Committee, operating within a highly centralised decision-making system, is the power house within Council's structures. The Standing Committees have no real decision-making powers and serve only in an advisory role. Furthermore, even though the Executive Committee is statutorily bound to report its decisions to full Council, this form of control is ineffectual because, by the time the reports reach Council, the matters are finalised and the outcomes have already been published in the press. The right of Council to require the Executive Committee to review a decision also is limited as a control measure by virtue of the nature of this being an *ex poste facto* control. On the positive side, there

are no apparent efforts by the leading party in Council to stifle input by opposition parties at meetings of the Executive Committee. In addition the composition of the Standing Committees is inclusive in the sense that provision is made for all Councillors to serve on at least one of the decision-making structures. Furthermore, Councillors other than Exco members have the right to be present at meetings of the Executive Committee but generally are not afforded the opportunity to speak. (Their attendance is, therefore, on an observer's basis only.)

The research has also not been able to produce sufficient evidence to support an argument that the eThekwini Municipality has taken sufficient measures to promote participatory governance. Although there is evidence to show that there has been a move in that direction, for example, communication with the public, as well as the initiatives taken with regard to the public hearings around the budget, the one major set back is the municipality's handling of the participative element of its decision-making structure. The Section 12 Notice which established the municipality made provision for a collective executive committee combined with a substructure participatory system. However, the sub-structure system was never established because it appears that it was not politically expedient for the leading party to do so. Instead, at the end of the fourth year of its five-year term of office, the Council opted to follow the route of establishing a ward committee participatory system. Even then, the Municipality failed to follow the procedural requirements by not publishing an amended Section 12 notice which resulted in the decision by the Court to scrap the ward committees recently established.

4. CONCLUSION.

The findings of the research into the eThekwini Municipality have revealed that the Executive Committee functioning in concert with the standing committees produces an efficient decision-making system. This statement is made against the background of first hand information gleaned from personal attendance at a meeting of the Executive Committee, an analysis of the workload of that committee over a period of six months and information yielded during focus interviews. As far as the latter is concerned, respondents, almost without exception expressed a positive regard towards the efficiency of the decision-making system in operation in eThekwini. What factors contributed towards the move to a new, efficient way of dealing with Council matters? Firstly, The City Manager, during his focus interview emphasised the importance of the role of the sub-committees and Standing Committees in exposing items to a filtering process as matters requiring decisions progressed through various stages within the decision-making system. This process allows for questions to be asked and debates to take place at the levels preceding the Executive Committee stage. This, in turn facilitates the finalisation of items by the Executive both efficiently and expeditiously. Although delegations to sub-committees and Standing Committees are absent,

eThekwini Municipality has been able to integrate the various levels in the decision-making process and this enables the Executive Committee to adopt with confidence, recommendations which have emanated through a comprehensive filtering system of committees. Very rarely does the Executive Committee reject the recommendations submitted to it by the Standing Committees. Secondly, recognition must be given to the role of the City Manager in promoting the efficiency of the decision-making process. The research revealed that the City Manager displays a hands-on approach, for example, his attendance at meetings of the Executive Committee, the fact that every report bears his signature. He, therefore, through deliberate action aligns the administration with the decision-making process, an initiative, which can only bode well for the promotion of an efficient decision-making system.

Some comments on the efficiency of the full Council in performing its decision-making function are necessary at this stage. Comments already made indicate that the Council's performance in the adoption of the annual budget is satisfactory. However, concern must be expressed that the research failed to trace a resolution of Council which has the effect of formally adopting the credit control by-laws. This, as mentioned before, is a statutory requirement imposed on every municipality in South Africa. With regard to decision-making at the administrative level, that is, the approval of building plans, it has been recorded that generally there is a six week backlog of work. The research did not interrogate the reasons for this backlog.

The research, having confirmed that, generally, the eThekwini Executive has satisfied the requirements of efficiency in making decisions, then turned to the question of democracy. Has eThekwini also been able to satisfy the requirements of democracy? Has it been able to reach a balance between efficiency and democracy? Has one requirement given way to the other? The findings have shown that although the primary decision-making body (the Executive Committee) is efficient, from a democratic point of view, it leaves much to be desired. Although the Structures Act allows for a collective Executive Committee with a participatory sub-council system, the eThekwini Metropolitan Municipality has side-stepped the opportunity to create a truly democratic decision-making process both from an internal and external point of view. Therefore, democracy in decision-making has had to stand back for efficiency by virtue of the leading party being able to dominate proceedings entirely in the all powerful Executive Committee.

REFERENCES

1. Republic of South Africa: *The Local Government Municipal Structures Act,* 1998, (Act 117 of 1998), Pretoria, Government Printer, 1998, Section 2 (a).
2. *Ibid.*, Section 62.
3. Republic of South Africa: *The Constitution of the Republic of South Africa,* 1996, (Act 108 of 1996), Pretoria, Government Printer, 1996, Section 160 (2).
4. *Ibid.*
5. Republic of South Africa*: Local Government Municipal Finance Management Act*, 2003 (Act 56 of 2003), Pretoria, Government Printer, 2003, Section 16 (2).
6. *Act 117 of 1998*, Section 44.
7. *Ibid.*, Part Four.

CHAPTER SEVEN

THE NELSON MANDELA METROPOLITAN MUNICIPALITY

INTRODUCTION.

Having researched the decision-making structures and processes of two local councils and one metropolitan, the focus of the fourth case study is on another metropolitan council, namely, the Nelson Mandela Metropolitan Municipality situated in the friendly city of Port Elizabeth. The Nelson Mandela Metropolitan Municipality as the final case study, promises to produce findings which will permit interesting comparisons to be made between categories and types of municipalities. To elaborate, firstly, Nelson Mandela Metro and eThekwini belong to the same category, that is, Category A (Metropolitan Municipalities) but differ in respect of type, that is, executive committee and executive mayor. Secondly, Nelson Mandela Metro and Buffalo City have executive mayoral systems in operation but belong to different categories, that is, categories and A and B (Metropolitan and local). Thirdly, Nelson Mandela and Msunduzi differ in respect of both category and type.

1. APPLICATION OF THE RESEARCH METHODOLOGY.

The methodology employed during the first three case studies was also used during the research into decision-making in this, the final case study. Accordingly, both hard and soft systems were employed yielding quantitative and qualitative data.

Permission to conduct research into the Nelson Mandela Municipality's decision-making structures and processes was granted during an interview with Mr Israel Tsatsire, Manager, Policy and Transformation on Friday, 1 April 2005. The review of documents commenced immediately thereafter and this was followed up with a further visit to Port Elizabeth for the purpose of interviewing key role players during the period 9 – 17 May 2005.

A total of 28 documents were accessed, details of which are contained in Appendix 35, and a summary thereof is included in the following table:-

TABLE 35: NELSON MANDELA METROPOLITAN MUNICIPALITY: REVIEW OF DOCUMENTS	
TYPE	**N°**
1. Establishment of Municipality	9
2. Committees	9
3. Public Participation	7
4. Procedures	
5. Budgets	1
6. By-laws	2
TOTAL	28

The only meeting attended for observation purposes was a meeting of one of the Standing Committees, details of which are contained in Appendix 36. A total of 22 focus interviews were conducted, details of which are contained in Appendix 37, whilst a summary has been included in the following table:-

TABLE 36: NELSON MANDELA METROPOLITAN MUNICIPALITY: FOCUS INTERVIEWS	
CATEGORIES OF RESPONDENTS	**N°**
1. Councillors	8
2. Officials	10
3. Outside Organisations	2
TOTAL	20

2. ORIENTATION

To begin with, it was necessary to determine the authority which established the Municipality, as was done in respect of the first three case studies. This meant tracing the notice published in terms of Section 12 of the Structures Act which would provide the necessary base information. In terms of Provincial Notice N° 87 of 2000, Gugile Ernest Nkwinti, Member of the Executive Council of the Eastern Cape, established a metropolitan (Category A) municipality. The Municipality was named the Nelson Mandela Metropolitan Municipality. The type which designates the executive authority was determined in terms of 2 (g) of the Determination of Types of Municipality Act N°5 of 2000 (p.n 6450). The type described in this section is "a municipality with a mayoral executive system combined with a ward participatory system." The Nelson Mandela Metropolitan Municipality's boundaries

stretch from the Sunday's River to the north of Uitenhage up to the Van Staden's River Mouth and incorporates the areas of seven former local authorities namely the municipalities of Port Elizabeth, Uitenhage and Dispatch; the Transitional Rural Councils of Port Elizabeth and Uitenhage; part of the Western District Council and the Seaview and Blue Horizon Bay Local Councils, an area of approximately 1952 square kilometers. A map showing the Municipal Demarcation Board boundaries for the Eastern Cape is attached (Appendix 38). A map showing the boundaries of the Municipality is also attached (Appendix 39).

The Municipal Demarcation Board divided the area of the Nelson Mandela Metropolitan Municipality into 54 wards. A total of 108 councillors was approved for the Nelson Mandela Metropolitan Municipality, made up of 54 ward councillors and 54 proportionally elected councillors. The Demarcation Board has more recently amended the original demarcation which has resulted in 60 wards with 120 councillors. (60 ward and 60 PR councillors)

The focus of the research now turned to determining the decision-making structures currently in operation. The Nelson Mandela Metropolitan Municipality is run by its first ever Executive Mayor, Councillor Nceba Faku. The Mayor takes overall strategic and political responsibility for the Metro and leads a ten person Mayoral Committee which functions like a "local cabinet." Each member of the Mayoral Committee has executive responsibility for a portfolio as shown in the following table. All members of the Mayoral Committee are drawn from the leading political party in Council, namely, the African National Congress.

TABLE 37: NELSON MANDELA METROPOLITAN MUNICIPALITY MAYORAL COMMITTEE.

POSITION	INCUMBENT	FUNCTION/PORTFOLIO
Executive Mayor	Councillor N C Faku	Chairperson
Executive Deputy Mayor	Councillor B Ndoni	Vice Chairperson
Mayoral Committee Member	Councillor M Kwenaite	Economic Development Tourism and Agriculture
Mayoral Committee Member	Councillor N Sihlwayi	Housing and Land
Mayoral Committee Member	Councillor M Biyana	Safety and Security
Mayoral Committee Member	Councillor M Odayar	Budget and Treasury
Mayoral Committee Member	Councillor C Williams	Recreation and Culture
Mayoral Committee Member	Councillor N Maphazi	Infrastructure, Electricity and Energy
Mayoral Committee Member	Councillor Manentsa	Environmental and Health
Mayoral Committee Member	Councillor M Xego	Constituency Co-ordinator
Mayoral Committee Member	Councillor B Ntshona	Human Resources Development And Corporate Administration.

The functions of executive mayors, as contained in the Structures Act[1] are set out in Chapter Five dealing with the Buffalo City Local Municipality.

3. RESEARCH FINDINGS

3.1 Efficiency

The Executive Mayor-in-Mayoral Committee is vested with authority to take binding decisions on the Council on all matters except those reserved exclusively for Council in terms of the Constitution.[2] In accordance with the provisions of the Structures Act, Council has established eight multi-party Standing Committees, namely Budget and Treasury; Economic Development, Tourism and Agriculture; Environmental; Housing and Land ; Human Resources and Corporate Administration; Infrastructure; Engineering and Energy; Recreation and Cultural Services; and Safety and Security Services. Each Committee has a membership of thirteen councillors. The decision-making structure is, therefore, identical to that of Buffalo City. Does the almost total centralisation of decision-making power in the Executive Mayor-in-Mayoral Committee and the absence of any delegations to Standing Committees make for an efficient decision-making system? Does the existence of a Ward Committee System and consequent community expectations impede the efficiency of the decision-making process? These questions and others were probed during the research.

The Mayor-in-Mayoral Committee convenes twice per month and receives reports and recommendations from the eight Standing Committees. In addition, it receives reports directly from the administration on matters which fall outside the terms of reference of the eight Standing Committees. Again, as with the other case studies, delegation of decision-making powers to the Standing Committees is absent. To begin with, there were mixed responses to the question of whether or not the decision-making function was performed efficiently. Councillor Kwenaite, member of the Mayoral Committee believes that there is room for improvement and that greater efficiency could be achieved by way of a system of delegations to the Standing Committees. The exercise of delegated authority would, however, be confined to certain parameters and a review mechanism by the Mayoral Committee would be required. Councillor Kwenaite felt that the total absence of any delegations to the Mayoral Committee members on an individual basis as Chairpersons of Standing Committees was an inhibiting factor. Other respondents felt that the system was inefficient and that the role of the Standing Committees was superfluous. This argument was refuted by other respondents who pointed out that the

Standing Committees should be seen as part of the process and that their input was taken seriously by the Mayoral Committee. Councillor Kwenaite expressed the view that the Mayoral Committee valued the input by way of recommendations received from Standing Committees and estimated that only one percent of recommendations were rejected by the Mayoral Committee. In discussion with Mr Chris Coetzee, Senior Committee Secretary, he maintained that, almost without exception, recommendations from Standing Committees were adopted by the Mayoral Committee. He estimated the number of items rejected at less than ten percent.

The question of whether or not the Executive Mayor-in-Mayoral Committee performed its decision-making functions efficiently was further canvassed during the focus interviews. The responses are contained in the following table:-

TABLE 38: NELSON MANDELA METROPOLITAN MUNICIPALITY : MAYORAL COMMITTEE: EFFICIENCY RATING

N° OF RESPONDENTS	POSITIVE RATING	NEGATIVE RATING	UNSURE/NON COMMITTAL
20	10	5	5

As was done in the previous case studies, an analysis of the minutes of meetings of the Executive Mayor-in-Mayoral Committee for the period 1 January to 30 June 2004 was undertaken. The analysis yielded the following information.

TABLE 39: NELSON MANDELA METROPOLITAN MUNICIPALITY : FREQUENCY, DURATION AND WORKLOAD OF MEETINGS OF THE MAYORAL COMMITTEE FOR THE PERIOD 1 JANUARY TO 30 JUNE 2004

DATE OF MEETING	DURATION OF MEETING	NUMBER OF ITEMS	AVERAGE TIME PER ITEM
28 January	5 hours	130	2 mins
4 February	3 hours 45 mins	11	21 mins
11 February	4 hours 45 mins	7	41 mins
25 February	8 hours 30 mins	103	5 mins
10 March	4 hours 30 mins	66	4 mins
7 April	(meeting postponed)		
20 April	1 hour 10 mins	6	12 mins
28 April	9 hours 50 mins	41	14 mins
12 May	5 hours 20 mins	19	17 mins
2 June	10 hours 30 mins	53	12 mins
23 June	6 hours 15 mins	120	3 mins
AVERAGE OVERALL TOTAL			
2 Meetings Per Month	6 hours	55 items	6 minutes

(Note: The figures contained in the above table have been rounded off to the nearest whole number)

The following table reflects a comparison of the efficiency demonstrated by the executives of the four case studies in taking decisions.

TABLE 40: EFFICIENCY IN DECISION-MAKING COMPARATIVE ANALYSIS MSUNDUZI AND BUFFALO CITY LOCAL MUNICIPALITIES AND ETHEKWINI AND NELSON MANDELA METROPOLITAN MUNICIPALITIES JANUARY – JUNE 2004.

NAME OF MUNICIPALITY	NUMBER OF MEETINGS	AVERAGE DURATION OF MEETINGS	AVERAGE N° OF ITEMS PER MEETING	AVERAGE TIME PER ITEM
Msunduzi Local Municipality	25	4 hours	20	18 mins
Buffalo City Local Municipality	10	2 hours	63	2 mins
Ethekwini Metropolitan Municipality	10	2 hours	43	3 mins
Nelson Mandela Metropolitan Municipality	10	6 hours	55	6 mins

(Note: The figures contained in the above table have been rounded off to the nearest whole number)

The research has revealed that there are other factors, apart from the design of the executive (executive mayor or executive committee) which influence the level of efficiency in decision-making. These include, for example, the role of the Standing Committees, delegations etc. The research revealed that in common with its neighbour, Buffalo City, the Nelson Mandela Metropolitan Municipality's Mayoral Committee conducts its meetings behind closed doors in the sense that Councillors, other than members of the Mayoral Committee, the media and the public are not permitted to attend these meetings. However, in sharp contrast to eThekwini, where the administration is represented by the City Manager only, meetings of the Nelson Mandela Metropolitan Municipality's Mayoral Committee are attended by the City Manager, the eleven Business Unit Managers (BUMS) and a number of office managers. This point was emphasised during the focus interview with the Communications Manager who drew attention to the practice for senior management to be present for the duration of the meetings of the Mayoral Committee. This facilitated the taking of decisions on a corporate basis, and also promoted "buy in" from the administration. There is a clear indication of the existence of a relationship between the elected office bearers (members of the Mayoral Committee) and senior officials. It is, therefore, opportune to provide some comments on this matter. The research revealed that the Administrative Structure has been aligned to the Committee Structure in a way that each

functional area (Business Unit) is responsible to a particular Standing Committee thereby enabling committees to oversee the implementation of the Metro IDP by their administrative units. The following table depicts this arrangement.

TABLE 41: NELSON MANDELA METROPOLITAN MUNICIPALITY:ALIGNMENT OF COMMITTEE STRUCTURE AND THE ADMINISTRATION.

COMMITTEE	CHAIRPERSON	BUSINESS UNIT MANAGER
Budget & Treasury	Councillor M Odayar	Mr P Van Rooy Manager Budget & Treasury
Economic Development, Tourism & Agriculture	Councillor M Kwenaite	MS V Zitumane Manager Economic Development Unit
Environmental and Health	Councillor M Manntsa	Dr P Martin Environmental Services Dr C Pailman Health Services
Housing and Land	Councillor N Sihlwayi	Mr M Landson Housing
Human Resources and Corporate Administration	Councillor B B Ntshona	Ms T Mali Corporate Administration Mr S Sohena Human Resources
Infrastructure, Engineering and Energy	Councillor N Maphazi	Mr A Said Infrastructure & Engineering Mr G Ferreira Electricity
Recreation and Cultural Services	Councillor B C Williams	Mr M Gidane Manager Recreation and Cultural Services
Safety and Security	Councillor M W Biyana	Mr M Mangena Manager Safety and Security

This alignment has the effect of uniting the efforts of the political champions (Chairpersons of Committees) and the Business Unit Managers. This arrangement brings into focus the roles of the participants or, as referred to in Chapter Two, the political/administrative interface. To begin with senior municipal officials are not only responsible for the implementation of decisions in that they also influence decision-making through the submission of reports and recommendations to committees of council. In the past, and even today, it is not unusual to hear such statements as: "councillors take decisions and officials carry them out." In this regard reference is made to the following sections of the Municipal Systems Act: -

> The municipal manager is responsible and accountable for advising the political structures and political office bearers of the municipality.[3]

> The municipal manager is responsible and accountable for carrying out the decisions of the political structures and political office bearers of the municipality.[4]

Owen Hughes in addressing this matter refers to three main facets of political control in the traditional model of administration, most notably in Westminster systems.[5] First, there is a clear relationship of accountability and responsibility. A department or agency has two basic roles; to advise the political leadership on the development, review and implementation of policy, and to manage its own resources so that policy may be implemented. Second, there is supposed to be a strict separation between matters of policy; which are formally the province of politicians, and matters of administration, which are left to the public service. Third, the administration is presumed to be anonymous and neutral, that is not personally associated with any decisions or policies that are carried out only in the name of the minister; and non-partisan in the party-political sense and able to serve equally any political leader.[6]

Hughes points out that the theory of separation-of-dichotomy-between politics and administration was a major part of the traditional model of administration, it was for many years, widely regarded as a myth, especially useful for the evasion of responsibility. He maintains that, in reality, the two are linked with politicians performing administrative duties and administrators assuming political responsibilities.[7] Derbyshire and Patterson believe that the politician and administrator share a unique partnership. The politician relies upon the professional mentality of the administrator and he/she, in turn relies on the politicians to accept responsibility for the political decisions, he is required to implement.[8]

There is, therefore, a collective responsibility through a co-operative interaction between councillors and senior officials in decision-making. The clear cut distinction suggested above to the effect that councillors make decisions and officials implement them is not the case in practice. The research has shown that all four municipalities have, to a lesser or greater extent, recognised the need to align the decision-making structures with the Administrative Structures (business units, departments etc). This tends to suggest that there is also a recognition that each must accept that the other has a legitimate part to play in all aspects of local governance and that neither can regard any area as exclusively theirs.

Having made reference to the greater interdependency between the elected officer bearers and the administration in the decision-making process, there is another dimension that must be mentioned in the interests of presenting a complete picture, namely, the question of delegation. At a political level,

whilst it is acknowledged that the Nelson Mandela Metro Council has delegated to its Executive Mayor-in-Mayoral Committee everything which it is permitted to in terms of the legislation, delegation to other structures, for example, Standing Committees is absent. This situation is not unique and, in fact, prevails in the other three case studies. Further research confirmed that authority has been delegated to the administration to consider and approve building plans on the same basis as applicable to the other case studies.

The approval of building plans was accordingly researched on the same basis as the research carried out onto this function within the other three case studies. A summary of the outcome of the research is contained in the following table:-

TABLE 42: NELSON MANDELA METROPOLITAN MUNICIPALITY: APPROVAL OF BUILDING PLANS, 1 JANUARY – 30 JUNE 2004.

MONTH	N°	VALUE (R)
January	314	55 305 474
February	380	76 031 684
March	472	97 020 027
April	398	86 261 923
May	539	133 945 588
June	319	70 900 098
TOTAL	**2422**	**519 464 794**

The following table contains a comparative analysis of the number and value of building plans passed by the four municipalities involved in this research over a six month period.

TABLE 43: COMPARATIVE ANALYSIS APPROVAL OF BUILDING PLANS 1 JANUARY 2004 – 30 JUNE 2004

	MSUNDUZI LOCAL MUNICIPALITY		BUFFALO CITY LOCAL MUNICIPALITY		eTHEKWINI METROPOLITAN MUNICIPALITY		NELSON MANDELA METROPOLITAN MUNICIPALITY	
	N°	VALUE(R)	N°	VALUE	N°	VALUE	N°	VALUE
JAN	79	18 738 027	191	29 972 250	332	55 922 621	314	55 305 474
FEB	96	31 305 437	302	45 649 401	319	47 243 587	380	76 031 684
MARCH	150	22 965 599	235	34 517 939	414	91 537 663	472	97 020 027
APRIL	91	17 856 425	398	34 021 450	292	47 688 427	398	86 261 923
MAY	119	12 443 824	241	40 842 800	381	57 664 318	539	133 945 588
JUNE	131	65 696 727	253	46 994 363	407	59 223 619	319	70 900 098
TOTALS	**666**	**169 006 039**	**1620**	**231 998 203**	**2145**	**359 350 235**	**2422**	**519 464 794**

In discussions with members of the Building Inspectorate of the four municipalities, it was discovered that generally the approval of building plans was up to date and that few backlogs were encountered. eThekwini was found to be the exception where, on average, a six week backlog was being experienced. That aside, it would seem from the findings that steps have been taken to ensure that this function is performed efficiently, even though a considerable disparity was found to exist from one municipality to another in the number and value of building plans approved. There could be numerous reasons for this disparity, for example, size, rate of economic development, concessions etc. In addressing the factors influencing the efficiency displayed in the performance of this function, reference must first and foremost be made to the fact that administrative decision-making takes place in an environment which is not influenced by politicians and is ostensibly free from party political influences. Secondly, these decisions are taken by professional officials who focus on this function on a full-time basis. Thirdly, these decisions are taken within a limited range of alternatives, laid down in national legislation. Fourthly, as these requirements are uniform to all municipalities, the opportunity for error is reduced. To demonstrate this point, a centralised system for building plans approval could be developed in terms of which, for example, one municipality could deal with all building applications for all municipalities across the country. The findings resulting from the research undertaken into administrative decision-making prompts the following points. If, the delegation of authority leads to greater efficiency in the performance of approving building plans, why can delegation also not be extended to other routine functions, for example, town planning applications, valuations, land alienations etc?

What factors account for the situation where the Mayor-in-Mayoral Committee of the Nelson Mandela Metropolitan Municipality takes twice as long to reach a decision when measured against eThekwini? Is it because the number of persons involved in the deliberation of items is twice the number involved in the Executive Committee, eThekwini? If there is substance in the argument that a correlation exists between the number of persons involved in the debate leading up to adopting a decision and the time taken, then this may also provide the answer, or part of the answer, to the Msunduzi situation where, on average, in excess of seventeen minutes is required to reach a decision. This statement is made against the background that, there is in excess of twenty members of the administration present at every meeting of the Msunduzi Municipality's Executive Committee.

Issues such as the number of persons involved in decision-making, the time taken to reach a decision etc needed closer examination and, here, the research turned to the work of Frank M Bryan. Bryan undertook first hand research into democracy practiced in New England town meetings over a period of three decades. He has captured his findings in a book entitled "Real Democracy"[9] Bryan maintains

that the real demands of democracy are, firstly, the presence of citizens. Secondly, deliberation, Thirdly, inclusivity, real democracy requires that no cohort of society is excluded. Fourthly, the amount of time devoted to deliberation needs to be sufficient.[10] He also stresses the importance of a key finding of his research, namely, issues.[11] He regards issues as one of the most important components of real democracy, possibly only second to size. The presence of what he terms hot issues ought to have its own independent and positive effect on participation.[12]

To what extent do Bryan's findings hold true with regard to decision-making in the four South African case studies? In dealing with inclusivity, the composition of the executive is the first point of focus. The two Eastern Cape Municipalities, Buffalo City Local Municipality and the Nelson Mandela Metropolitan Municipality have constituted their Mayoral Committees on the basis of a single party only. They are not inclusive and, therefore, not as democratic as they could be. The KwaZulu-Natal Municipalities, Msunduzi and eThekwini have Executive Committees and are, therefore, bound to constitute these committees on the basis on which political parties are represented in their respective Councils. The question of inclusivity was also looked at from the point of the administration. While members of senior management are expected to attend meetings of the executive in Msunduzi, Buffalo City and Nelson Mandela Metro, this is not the case in eThekwini. Generally meetings of the eThekwini Municipality's Executive Committee are attended by the City Manager only.

Next the focus probed the question of issues and the effect which they have on participation. The research has shown that *ad hoc* initiatives at engaging the communities in a meaningful way have generally been more successful than permanent structures, for example, ward committees. The reason for this may lie in the fact that the *ad hoc* initiatives are aimed at specific issues, for example, rates and tariff increases, credit control policy etc. The importance placed on a particular issue may differ from one community to another. The reason for this is that human needs and the associated requests for public services differ from group to group (for example the differing needs of lower income and higher income groups from neighbourhood to neighbourhood and therefore from urban area to urban area).

The focus then fell on Bryan's findings regarding the relationship between participation and attendance. In dealing with this matter, he maintains that in general town meetings with the smaller number of people in attendance have the largest percentage of participators and the best distribution of participation among those present.[13] Bryan also makes the point that since the number of people who speak at town meetings does not keep up with the increase in the number of people who attend, the statistical relation between the number of people at town meeting (its size) and the percentage

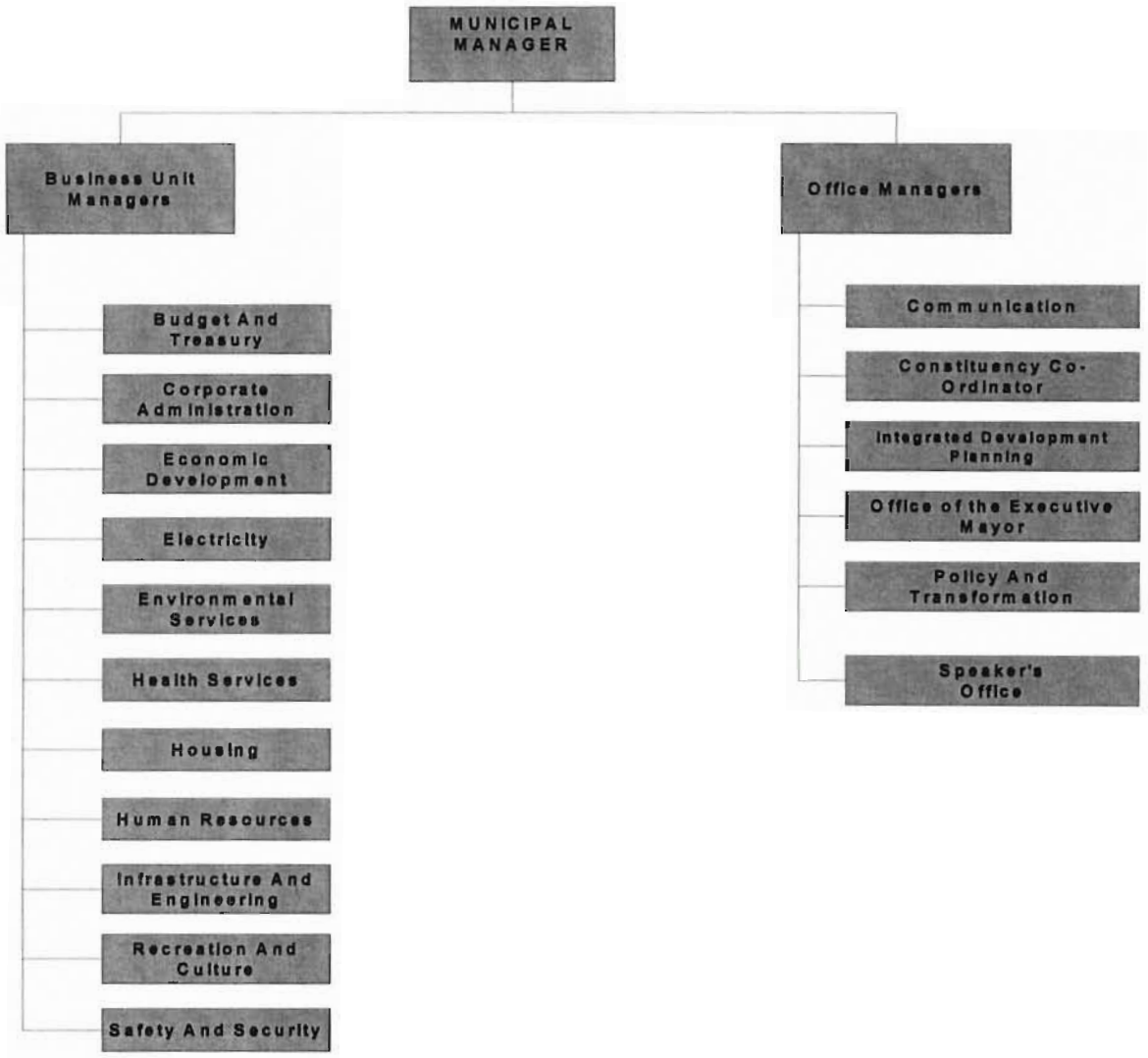
participatory is negative-strongly so.[14] This finding is in opposition to the suggestion that the reason for the very slow rate of decision-making in Msunduzi is attributable, at least in part, to the number of persons attending the meeting. There, are of course, differences in the two scenarios that may also play a part, for example, members of the administration attend meetings of the Msunduzi Executive Committee to provide professional advice to Committee. In other words at these meetings there is a mixture of councillors (legislators) and officials (advisors). This seems not to be the same situation as applied at the town meetings researched by Bryan.

Although there may be sufficient justification, at this stage, to suggest that efficiency is being forced to give way to democracy, this assessment will be held in abeyance until such time as the question of democracy has been fully dealt with in the next session. Next, attention was given to the adoption of the annual budget and the enactment of by-laws, more specifically the Credit Control By-laws. The provisions for the adoption of the annual budget are contained in of the Municipal Finance Management Act and these include the requirement that "the Mayor of the Municipality must table the annual budget at a Council meeting at least 90 days before the start of the budget year." [15] In effect this means by not later than the end of March, given the fact that 1 July marks the beginning of the new financial year. The research shows that the Nelson Mandela Metropolitan Municipality missed this deadline by eight days. This minor breach of this requirement is not seen as serious, particularly given the fact that the Municipality gave prior notice to the National Treasury that the deadline would not be met. Further attention to the public participation programme around the budget will be covered under the heading "Democracy".

The research also showed that the Nelson Mandela Metropolitan Municipality adopted its Customer Care and Revenue Management By-Laws (generally referred to as Credit Control By-Laws) on the 18 September 2003. These by-laws were advertised for public comment for a period of 21 days from the 25 July to 15 August 2003 at all Municipal pay points and libraries.[16] No written objections were received. In addition a series of presentations to the general public were also conducted throughout the Metro and all relevant comments received from the public were considered by Council prior to the adoption of the By-Laws.[17] The By-Laws were published in the Provincial Gazette on 21 October 2003 and came into effect from the date of the publication. There can be no doubt that the Nelson Mandela Metropolitan Municipality has displayed efficiency in the way it went about adopting and enacting these by-laws for which it should be commended. It is noteworthy that none of the other municipalities researched has yet enacted its Credit Control By-Laws.

The establishment of the Nelson Mandela Metropolitan Municipality was also accompanied by the restructuring of the administration. This proved to be a daunting task as the amalgamation of the administrations of the erstwhile Port Elizabeth, Uitenhage and Despatch Municipalities had to be undertaken as a first step. During discussions, the Manager in the Executive Mayor's Office, while acknowledging that this had given rise to a few "casualties" (retrenchments) confirmed that the reorganisation of the administration was complete. The following table shows the current organogram of the Nelson Mandela Metropolitan Municipality.

TABLE 44: NELSON MANDELA METROPOLITAN MUNICIPALITY: ADMINISTRATIVE STRUCTURE



To sum up the preceding section, the structure of the executive, that is the Mayor assisted by a single party committee should be conducive to achieving a high level of efficiency in carrying out its decision making function. Coupled with the structure, the Council has conferred on the Executive Mayor, extensive delegations which should also have the effect of promoting efficiency. Although it would be unfair to conclude that decision-making in the Nelson Mandela Metropolitan Municipality is inefficient, there are strong indications that the structures and processes which lean favourably in the direction of greater efficiencies are not being maximized. It is difficult to accurately identify the factors which inhibit efficiency because meetings of the Mayoral Committee are closed to the public. Therefore, in the absence of first hand information it is only possible to speculate on the factors which mitigate against achieving a higher level of efficiency. Firstly, perhaps the Standing Committee system is not working as efficiently as in the case of eThekwini. In other words, although matters have been subjected to intensive deliberation at Standing Committee level, there is a tendency for the Mayoral Committee to rehash them. Secondly, focus interviews with roleplayers confirm that senior officials are required to attend all meetings of the Mayoral Committee from beginning to end. It has also been confirmed that they are often called upon to make input at these meetings. In the case of eThekwini, officials, other than the City Manager, make their inputs at meetings of the Standing Committees and not at the meetings of the Executive Committee. Finally, it would seem that the efficiency of the decision-making system is enhanced or impeded by the forcefulness or assertiveness displayed by the key role players at meetings, in particular, the Mayor as Chairperson and the City Manager as the Council's Chief Official.

3.2 Democracy

The Nelson Mandela Metropolitan Municipality claims to place a high premium on the views of the people of the Metropolitan area. Executive Mayor Nceba Faku stated this in his opening of the Council address on 18 January 2002 when he declared 2002 as the "Year of Abhahlali" (Year of the Residents):

> The declaration of the year of abhahlali re-affirms the importance and centrality of abhahlali in the affairs of the Nelson Mandela Metropolitan Municipality. The Abhahlali as people, must feel that they hold all reins of governance in their hands. We must re-invigorate our community participation structures, and re-emphasise their importance.[18]

Before researching the steps taken by the Nelson Mandela Metropolitan Municipality to ensure public participation in the decision-making processes of the Municipality, the extent to which internal democracy is promoted was the point of focus. The Executive Mayor-in-Mayoral Committee, its structure, composition, role and operation received attention in the first instance. The committee is appointed by the Executive Mayor in terms of the Structures Act.[19] It is, therefore, a statutory requirement that the Executive Mayor must appoint a Mayoral Committee. In researching the composition of the Mayoral Committee, it was found that, again, as is the case in Buffalo City, the committee consists of members of the majority party only. As previously pointed out, the Executive Mayor is not bound by legislation to determine the composition of the committee on the basis that other parties must be represented on the committee.

With regard to its role, the committee is there to "assist the Executive Mayor". Decision-making powers vested in the Executive Mayor are contained in the Structures Act.[20] In addition, the Council has delegated to the Executive Mayor everything which it is entitled to in terms of the legislation. The Executive Mayor is, therefore, in an extremely powerful position having been vested with such wide powers to make decisions. It brings into question the credibility of the Mayor's statement in 2002 that the people "must feel that they hold all the reins of governance in their hands." The Mayor has also stated that the Mayoral Committee possesses only advisory powers. This statement, of course, is technically correct, because, as indicated above, real powers are in the hands of the Executive Mayor and not the Mayoral Committee. Proceedings of the Mayoral Committee are not open to other Councillors, the public or the media. The committee is, therefore, seen to be conducting its activities behind closed doors. This issue was discussed with Mr Max Matavire, Metro Editor of the Herald who had this to say:-

> The way in which the Executive Mayor-in-Mayoral Committee works was accepted by the full Council which has a vast majority of ANC members. The main opposition party in Council, the D.A. does not like the system. Even within the ranks of the A.N.C there are whispered objections from Councillors to the way in which the committee operates but they are too scared to state these publicly .....

Councillor Mike Kwenaite, member of the Mayoral Committee, however, downplays this issue and indicates that certain persons tend to overstate this as a problem. However, Councillor E.C.Trent, leader of the D.A. Caucus had this to say:-

> We think it (the executive mayor system) is totally undemocratic. We are completely excluded from decision-making. More important, getting information submitted to the Mayoral Committee! We are only given the resolutions which come to Council....

Councillor Collin Fiebiger of the African Christian Democratic Party (ACDP) maintains that

> it (the executive mayor system) misses the point completely with regard to what we are trying to achieve with the new Constitution. They are sitting there with absolute power and that is the problem.

The research then looked at what mechanisms were available to monitor the activities of the Executive Mayor-in-Mayoral Committee and what means, if any, were in existence to require the Executive Mayor to review a decision. Firstly, in terms of the Structures Act, the Executive Mayor is required to report to the Council, all decisions taken by the Executive Mayor-in-Mayoral Committee.[21] However, this does not allow for any meaningful input by minority parties, because, as pointed out by respondents during focus interviews, some of the resolutions are often several months old by the time that they are reported to Council.

Unlike the other three Municipalities researched where their Councils meet every month, the Nelson Mandela Metropolitan Municipal Council meets once every six weeks only. This arrangement serves to further complicate the matter in that a decision made six weeks before by the Executive Mayor-in-Mayoral Committee would probably already have been implemented. Reversal of the resolution could be problematic, as it is likely that, by then, rights in favour of another party or person would already have accrued. Reference is also made to the statutory provision in terms of which, at the request in writing of at least one quarter of the Councillors, the Council shall review any decision taken by the Executive Mayor in consequence of a delegation or instruction, and either confirm, vary or revoke the decision, subject to any rights that may have accrued to any person. This provision does not, however, provide much comfort to minority parties because their combined membership in Council does not constitute twenty five percent of Council. A further discussion was held with Mr Chris Coetzee, Senior Committee Secretary on this matter who pointed out that the ruling party, at that time, held a 78% majority in the Nelson Mandela Metropolitan Municipality Council. He further pointed out that notwithstanding this, "they still approved requests for reviews of decisions from the main opposition

party and even the smaller parties, in the interests of overall inclusivity. At every Council meeting, requests for reviews are entertained."

The focus then moved to the Standing Committees of Council. The stated primary goal of each Standing Committee, subject to the direction of the Executive Mayor, is to oversee the implementation of the Metro IDP by their administrative units. Again, demonstrating the position of power of the Executive Mayor, not only is he master of the Mayoral Committee but he is also empowered to provide direction to the Standing Committees. Furthermore, the business plan of each Standing Committee is to be driven by the fundamental goals of job creation, income/revenue generation and the development of SMME's.

The Chairpersons of Standing Committees are by law chosen from the members of the Mayoral Committee.[22] This provides Chairpersons of Committees with first hand information obtained directly through interaction and debate at meetings of their respective committees which, in turn, enables Chairpersons to steer matters falling within their portfolios through the Mayoral Committee. The absence of delegations to Standing Committees was seen by many of the respondents as a significant drawback. Councillor Kwenaite, member of the Mayoral Committee also expressed the view that much could be gained towards streamlining the decision-making system if delegations could be given to Chairpersons of Standing Committees. Although members of the public and the media are permitted to be present at meetings of Standing Committees, there is no public participation permitted.

The research then turned to external democracy and focused on the steps taken by the Council to promote public participation in decision-making, namely ward committees; the annual ward committee conference and people's assembly; masithethisane (come lets talk together) programme; patriotic volunteerism programme; annual opening of council; forums and councils; advisory bodies. These initiatives will be discussed *seriatim*.

Ward Committees: The Nelson Mandela Metropolitan Municipality proudly claims to have been the first municipality in the country to have established ward committees, which was achieved on 20 July 2001. Each ward committee consists of ten members. The composition of ward committees is gender sensitive and also accommodates the diversity of interests present in the respective wards. In so doing the interests of the youth, business, religious and disabled sectors are included in the composition of

ward committees. The question of the institutionalisation and sustainability of ward committees were the points of focus during the research. In discussions with Mr Max Matavire, Metro Editor, the Herald, he had this to say about ward committees: -

> They are failing. The Mayor himself has expressed great concern and has told the Council that they must revisit them, because they are not working.

This view was supported in the following letter to the Editor which appeared in the Herald on 11 May 2005.

> **COMMITTEES NOT WORKING**
>
> Do ward committees still exist? What is hurting most are resolutions taken but no feedback from those accountable.
>
> As members of the ruling party, they have failed us. An old pensioner with four young grandchildren has been staying in a half-burnt house for the past two months. A councillor came, viewed the house and left.
>
> Let's promote a culture of communication and consultation. The community, too, must make sure they elect only those who have the interest of the masses at heart, not individuals who have hijacked the bus of the struggle with the intention of self-enrichment.
>
> Mkhuseli King
> KwaZakhele, Port Elizabeth

During interviews with members of minority parties the statements made by Max Matavire on the failure of ward committees were supported. However, Mr Rodney Carradice, the Council's Manager of Ward Committees and Public Participation feels that the ward committees system is worthwhile but acknowledges that continuous measures are necessary to ward off the inevitable apathy which creeps

in. Amongst other things, he suggests that a portion of the Capital Budget should be awarded to ward committees which could then be spent, at their discretion, on community projects within certain parameters. In this way ward committees could play a greater role in decision-making. He feels strongly that ward committees should be empowered in a way that they are able to witness the benefits of their input. While they remain disempowered, the communities see ward committees as "toothless" structures. This statement is made against the background that ward committees have no executive powers and serve as advisory bodies only. A ward committee may only make recommendations on matters affecting its ward. Although a metro or local council may delegate certain duties and powers to ward committees in terms of the Structures Act, [23] the research undertaken thus far has not yielded any evidence of this having taken place.

Amongst other initiatives around the establishment and operation of ward committees, the Council has approved a Code of Conduct for Ward Committee members. The aim of this code is to provide ward committee members with guidelines on what is required of them in their personal conduct and relationships. The Code specifically draws attention to the principle that, on assumption of duty, every member assumes a very special responsibility to his\her local authority and fellow citizens. Furthermore a member is primarily the elected representative of his or her local authority and not only of his her ward. The members must not promote the interest of a group at the community's expense. On this point, it is noteworthy that during interviews with members of minority parties, the view was expressed that ward committees were structures of the leading political party in Council and, as such, often promoted the interests of the party rather than the interests of the community. The African Christian Democratic Party (ACDP) has adopted a stand off policy towards ward committees in terms of which it has declined to involve itself in any way in the activities of ward committees. (Further discussions with Councillor Fiebiger, ACDP, confirmed that the said policy applied to the Port Elizabeth Branch of that party).

The institutionalisation of ward committees has also presented the Nelson Mandela Metropolitan Municipality with certain problems. For instance, in the absence of an adequate administrative structure, the submission of minutes of meetings of ward committees is not co-ordinated. Rather, items requiring attention are forwarded to the appropriate Business Unit. Whether the submission ever finds its way into the agenda of a Standing Committee is entirely in the hands of the Business Unit Manager. The Nelson Mandela Metropolitan Municipality has made deliberate efforts to build capacity amongst ward committees and to this end has introduced training courses on local government and community involvement. An interesting initiative entails the training of Ward Councillor's Assistants, in terms of which training is provided on how to structure and develop items which are placed on ward committee

agendas. This initiative is based on the premise that a matter properly researched and presented to the ward committee is more likely to promote meaningful debate and a logical conclusion. Other initiatives taken around promoting the ward committee system include the Annual Ward Committee Conference and the People's Assembly.

The Annual Ward Committee Conference and The People's Assembly. The Nelson Mandela Metropolitan Municipality also proudly claims to be the first Municipality in South Africa to convene a people's assembly. The first People's Assembly was convened on 22 November 2003 and it is set to become an annual event. The People's Assembly is a gathering of all 108 councillors of the Metro, the 54 Ward Committees, senior members of the administration, the various forums, for example, the Youth Forum, the Disabled Forum, the Safety and Security Forum etc. as well as representatives of National and Provincial Government. The primary objective was to convene a meeting of all stakeholders with a structured format, thereby affording all communities an opportunity for constructive engagement. The objectives of the People's Assembly are to promote and enforce people's participation in governance; to develop a clear strategic implementation plan for the IDP and Budget; to provide the Nelson Mandela Metropolitan Municipality Stakeholders, with a platform for intensive debate; to clarify the role of ward committees in respect of IDP and budgetary processes; and to outline the people's budget process.

The programme for the People's Assembly dealt with specific issues requiring community input. The first session was set aside for discussion on matters relating to the Integrated Development Plan (IDP) and dealt with issues such matters as implementation strategies, review processes, community involvement and the role of ward committees. The second session dealt with the budget and focused on service delivery; budget implementation; the role of the community; and the role of ward committees. The final session dealt with a variety of items, for example, housing challenges, human resource matters, and job creation.

The Annual People's Assembly is arranged by the office of the Speaker. An amount of R500 000 was allocated for this event and in excess of 1500 participants were invited to attend. As a forerunner to the People's Assembly, a Ward Committee Conference was held. This was convened the day before the Annual People's Assembly and allowed ward committee members the opportunity to discuss matters of common interest. This arrangement facilitated the referral of items from the Ward Committee Conference to the People's Assembly. The People's Assembly is a body which has a broader representation than the Ward Committee Conference. In discussion with Mr Nimrod Mqulwana,

Manager in the Speaker's office, he confirmed that the Ward Committee Conference affords delegates the opportunity to discuss matters of common interest relating to ward committees. These, for example, include election of members, composition of committees, frequency of meetings, operationalisation and institutionalisation etc. Matters which were unresolved at the Ward Committee Conference could then be subjected to further debate on a broader basis at the People's Assembly. He also pointed out that the public is given the opportunity to address the Mayor, to question, criticise and/or praise him on the operation of the Metro Municipality. In this way the Council gets first hand feedback.

The Masithethisane Programme is regarded by the Mayor of the Nelson Mandela Metro as the epitome of community participation in the affairs of the municipality. In essence this is a "Come lets talk together programme" and entails a visit every three months by the Executive Mayor, Mayoral Committee and officials to all communities in the Metropolitan area. The primary objectives of these visits are to report to the communities on Council's policies and development projects, answer questions on delivery and policies put to them by the communities and listen to input by the communities on future needs in their areas. The Municipality estimates that during the first three rounds of Masithethisane, the delegation has met with over 50 000 residents. The opportunity is taken to draw attention to some of the similarities and differences which the Masithethisane Programme has with certain initiatives implemented in the other case studies, namely, the Msunduzi Shosholoza Tours, the Buffalo City Cluster Meetings and the eThekwini Big Mama Workshops. All of these initiatives have one aim in common. They seek to engage the public on matters of local government which is one of the objectives of municipalities as required in terms of the Constitution.[24] In brief, the Shosholoza Tours entailed visits by a team of Councillors and officials to all 37 wards in the Msunduzi Municipality and aimed at engaging the community on a wide range of issues; for example, promoting community interest in municipal decision-making, re-instating the community's confidence in the Council's ability to deliver, focusing on the needs identified by communities, expediting the delivery of services, creating job opportunities and eradicating poverty. The Buffalo City Cluster Meeting initiative is evidence of the Council's intention to consult the community on a broader basis (than ward committees) on a number of issues. The Cluster meetings, attended by communities from several wards, sharing a common geographical area focused on a narrow range of issues, namely, the Integrated Development Plan Review and the budget, credit control and debt collection policies. The Big Mama workshops, an initiative introduced by the eThekwini Municipality, takes the form of an annual workshop for all stakeholders and its aim is to kickstart the process of reviewing the Integrated Development Plan.

The Masithethisane Programme is as inclusive as the Shosholoza Tours in that it covers all wards within the city. It also covers a broader range of issues than the Big Mama Workshops and Cluster meetings. Its aims, however, are similar to those of the Big Mama and Cluster Meeting initiatives in that input derived from this initiative feeds directly into the IDP process. In elaborating on this initiative, Mr Rowland Williams, Manager of Communications pointed out that during visits to the communities, input by citizens is meticulously recorded. This information is later captured on a spreadsheet and dispatched to business units for attention. Some of the requests received from citizens are dealt with from within the current budget, for example, grass cutting, minor road repairs etc. Other requests, which require capital funding, for example, the provision of a clinic are included in the business unit's business plan. Mr Williams emphasised that an important component of this initiative is the feedback process. Business Unit Managers are required to inform the Mayor's Office within a specified period of the action taken in response to input from communities. This, in turn, enables the Mayor, on his next visit to communities, to update participants on the progress made towards meeting their needs. This feedback process, he believes, promotes community confidence in the Masithethisane Programme.

Patriotic Volunteerism Programme. At the opening of Council of the Nelson Mandela Metropolitan Municipality, the Executive Mayor, Councillor Ncebe Faku, declared 2005 the year of Patriotic Volunteerism and committed the Metro to undertake a comprehensive and extensive community outreach programme. To this end, a three month Patriotic Volunteerism Programme has been developed consisting primarily of three elements. Fortnightly Patriotic Volunteerism Activities where every second Monday and Tuesday, the leadership of the Metro, together with detachments of volunteers and community leaders, will clean schools, clean hospitals, assist government departments (such as Home Affairs), plough fields, build houses, and anything else in order to speed up service delivery to the people. In addition two to three Community Workshops, facilitated primarily by Ward Councillors, are held per week. These focus on the Executive Mayor's, Revenue Enhancement Campaign and Public Participation for the 2005/2006 budget.

Annual Opening Of Council. The Manager in the Speaker's Office describes the first Council meeting of the calendar year as a "glamorous occasion similar to the annual opening of Parliament". It is another initiative to promote public interest in the City and invitations are dispatched to in excess of 1500 persons and organisations to participate in this event. It commences at 9:00 with a tour of the townships aimed at interaction with communities. This is followed by a motorised parade through the city, after which the public is addressed by a guest speaker, usually a Cabinet Minister. The Mayor then delivers his State of the City address in which he outlines the City's vision, the key principles of the

IDP and the budget highlights for the forthcoming financial year. Although this event provides limited opportunity for communities to make their views known as compared with other initiatives such as the Masithethisane Programme, it does, however, demonstrate the Council's intention to bring local governance closer to the people.

Forums And Councils. The Nelson Mandela Metropolitan Municipality has established a number of public forums and councils aimed at advancing public participation in the affairs of the Municipality. These include the HIV/AIDS Council, the Metropolitan Arts Council, the Youth Forum, Disabled Forum, Women's Forum, Religious Leaders, Metropolitan Sport and Recreation Forum, Safety and Security Forum and the Disaster Advisory Forum. These bodies provide interest groups, professionals, and members of the public the opportunity to provide input into matters in which they have an interest and/or possess certain expertise. Furthermore community participation has also been introduced in the municipal health clinics, in the form of Community Health Forums.

Advisory Bodies. The following advisory structures are still to be established by the Executive Mayor "to provide a medium for residents and organised structures to contribute in a focused way to the development goals of the Metro". These structures are intended to cover a wide range of issues, for example, Metro Housing Forum; Metro Economic Alliance; Mayoral Economic Advisory Council; Metro Security Council; Metro Sports Advisory Committee; Nelson Mandela Tourism Initiative.

Next the research moved to public participation in budget preparation. In a document entitled "Multi-Year Budget Strategy-2005/06 – 2007/08 Financial Years", the statement is made that the I.D.P must guide and inform the preparation of the budget. In discussion with Mr Errol Jackson, Manager in the Office of the Manager, Budget and Treasury he confirmed that public participation in respect of the budget was facilitated during the period 11 to 22 April 2005. Public Meetings were held "in the areas of Port Elizabeth". A total of twelve meetings were held, two in Uitenhage, two in Dispatch and the remainder in Port Elizabeth. However, at this very late stage of the budget process, it is unlikely that these meetings would result in any significant changes to the budget. They are seen, rather, as a report back session to communities on the draft budget proposals. In essence the communities provide input into the budget over a far longer period through the Masithethisane Process. The input from this process contributes towards the updating of the I.D.P which, in turn, as indicated earlier, guides and informs the preparation of the budget.

Public participation in respect of by-laws was the next area of focus. In the preceding section, which dealt with efficiency, reference was made to the adoption of the Council's Credit Control By-laws and the public's participation therein, a procedure which was efficient enough to meet statutory requirements. However, the research has shown that the procedure followed towards enacting a new by-law does not always run that smoothly. In a report before the Environment and Health Committee at its meeting on 10 May 2005, the Business Unit Manager for Environmental Services reported that on 22 September 2003, the draft Public Amenities By-laws were presented to the then Recreation and Cultural Services Committee. The Proposed By-Laws were then workshopped and submitted to the Legal Section for comment to ensure legality. The process leading up to the enactment of the by-law "took so long that advice from a consultant was obtained. The revisions resulted in the format of the by-laws being modernised and changed considerably". The Business Unit Manager attributes some of the delay in finalising these by-laws to the fact that "the general public is confused as to which by-laws are applicable and for which areas". The problem is compounded by the fact that many of the by-laws are obsolete and increase the difficulties faced by compliance officers in executing their duties. This problem was also prevalent in the other three case studies.

The question of public participation was also discussed with Mr Alfred Da Costa, Chief Executive: Port Elizabeth Regional Chamber of Commerce and Industry with particular reference to the Chamber's role in the compilation of the annual budget. He agreed with some of his counterparts in the other case studies that the Chamber is not brought into discussions on the budget as a major stakeholder in the City. He believed that the Council should utilise the expertise available through the Chamber more frequently. He strongly expressed the view that the Council's invitation to the Chamber to participate in the preparation of the budget was to enable the Council to be seen to be complying with a statutory requirement rather than to promote a partnership which would add value to the process.

The research then focused on the communications strategy of the Nelson Mandela Metropolitan Municipality. In discussion with Mr Williams, he pointed out that the strategy employed was based on the communications strategy promoted by the South African Local Government Association (S.A.L.G.A) This strategy embodied three ways of communication through imbizos (public meetings), structures, for example, ward committees and activities for example, the Patriotic Volunteerism Programme. He said that the Executive Mayor did not place much value on the written media (the press) and preferred the S.A.L.G.A strategy as outlined above. The Municipality does not publish its own newspaper, nor does it make public announcements on matters dealt with by the Mayoral Committee. The press obtains its municipal news from agendas and minutes of Standing Committees and from Council Agendas which contain reports from the Executive Mayor-in-Mayoral Committee.

As indicated previously, the press is entitled to attend meetings of the Standing Committees and the Council but not the Mayoral Committee.

Finally the research focused on capacity building. Generally the respondents felt that there were sufficient training opportunities available to new Councillors. It was left up to individual Councillors to take advantage of these opportunities. More specifically, Mr Mqulwana, the Manager in the Speaker's office pointed out that circulars are frequently sent to Councillors informing them of the availability of accredited courses through the Nelson Mandela University and other academic institutions. In addition, in-house training is provided, for example, computer literacy, issues around HIV/AIDS, human resources' issues etc. He, however, was of the view that there was still room for improvement and confirmed that attention would be given to this matter timeously in anticipation of the taking of office of the new councillors after the 2005/2006 local government election. During discussions with Mr Israel Tsatsire, Manager Policy and Transformation, he, in referring to the need to orientate Councillors, hinted at the possibility of the introduction of some sort of performance measurement for Councillors. This idea, however, is still in its infancy stages.

How democratic is the Nelson Mandela Metropolitan Municipality? It is useful to examine the outcome of an analysis into the responses received from members of minority parties. Firstly, I deal with the view that the executive mayoral system does not promote democracy and that possibly the two are incompatible. Secondly, the assertion that while decisions are made to advantage members of the majority party only, at the expense of other parties, true democracy will not be achieved. Thirdly, that decisions are being taken at party caucus meetings or at meetings held behind closed doors which Council is expected to rubber stamp. Fourthly, that although democratic practices have been established on paper, they are not put into practice. These points above will form the basis of the discussion which follows.

In reviewing the structure of the executive, the Executive Mayoral System, in operation in the Nelson Mandela Metropolitan Municipality excludes minority parties altogether even insofar as attendance at meetings of the Mayoral Committee is concerned. These meetings are also closed to members of the media and public. As pointed out when dealing with Buffalo City in Chapter Four this need not be the case. In examining the composition of the Mayoral Committee, there is no statutory provision which prevents the Executive Mayor from constituting this body on a multi-party basis. In dealing with the lack of transparency, the Mayor, would still be compliant with the legislation, if he were to open the Mayoral Committee Meetings to other Councillors, the media and the public. Of course, he could

always exclude the public, including the media from a meeting when "it is reasonable to do so, having regard to the nature of the business being transacted." [25] Therefore, the provisions of the Structures Act do allow for the operationalisation of that type of executive in a more democratic way than the way in which it currently operates in the Nelson Mandela Metropolitan Municipality.

Setting aside the exclusion of minority parties, reference must also be made to the limited, if not non-existent, role played by ordinary Councillors (members of the leading party and others) in the activities of the Mayoral Committee. To take this one step further, the members of the Mayoral Committee, as individuals, and for that matter the committee as a body, do not wield any real power. As a structure the Mayoral Committee is there to assist the Executive Mayor. Therefore, real power to make decisions is in the hands of the Executive Mayor. Reference was made by certain respondents during focus interviews of the concept "Winner takes all" in local government politics in the Nelson Mandela Metropolitan Municipality.

This issue relates to the second point recorded above and, again, seems to contain substance. There is ample evidence of the reluctance of minority parties to be involved in activities such as the People's Assembly, the annual Ward Committee Conference and the Patriotic Volunteerism Programme. This reluctance is claimed to be borne out of the attitude displayed by the leading party in taking decisions which advantage their members at the expense of other parties. This criticism was also expressed by respondents in the first case study, Msunduzi, and there is strong evidence of this in eThekwini where the whole ward committee initiative has been scrapped amidst accusations by the Democratic Alliance of serious procedural and electoral irregularities.

With regard to the third point recorded above, there is no doubt that the decision-making process in operation in the Nelson Mandela Metropolitan Municipality is not as transparent as it could be. It is also accurate to say that, in respect of almost every matter, the Council is there to rubber stamp decisions already taken by the Executive Mayor. The fact that the Council has taken a decision to meet only every six weeks again re-affirms its support of a system which concentrates very wide powers in one person, the Executive Mayor. Finally, there is a suggestion that, to ensure compliance with statutory requirements, the Nelson Mandela Metropolitan Municipality has established democratic practices on paper but has failed to put them into practice. In fairness the Nelson Mandela Metropolitan has shown initiative by establishing various bodies and mechanisms to promote public participation. However, given the input made by a number of respondents including Mr Da Costa of the Chamber of Commerce and Industry, there appears to be substance in this suggestion.

However commendable the efforts made by the Nelson Mandela Metropolitan Municipality are to promote a more active democracy and trying to bring local government closer to communities, it must accept criticism on the same two issues that applied to the Buffalo City Municipality namely the limitations on internal democracy and the non transparent manner in which the Executive Mayor goes about his business.

Some comments on the issues of deliberation and decision-making in external democracy are appropriate at this stage. It was suggested during some of the focus interviews that the Council has embarked on a programme of public consultation, not because it feels that the input by communities will add value to the decision-making process, but rather because councils are required to follow this course of action in terms of statutory requirements. One respondent even suggested that the public participation initiative was part of the City's marketing strategy. Perhaps the latter statement is an exaggeration but there is sufficient evidence to draw attention to the dirigiste character of external democracy. As already pointed out, it was unlikely that the budget meetings held during the period 11 to 22 April 2005 would result in any significant changes to the budget. On the positive side, the meetings did, however, provide an opportunity for deliberation. Two features of such public deliberations are drawn from Bryan's findings. Firstly, he suggests that the presence of hot issues ought to have its own independent and positive effect on participation causing citizens to speak out more than they might otherwise have done.[26] The draft budget can certainly be regarded as a hot issue bearing in mind that it brings with it increases in property rates and increase in tariff charges, for water, electricity etc. Secondly, that even though meetings are reserved for speaking (and not decision-making), citizens are not discouraged from speech.[27] The evidence yielded by the research into the decision-making process of the Nelson Mandela Metropolitan Municipality suggests that in spite of the initiatives to encourage public participation, the input made by the public has very little effect on the decisions of the Executive Mayor-in-Mayoral Committee. This draws attention to the correlation between external and internal democracy. It seems to support the statement made previously that external democracy is not achievable without internal democracy.

4. CONCLUSION

The research has shown that the decision-making process in the Nelson Mandela Metropolitan Municipality is not as efficient as Buffalo City and eThekwini, but considerably more efficient than Msunduzi. Although all four case studies have systems where committees have been established to assist the Executive, the degree to which these committees influence the efficiency of the process

varies. The committee systems are similar in many respects in that, firstly, they do not have any powers to take decisions and, secondly, their meetings are chaired by members of the Executive. Given the length of time spent by the Executive Mayor-in-Mayoral Committee in deliberating items, it seems that there is a tendency to "rehash" items which have already been through at least one Standing Committee. The other reason, which has already been mentioned, is the presence of a large corps of officials at meetings of the Mayoral Committee. A combination of these two factors may well account for the slow rate at which matters are dispensed with. In dealing with democracy, as manifested in the four requirements identified at the beginning of this thesis, namely *Inclusivity, transparency, accountability* and *participation*, the effect of all the initiatives adopted by the Council in promoting public participation are diluted because of the shortcomings experienced with internal democracy. External and internal democracy are interdependent and one cannot have democracy without internal democracy. In the case of the Nelson Mandela Metropolitan Municipality, therefore, the shift from the old to the new is not yet apparent, in that, it has not been able to meet the requirements of inclusivity and transparency.

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9. Bryan, F.M.: *Real democracy. The New England Town Meeting and how it works,* Chicago, University Of Chicago Press, 2004, p.224.
10. *Ibid.*, p. 225.
11. *Ibid.*, p. 163.
12. *Ibid.*
13. *Ibid.*, p.157.
14. *Ibid.*, p.158.
15. Republic of South Africa*: Local Government Municipal Finance Management Act*, 2003, (Act 56 of 2003), Pretoria, Government Printer, Chapter 4.
16. Province of the Eastern Cape. *Provincial Gazette N°1087.* 21 October 2003 Introduction.
17. Nelson Mandela Metropolitan Municipality Website.
18. *Ibid.*
19. *Act 117 of 1998*, Section 60 (L).
20. *Ibid.,*
21. *Ibid.*, Section 44
22. *Ibid.*, Section 79 and 80.
23. *Ibid.*, Section 74.
24. *Act 108 of 1996,* Section 152.
25. *Act 117of 1998,* Section 20 (L)

26. Bryan, *Ibid.*, p.163

27. *Ibid.*

CHAPTER EIGHT

FINDINGS AND CONCLUSIONS

INTRODUCTION

This chapter is concerned with identifying the findings of the research, classifying these findings and understanding the categories of information that emerge. Finally conclusions will be drawn that support or oppose the hypothesis. In Chapter Two, the question was posed as to the extent to which efficiency in decision-making would be enhanced or impeded if the structures and processes were to become more compliant with the democratic requirements contained in the new legislation. This question was addressed from the following hypothesis:-

> The efficiency in municipal decision-making is likely to be inversely proportional to the degree of democracy manifested in the decision-making structures and processes of that municipality.

From the application of Dahl's theory of contemporary democracy to the terrain of progressive governance, as well as work of other theorists, allowed for the disassembling of the broad concept of 'democracy' into four sub-concepts: namely *inclusivity, transparency*, *accountability* and *participation.* As it was likely that the influence of each of these requirements on the level of efficiency of the decision-making system, measured individually, would vary, four sub-hypotheses were formulated, as follows:-

a) The efficiency in municipal decision-making is likely to be inversely proportional to the degree of *inclusivity* manifested in the decision-making structures and processes of that municipality.

b) The efficiency in municipal decision-making is likely to be inversely proportional to the degree of *transparency* manifested in the decision-making structures and processes of that municipality.

c) The efficiency in municipal decision-making is likely to be inversely proportional to the degree of *accountability* manifested in the decision-making structures and processes of that municipality.

d) The efficiency in municipal decision-making is likely to be inversely proportional to the degree of *participation* manifested in the decision-making structures and processes of that municipality.

As the research was to cover complex and diverse issues, a pluralist approach was developed drawing on the three main approaches of Systems Theory, namely, the Functionalist Systems Approach, the Interpretive Systems Approach and the Emancipatory Systems Approach. More specifically, this review of literature allowed for the development of a mostly qualitative methodology which explored the structural, cultural and developmental aspects of the municipal decision-making system through carefully selected case-studies. Notable, key sub-arguments drew on original quantitative data, but no mathematical or statistical modelling was undertaken.

In considering the choice of municipalities for case studies, it was important that the selection included municipalities of different categories and types but also on a basis which would allow for some kind of comparative analysis. Other factors such as proximity, accessibility and convenience also had a bearing on the selection of case studies. Msunduzi and Buffalo City were selected as the case studies representing Category B municipalities. These two municipalities are similar in many respects. Not only are they both Category B but both have ambitions to become Category A municipalities. Both have been recognised as aspirant metropolitan councils by the Demarcation Board. They differ on the basis that they are of different executive types. In other words they have different executive systems, Msunduzi has an executive committee whilst the executive mayor-in-mayoral committee system is in operation in Buffalo City. The next two case studies were drawn from Category A municipalities. eThekwini and Nelson Mandela Metropolitan Municipalities are similar in many respects but also differ on the basis of type. eThekwini has an executive committee system while the executive mayor-in-mayoral committee system is in practice in the Nelson Mandela Municipality.

In this chapter the level of efficiency achieved as well as the operationalisation thereof by way of, for example, structures and processes, committees and delegations will be addressed. In turn, the level of democracy achieved as well as the operationalisation thereof by way of *inclusivity, transparency, accountability* and *participation* will be addressed. Thereafter the findings and patterns that emerge will be examined.

1. EFFICIENCY

In Chapter One, the research accepted as a point of departure that "to be efficient, it is necessary to be productive with minimum waste of effort." In its broadest sense the amount of effort expended was usually operationalised in terms of time, for example, less time taken to reach decisions or fewer meetings resulted in greater efficiency. To determine the level of efficiency in municipal decision-making, the efficiency of structures and processes was assessed using both subjective opinions of respondents and more objective measures of performance. The research identified differences and similarities in respect of efficiency in the structures and processes involved in decision-making in the four case studies.

With regard to structures, the fundamental difference lies in the design of the executive. On the one hand, a multi-party executive committee; on the other an executive mayor assisted by a mayoral committee. In all four cases, the executive enjoyed maximum delegated powers to take decisions as permitted by the Constitution. Apart from the executive, the structures involved in decision-making in the case studies are similar, notwithstanding the differences in categories and types. For example all have in operation a committee system, created on a functional rather than a geographic basis. This committee system comprises several standing or support committees, which in all four cases are without powers to make final decisions and are chaired by members of the executive. In general, all councillors serve on at least one standing committee. Notably, the research has shown that the type of structure does not have a major influence on the efficiency of municipal decision-making. Therefore, there is more to achieving efficiency in decision-making, particularly given the large disparities between efficiency levels of municipalities of the same type, namely, between Msunduzi and eThekwini and between Buffalo City and Nelson Mandela Metro. While the structure does not impact directly on the efficiency of the decision-making system, the type of the executive does impact directly on democracy in decision-making as will be shown in the sections that follow. From this emerges one argument for preferring the executive committee to the executive mayoral system.

Emerging from the research is a suggestion that efficiency in decision-making is likely to be impeded by democratisation only if the level of efficiency has reached a certain threshold. For the purpose of this thesis, threshold is recognised as the level which separates those municipalities which are able to fulfil their basic functions and those which are not. Official information obtained from the Department of Provincial and Local Government (DLPG) confirms that there are currently 139 out of 284 municipalities which are unable to fulfil their basic functions, identifies as part of Operation Consolidate. Therefore, it is assumed that democracy in decision-making can only be

meaningfully promoted in municipalities which are performing their basic functions and are therefore above the threshold. The municipalities selected as case studies are all above the threshold level.

In attempting to determine the level of efficiency in municipal decision-making, not only was cognisance taken of the responses received during focus interviews but an analysis was done at three levels to determine the level of efficiency. This analysis was done on the basis of the frequency, duration and workload of the decision-making structures. In acknowledging that this arithmetical measurement is a somewhat blunt instrument for gauging the efficiency levels of the decision-making structures and processes, it has been used in this research to support or contest the views expressed by role-players during focus interviews. Furthermore, through this exercise the workload of the decision-making structures in the four case studies was determined which has facilitated some broad comparisons. Further consideration of the value of deliberation will be covered under the headings 1.1 Deliberation And Decision-Making and 1.3 Scale of Meetings. The three levels referred to are *administrative, executive* and *council* decision-making. The first level, that of *administrative decision-making* focused on the approval of building plans over a six month period and yielded the outcome reflected in the following table:

TABLE 45: COMPARATIVE ANALYSIS: ADMINISTRATIVE DECISION-MAKING 1 JANUARY – 30 JUNE 2004 APPROVAL OF BUILDING PLANS

Msunduzi		Buffalo City		eThekwini		Nelson Mandela	
N°	Value (R)	N°	Value (R)	N°	Value (R)	N°	Value (R)
666	169 000 000	1620	232 000 000	2145	359 000 000	2422	519 000 000

(The figures denoting values have been rounded off)

The research revealed that generally, the approval of building plans was up to date and that few backlogs were encountered. In fact, the only backlog encountered was six weeks and this was in the case of eThekwini. This decision-making is practiced on the basis of delegations to the administrative departments and consequently there is no involvement by councillors or the public in the process. The research showed that administrative decision-making in respect of the approval of building plans achieved a higher level of efficiency than achieved in executive decision-making. This statement is borne out by the comparison between the number of decisions taken at the administrative level as contained in Table 45 and the number of decisions taken at the executive level as contained in Table 46. It is noteworthy that in total 6853 plans were approved during the period 1 January 2004 to 30 June 2004 as against the adoption of 2006 decisions by the four executives during the same period. These statistics provide a strong indication that when it comes to decision-making, the administration is more efficient than the executive.

Part of the reason for this, is that administrative decision-making takes place in a environment which enables the decision-makers to dodge some of the requirements of democracy, for example, inclusivity, participation and transparency, a factor which plays a major role in promoting efficiency. As confirmed below, this decision-making does, however, insist on compliance with the requirements of accountability, although this is not necessarily accountability to the public directly. As this function is performed by way of a delegation of authority, the *delegatee* is accountable to the *delegator* for the execution of this delegation. This requirement is contained in both the Structures and Systems Acts. As already indicated, administrative decision-making excludes public participation. Nevertheless, the provisions of the Promotion of Administrative Justice Act[2] bestow on members of the public the right to appeal against any administrative decision which would include the right to appeal against an administrative decision in respect of building plans. Taken together, these provisions provide a form of internal and external accountability.

The next level, that of *executive decision-making* focused on the time taken by the executive to reach decisions over a period of six months. The findings are reflected in the following table: -

TABLE 46: COMPARITIVE ANALYSIS: EXECUTIVE DECISION-MAKING (1 JANUARY – 30 JUNE 2004)

MUNICIPALITY	NUMBER OF DECISIONS TAKEN	AVERAGE TIME PER DECISION
Msunduzi	501	18 minutes
Buffalo City	511	2 minutes
eThekwini	438	3 minutes
Nelson Mandela	556	6 minutes

(The figures denoting the time taken per item have been rounded off)

This decision-making is practiced by the executive, either an executive committee or an executive mayor assisted by a mayoral committee. In all four case studies extensive decision-making powers have been delegated to the executive. Table 46 which shows the number of items dealt with by the executives, together with the average time taken per item supports the statement made previously that the design of the executive (executive committee or executive mayor) does not influence the efficiency of decision-making, at this level, in any significant way. The Msunduzi and eThekwini have executive committees and, yet, a great disparity exists between the average time taken to reach a decision by the two executives (eighteen minutes against three minutes). Possible reasons for this will be explored in the section which follows on democracy. Similarly, a discrepancy, although

smaller, is evident when comparing decision-making in the Buffalo City and Nelson Mandela Municipalities (two minutes against six minutes).

The third level that of *council decision-making* itself, focused on the adoption of the budget. The outcome yielded by the research is reflected in the following schedule: -

TABLE 47: COUNCIL DECISION-MAKING: APPROVAL OF THE ANNUAL BUDGET

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Msunduzi					▨	▨	▨	▨	▨	▨	▨	
Buffalo City	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	
eThekwini					▨	▨	▨	▨	▨	▨		
Nelson Mandela	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨		

(The shaded area indicates the extent of the budget cycle in each case study)

The requirements for the adoption of the annual budget are contained in Chapter Four of the Municipal Finance Management Act (MFMA). These stipulate, for example, the date by which the draft budget must be tabled by the mayor. One of the most important procedural requirements is that the council must adopt the budget before the beginning of the new financial year. The adoption of the budget is reserved for the council itself and may not be delegated to another decision-making structure. Stringent time frames and other procedural requirements are contained in the MFMA. Above all, the budget process demands a degree of public participation. Although the adoption of the budget is reserved for council, the guidelines, preparation, trimming and reconciling is undertaken by a committee of the council. The budget cycle spans twelve months culminating in the adoption of the budget before the commencement of the new financial year. As shown in Table 47, the two case studies in KwaZulu-Natal have opted for a shorter time frame than the two drawn from the Eastern Cape. This would generally indicate greater efficiency on the part of the two municipalities which completed the budget task in less time. However, there are other factors which have a bearing on this, such as the number and duration of the budget meetings, the degree of public participation etc. In summary, in all four case studies the budget process is transparent, in keeping with the MFMA, and inclusive in that it requires participation by the administration, councillors and the community. Generally the preparation and adoption of the budget was performed efficiently. This may be attributed, in part, to the efficiency of the municipalities, but it is important to bear in mind that the stringency of the requirements of the MFMA forces

municipalities to adopt their budgets timeously. Failure to do so may lead to fairly severe consequences. Such is the importance placed on this process by the National Treasury.

If the design of the executive does not have a major influence on the level of efficiency in decision-making, what factors do exert influence? Broadly, the factors which do exert influence can, in the first instance, be linked to the substance of the deliberation process and the participation of various role players in the decision-making process; and secondly, the delegation of authority to take decisions. These factors will now be addressed under the headings Deliberation and Decision-Making, Delegation of Authority and Scale of Meetings.

1.1 Deliberation And Decision-Making.

There is a case to be made for the suggestion that efficiency in decision-making is more likely to be achieved when there is a recognition of the distinction between deliberation and decision-making. This is institutionalised in the municipality through a structural separation in terms of which standing committees provide the opportunity for deliberation and the executive is regarded as the council's primary decision-making body. The research has shown that this distinction and the recognition of the importance of the role of the standing committees is prevalent in varying degrees in all the case studies. While this argument does, of course, not apply to the approval of building plans which is done as part of administrative decision-making, it does apply to both executive and council decision-making. The deliberation of matters, which takes place at meetings of the standing committees, has a direct bearing on the level of efficiency achieved by the executive. Although these committees do not have powers to take decisions, they perform the role of filtering items so that by the time these reach the executive, they have been fully debated and in many cases, the recommendations prepared. The committee system is therefore seen as an important part of the decision-making process in terms of which value is added at each level.

Turning now to the adoption of the annual budget: whilst acknowledging that the budget cycle spans nine to twelve months, the point is made that most of the work necessary for the adoption of the budget, is performed by committees. Again, although those committees do not have any decision-making powers, they provide an opportunity for deliberation, perform a filtering function and ensure compliance with procedural requirements, for example, public participation. Reference is made to a further factor which enhances the efficiency of the deliberation/decision-making process and that is the arrangement in terms of which meetings of standing committees and budget committees are chaired by members of the executive. This arrangement enables executive members

to make meaningful input at meetings of the executive, a factor which can only bode well for facilitating co-ordination and ultimately increasing the efficiency of the decision-making system.

1.2 Delegation Of Authority

The delegation of authority to take decisions also has a significant influence. Here, reference is made to the efficiency of administrative decision-making, where, in approving building plans, a high level of efficiency has been achieved in all four case studies. This achievement is, in part, attributable to the authority which has been delegated to the administration to take decisions. Reference is also made to the very wide powers exercised by the executives in the four case studies. The executives have no inherent powers, as such, in that they have been empowered to make decisions on behalf of their councils by way of resolutions specifically adopted by their councils. Clearly, the delegation of authority to make decisions was fully intended and specific reference is made to this matter in the Constitution, Structures and Systems Acts. In terms of these provisions, councils are required to maximise administrative efficiency through the delegation of authority with the necessary checks and balances. The research, which focused on the decision-making role of the executive and administrative decision-making *appropos* the approval of building plans, clearly shows that the delegation of authority to take decisions leads to efficiencies.

1.3 Scale Of Meetings.

The research has shown that greater participation at meetings slows down decision-making. However, as will be shown below, this may not always result in a cost to the efficiency of the overall decision-making process of a municipality. Standing committees which have been established on a functional basis, for example, Planning Committees, Housing Committees, Health Committees etc, intentionally provide the opportunity for in-depth debate which results in what are termed "deliberative decisions." Although these decisions are in the form of recommendations to the executive, they nevertheless have been reached after extensive deliberation. The executives are guided by these recommendations except where there is an issue of crisis. Generally standing committees do not invoke the Standing Rules of Council for their meetings which means that far greater opportunity for deliberation is created. This is brought about because the waiving of the Standing Rules removes the restrictions placed on debates which apply in other political structures, for example, councils. Therefore, in the absence of these restrictions, participants are not, for example, limited to speaking only once on any particular item, nor is the duration of a member's input limited. In other words these deliberations are conducted in a far less formal atmosphere, an

atmosphere conducive to the free exchange of views and ideas. This arrangement does, however, make for lengthy meetings where councillors, members of the administration and in some cases, members of the public participate in the deliberations. Whilst acknowledging that by allowing this type of debate results in a cost to efficiency, on the one hand, it does provide the opportunity for issues to be properly aired, thereby promoting democratic values and practices. (It is also acknowledged that extensive discussion on an issue does not necessarily mean that a municipality is less efficient, as the duration of the debate will be influenced by factors such the nature and complexity of the matter, financial implications, party political issues and statutory requirements.) Furthermore, through attendance at these meetings, councillors develop specific skills to deal with matters pertinent to those committees. In addition, it is not uncommon for political parties, to select, from their ranks, councillors who are suitably qualified to serve on committees where their qualifications and skills will be of greater benefit, for example, a councillor who is a medical doctor is likely to be selected to serve on the Health Committee.

The expertise present in the membership of standing committees, the focus of the deliberations and the way in which these meetings are conducted, serve to ensure that value is added at this stage of the decision-making process. Particularly in the case of eThekwini, there is sufficient evidence to support the argument that decision-making is a process which moves from one level to the next and that each level provides an opportunity to add value to the matters being dealt with. There may be merit in undertaking a time study on debates at meetings of standing committees. This exercise may well confirm a correlation between the efficiency of the executive and the performance of standing committees (greater deliberation at standing committee meetings = better decisions {recommendations} = shorter executive meetings = greater efficiency. Alternatively less deliberation at standing committee meetings = poor decisions {recommendations} = longer executive meetings = less efficiency.) The arguments contained in this paragraph tend to lean more in the direction of effective decision-making rather than efficiency.

It is a statutory requirement for the chairpersons of the standing committees to be appointed from the ranks of the executive. This affords members of the executive the opportunity to benefit from the in-depth deliberations at standing committee level. Being armed with the *rationale* behind the recommendations emerging from meetings of standing committees places executive councillors in a position to deal swiftly with items when they reach the decision-making stage at meetings of the executive.

2. DEMOCRACY

Essentially the research focused on whether the application of the principles of democracy in local governance has the effect of compromising or limiting the horizons of efficiency. While there are many conceptions of democracy, the point of departure of this research rested on the understanding that democracy allows effective participation by the whole community in the decision-making process. Furthermore, it was accepted that in a democracy, people either rule directly through mass meetings or through representatives.

The research identified two spaces in which democratic processes unfold, that is, internal and external. While internal democracy has to do with the way in which decision-making is practiced within the municipality, external democracy refers to the relationship between the municipality and the wider communities. The research focused on the steps taken to democraticise local government in each of the case studies. In other words, what had been done to operationalise democracy both internally and externally. The research then attempted to determine the level of democracy reached and also sought areas which could be used as a comparative analysis between the different types and categories of municipalities. Four criteria common to all four case studies were identified, namely: *Inclusivity, Transparency, Accountability* and *Participation.*

In broad terms *inclusivity* as a democratic requirement for the purposes of this thesis refers, firstly, to the extent that parties and interests are represented in councils. Secondly, it refers to whether the executive is composed in such a way so as to reflect the parties and interests represented in council. Thirdly, it refers to whether the standing committees are composed in such a way so as to reflect the parties and interests represented in council. Fourthly, it refers to the extent to which members of the administration are included in the deliberation and decision-making process. Fifthly, it refers to the extent to which members of the public are involved in deliberation and decision-making.

In dealing with *transparency* as a democratic requirement, the research sought to determine whether the decision-making process was open to the scrutiny of, for example, the public and the media as well as the extent to which Municipalities communicate with communities. *Accountability* in its broadest sense means rendering account. For example, elections impose accountability on councillors seeking re-election who are required to render account to the electorate. In other words they have to submit their record to the electorate. They are also required to report back to communities at regular intervals between elections. *Participation* takes place at various levels, for

example, electoral participation. The research focused on the extent of participation of councillors, members of the administration and communities in the decision-making process.

2.1 Internal Democracy

The research probed the institutional design of the structures and processes of the decision-making system. It then focused on executive decision-making and looked, firstly, at the extent to which the type of municipality promoted *inclusivity*, that is, the executive committee vs the executive mayor. From a structural point of view the executive committee system is more inclusive in that it is constituted on a multi-party basis. This is not the case with the mayoral committee. The composition of the mayoral committee is left to the discretion of the executive mayor. In other words the executive mayor can exercise the option to constitute the mayoral committee on a multi or single party basis. In the two case studies of this type, namely, the Nelson Mandela Metropolitan Municipality and the Buffalo City Local Municipality, the research has shown that the executive mayors have constituted their mayoral committees on a single party basis, memberships being confined to the leading party in council at the exclusion of minority parties. The research further revealed that the standing committees in the four case studies were all constituted on a multi-party basis, but these committees do not enjoy any real decision-making powers. Although this arrangement is open to criticism, particularly when examined against the statutory requirements which call for greater delegation, the involvement of standing committees in the decision-making process does promote inclusivity. In general, all councillors serve on at least one standing committee and, therefore, have the opportunity to participate in the deliberation of items before they are submitted to the executive.

At this point it is appropriate to focus on the inclusion of members of the administration (officials) and the research showed that, in all cases studies, officials do have the opportunity to influence decision-making by the submission of reports with recommendations into the decision-making process. Officials are required to attend meetings of standing committees and the executive for the purposes of clarifying any aspects of their reports, amplifying any points, providing further motivation, or explanations or suggesting alternative courses of action. Their attendance at meetings together with an opportunity to address decision-makers provides the opportunity for officials to influence decision-making. The research has shown that in all four case studies, members of the administration attend meetings of standing committees. With the exception of eThekwini, members of the administration attend meetings of the executive. In eThekwini the Municipal Manager is the only official, other than the secretariat, who attends meetings of the

executive. With regard to meetings of the full council, members of the administration do not attend. The administration is represented by the City Manager only in all four case studies.

Administrative decision-making is devoid of any political representation and is therefore exclusive in nature. It follows that the process of approving building plans excludes a separate deliberative stage and involves no or little consultation aspects which contribute towards efficiency. The degree to which inclusivity is promoted in executive decision-making depends upon the type of executive structure (executive committee or executive mayor). However, in both scenarios inclusivity manifests itself in the deliberation of matters at meetings of standing committees. Decision-making at council level particularly, the adoption of the annual budget, from a structural point of view is inclusive, in that all councillors participate in decision-making at this level. However, from a procedural point of view the research has shown that meetings of council provide limited opportunities for deliberation. In the case of the budget, for example, most of the work done towards compiling the budget is done by committees (without decision-making powers) where the opportunity is provided for comprehensive discussions and deliberation. By way of explanation, Section 21 of the Municipal Finance Management Act (MFMA) places the responsibility for the preparation of the annual budget with the mayor. To say the least the preparation of the annual budget is a very onerous task. The nature and complexity of the task calls for a corporate approach and in all four case studies, budget committees are established to deal with the finer details of preparing a draft budget. Although, ultimately the final approval and adoption of the budget is vested in the full council itself, most of the preparatory work is done by the budget committee.

The research then focused on *transparency* of the decision-making process. To begin with administrative decision-making, the process of approving building plans is a closed one in the sense that these decisions are not taken in open forums. Members of the public who are aggrieved by administrative decisions may exercise their rights to appeal in accordance with the provisions of the Promotion of Administrative Justice Act, thereby providing for some transparency and accountability. In respect of executive decision-making the findings reflect a more transparent system in operation in the types which have in place an executive committee. In both Msunduzi and eThekwini meetings of the executive are open to other councillors, the media and the press. In fact, Msunduzi has a policy, which allows the public to address Council and its committees. On the other hand, the two case studies which have executive mayors-in-mayoral committees, are far less transparent and confine attendance to the members of the executive only. The press and the public are not entitled to be present. Here again, the legislation is not prescriptive and the decision as to conduct meetings of the executive in open or closed sessions is left to councils to decide. In the four case studies meetings of standing committees as well as meetings of the full council are open to the public and the media. Given the policy adopted by the Nelson Mandela Metro and the Buffalo City

Council to restrict membership of the mayoral committee to members of the majority party and the practice of conducting meetings of these committees behind closed doors justify the criticisms previously expressed regarding the lack of inclusivity and transparency in the decision-making processes of their executives.

The requirements of *accountability* were the next areas of focus. In general terms the standing committees are accountable to the executive, the executive is accountable to the council and council, in turn, is accountable to the electorate. More specifically, the executive (whether it be an executive committee or an executive mayor) is tasked with the responsibility of being the council's primary decision-making body and, therefore, is duly vested with authority to take decisions. It follows that with responsibility and authority is the requirement of accountability. Individual ward councillors, for example, are held accountable to their constituencies and are required to convene regular meetings for the purpose of rendering account or reporting back on the exercise of the community's mandate. Similarly, statutory provisions require the executive to be accountable to the council. In this regard reference is made to the requirement that all decisions of the executive are reported to the full council. Subject to compliance with certain procedural requirements, the council may require the executive to review a decision. In this way, the requirements of accountability are firmly entrenched in the Constitution, the Structures and Systems Acts. Although, as shown, specific statutory provisions exist to ensure accountability, for example, the requirement for all resolutions of the executive to be reported to council, the research showed that there is little chance, in practice, of repealing or amending resolutions adopted by the executive. This situation is created because, in many cases, there is a considerable delay in the submission of executive resolutions to the council. By that time, it is likely that the resolutions would have already been implemented.

Finally, on the question of *participation* in relation to internal democracy, a distinction must be made between the roles of two categories of participants, namely, the elected representatives (councillors) and appointed members of the administration (officials). In defining the role of the councillor, the research has shown that in all case studies councillors serve on at least one standing committee of council as well as being members of the broader college of decision-makers (council). Apart from a small percentage of councillors who have seats on the executive, the ordinary councillor whether elected on a ward basis or through proportional representation (PR) has little opportunity to contribute, in any meaningful way to the decision-making process. This statement is made in the light of the following factors: As members of a political party, councillors are expected to toe the party line and to follow the policy set by the party caucus, even when the policy is in conflict with the demands made by a particular councillor's community. Members of standing committees expressed frustration during focus interviews that standing committees were "talk

shops" by virtue of being deprived of any real decision-making powers. Finally, while all councillors automatically have seats on full council, in reality, because of the size of council, the comprehensive delegations to the executive and the dictates of a party political system, individual councillors have very little chance of influencing decision-making, other than casting a vote for or against a particular motion. Greater frustration is being experienced by ward councillors, particularly ward councillors who are members of minority parties, who are directly accountable to their constituencies for the delivery of services. Members of the administration (officials), in general, participate in discussions at meetings of working groups, sub committees, project committees, standing committees and in three of the four case studies at meetings of the executive. They attend these meetings in an advisory capacity to offer advice to the decisions-makers on substantive and /or procedural issues.

2.2 External Democracy

I begin with the requirement of *inclusivity* as it applies to external democracy. This requirement is achieved through the municipal electoral process in terms of which members of the public cast their votes for candidates and parties of their choice. The new municipal legislation, however, requires councils to promote a greater community involvement than the casting of a vote every five years at election time. Councils are required to facilitate a shift from a purely representative system of local government to a more participative system of local governance. The research having focused on the structures and processes established to democratise local governance yielded the following findings. Crucial to community participation is the establishment of ward committees. Yunus Carrim points out that ideally ward committees should be used to mobilise the broadest range of progressive interests in a ward community and ensure their active representation in the municipality.[1] The Structures Act contains a broad framework for the establishment and operation of ward committees leaving municipalities to sort out the specifics. Within this framework, an opportunity is provided for municipalities to meet the requirements of inclusivity, transparency, accountability and participation in their attempts to democratise decision-making in local government. With the exception of eThekwini, ward committees have been established in all of the case studies. The committees were found to be floundering and the difficulties being experienced in sustaining this initiative can be attributed to many factors including the failure to institutionalise ward committees as an intrinsic part of municipal structures, party political considerations and the all powerful role of the ward councillor.

In the report on the study tour of municipalities by the Portfolio Committee on Provincial and Local Government, reference is made to the fact that most municipalities visited had established ward committees.[2] The report shows that ward committees vary considerably in quality and levels of activity across municipalities and sometimes, within a municipality. Issues highlighted during the

study tour with regard to ward committees include, composition and representation, confusion over functions and delegations, resources and support from parent councils and capacity building.[3] These observations by the Portfolio Committee on Provincial and Local Government are similar, in many respects, to the findings derived from the research into the four case studies constituting this thesis. The finding that ward committees are floundering and have been unsuccessful in fulfilling the role of ensuring public participation in local government is supported by the findings of research done in the Eastern Cape into the performance of ward committees.[4] The findings showed that some of the difficulties experienced by municipalities regarding the establishment and operationalisation of ward committees are as follows:-

Firstly, party domination of the ward committee meetings detracted from the committee's ability to represent all interests.[5] Secondly, there was insufficient publicity given to ward committee elections which gave rise to voter apathy and low polls.[6] Thirdly, municipalities struggled to interpret and apply the definition of accommodating "a diversity of interests" which resulted in a skewed composition of committees, for example, a tendency to seek sector representation.[7] Fourthly, confusion amongst residents regarding the functions of committees because municipalities have failed to flesh out the details of terms of reference and operating procedures based on national policy.[8] Fifthly, most ward committees suffer a credibility crisis in the eyes of the community.[9] Part of the reason for the poor image of ward committees stems from the fact that, to the public, they appear to be as distant from the core business of the municipality as the ordinary citizen.[10]

Finally, communication and support are factors which bedevil the operation of ward committees.[11] It was found that in all of the case studies there appeared to be a complete lack of any basic communication protocol between ward committees, council (and sub committees) and the administration. Ward Committees are entirely dependent on the ward councillor when linking to council but ward councillors have very limited, if any opportunity to table committee issues and concerns in council.[12] The findings also revealed that in general, ward committees received very little support from their parent municipalities.[13]

Each of the four case studies researched for this thesis identified other noteworthy initiatives adopted to operationalise local democracy, which entailed mainly the promotion of public participation in various innovative ways. These processes, which were *ad hoc* in nature, achieved greater support and public input than achieved through the ward committee system. These initiatives, aimed at promoting participative governance, generally only provided an opportunity for deliberation. However, there were moments when communities were afforded the opportunity to participate directly in the decision-making process. For example, during the Shosholoza Tours

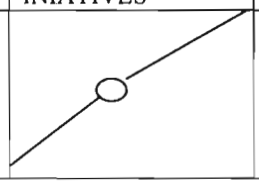
initiated by the Msunduzi Municipality in 2003, communities had a direct say in the spending of funds in the sum of two hundred and fifty thousand rands (R250 000) per ward. These *ad hoc* initiatives must also be viewed as a mechanism in terms of which councils meet the requirements of accountability; the rendering of account at public meetings on, for example, the Budget and the Integrated Development Plan.

On the requirement of transparency, the research focused on the degree of transparency prevalent at the three levels of decision-making identified for this research. Firstly, there is a significant lack of transparency at the level of administrative decision-making. In fairness, though, decisions, for example, on the approval of building plans must be taken within the parameters of the National Building Regulations. With regard to executive decision-making, in both the Buffalo City and Nelson Mandela Municipalities, the Mayoral Committee meets behind closed doors while meetings of their council and standing committees are open to the public and the media. In Msunduzi and eThekwini, the requirements of transparency are met on the basis that all meetings of standing committees, the executive and council are open to the media and the public. On the requirements of participation, statutory requirements dictate that councils must involve communities and community organisations in matters of local governance. This requirement has been included as one of the five objectives of municipalities as contained in Section 152 of the Constitution.

Two important supplementary activities namely capacity building and communication were also researched. Varying degrees of emphasis were placed on these activities in the four case studies. One common outcome is that, without exception, capacity building amongst members of communities and particularly ward committees requires greater attention, if the Constitutional requirement to involve communities in Local Government is to be achieved.

2.3 Emergent Conceptualisation Of Democracy In Municipalities.

The matrix contained in Table 48 seeks to demonstrate the municipal decision-making process and the spaces, both internal and external which promote democracy.

TABLE 48 : PARTICIPATIVE GOVERNANCE IN THE DECISION-MAKING PROCESS				
INPUTS	**PROCESS**	**INTERNAL SPACES**	**EXTERNAL SPACES**	**OUTCOMES**
→	DELIBERATION	STANDING COMMITTEES	WARD COMMITTEES AD HOC INIATIVES	→
→	DECISION MAKING	EXECUTIVES COUNCILS		→

The following arguments emerge from the foregoing table:-

Decision-making in local government in South Africa as a democratic outcome entails three interdependent moments, namely, public participation in deliberation (example at ward committee meetings); deliberation within the standing committees of councils; decision-making by the executives and the councils themselves. Initially it appeared as though democracy manifested itself in two dimensions only, that is, internal and external democracy. However, on closer examination, it is closer grained than that and what emerged was confirmation that within the ambit of internal democracy, a distinction exists between deliberation and decision-making. In regard to external spaces, opportunity is generally created for deliberation only. Only in exceptional circumstances are decisions taken in external spaces. It will be necessary for municipalities to score well in all three of the moments identified above if they hope to be recognised as councils which have successfully changed the culture of their organisations.

Using this argument as a basis, the four case studies were rated on a scale of 1-3. (One denoting the lowest and three the highest), the outcome of which is contained in Table 49.

TABLE 49 : RATING OF DEMOCRACY				
MOMENTS	**CASE STUDIES**			
	Msunduzi	**Buffalo City**	**eThekwini**	**Nelson Mandela**
Decision making (The Executive)	3	1	2	1
Internal Deliberation. Political Structures (Standing Committees)	3	3	3	3
External Deliberation Ward Committees and ad hoc initiatives	3	3	2	3
Totals	**9**	**7**	**7**	**7**

Notably, even in the most democratic municipality of the four case studies, Msunduzi, their executive has, in moments of crisis, resorted to undemocratic practices. (Reference is made to the decision taken by the executive not to release details of the financial settlement between the Council and its previous City Manager and the consequent court action taken by the local newspaper which forced the council to make this information public). As previously referred to, when dealing, in Chapters Four and Six, with the two Eastern Cape case studies, the Constitution demands greater transparency and inclusivity from municipalities. However, the Structures and Systems Acts contain two escape clauses for municipalities to use when trying to accommodate these provisions in practice. Firstly, the legislation does allow the executive to deal with matters behind closed doors, in other words, by excluding the public and the press from their meetings. Secondly, mayoral committees may be constituted on a single party basis.

2.4 Normative Evaluation Of Democracy In Municipal Decision-Making.

On the basis that the research has shown a link between internal and external democracy, this evaluation will commence by focusing on internal democracy in municipal decision-making. A study of the deliberation/decision-making system shows that although standing committees do not have decision-making powers, in practice items requiring consideration and ultimately a resolution are routed through these committees. The effect of this arrangement, on the one hand, is that it extends the decision-making process and therefore constitutes a cost to efficiency. But, if, on the other hand the standing committee involvement is viewed as an integral stage in the decision-making process, perhaps the deliberative stage, which ultimately provides the base on which the executive makes the final decision, it could be seen as an efficiency enhancing mechanism, as is the case of eThekwini. The composition and *modus operandi* of standing committees meet the requirements of democracy, namely, *inclusivity, transparency, participation* and *accountability.* Viewed independently, they are, however, not seen as efficient structures but this could change through the delegation of decision-making powers to these committees. Members of these committees have acquired specialised knowledge of matters falling within the terms of reference of these committees whether these are planning, health or staff matters. However, a decision to delegate certain decision-making powers to standing committees could be seen as spreading the executive power of council too broadly and, in so doing, eroding the power of the executive. With this in mind, there may be merit in dividing the council's legislative and executive functions. Although ultimately only council has the power to make legislation (by-laws) the framing and compilation of policy documents could be entrusted to standing committees. This arrangement could serve another useful purpose, in that, although councils have legislative powers, the research has shown that, in general, they are reluctant to pass laws. Placing the responsibility of initiating

and preparing draft legislation with standing committees, may have the effect of changing attitudes, which may result in more laws being passed by councils.

With regard to external democracy the ward committee system could be modified and improved to the point where it is more likely to fulfil its stated purpose of being the primary means of involving communities in the matters of local government. These modifications, could include, *inter alia*, taking steps to empower ward committees. In order to eliminate the apathy displayed by communities towards ward committees, ward committees must be recognised as bodies which play a meaningful role in local government. At present this is not the case because, for example, although the legislation requires extensive public participation on matters such as the Budget, the Integrated Development Plan (IDP) and By-laws, councils are not statutorily bound to submit proposals on these matters to ward committees. These are recognised as the "big issues" in local government and, if councils were bound to consult ward committees on these matters, it is likely to have the effect of enhancing the status of these structures in communities and, in so doing, rid or reduce the existing apathy shown towards them.

3. EFFICIENCY VS DEMOCRACY

A significant feature of the evolution of local government in South Africa is the requirement that municipalities must govern in more democratic ways than before. This thesis examined the impact of democratisation of local government on the efficiency of municipal decision-making, specifically, whether the application of the principles of democracy in local governance has the effect of compromising or limiting the horizons of efficiency. The premise which formed the basis of the research is that meeting the requirements of democracy would result in a cost to efficiency. The rate of decision-making would reduce, the outputs (decisions) which deal with the allocation of scarce resources would slow down and this would potentially be detrimental to the well being of communities.

In dealing with efficiency, the research has shown that the category (metropolitan or local) and the type of municipality (executive mayor or executive committee) do not exert any significant influence on the efficiency of the decision-making process. This being the case, attempts were made to identify the issues that have a bearing on efficiency. The committee structure, workload, delegations, administrative delays, bottlenecks, frequency of meetings, overlapping and duplication are factors which exert an influence on the decision-making system. The research also identified a threshold level of performance, below which the introduction of more democratic practices would

be meaningless. The performance of all four case studies is above the threshold level, therefore enabling an assessment to be made of the extent to which democratic practices were in operation. There is sufficient evidence to establish a link between internal and external democracy which prompts the conclusion that those municipalities which promote the principles of democracy in the decision-making structures and processes are more likely to promote a culture of participatory governance.

In addressing the question of internal democracy, one category of municipality is not more conducive to increased democratic practices than another. However, the type of municipality has a significant bearing on the democratic requirement of inclusivity. This has to do with the way in which the executive is constituted. While executive committees must be constituted on a multi-party basis, the legislation permits mayoral committees to be constituted on the basis of a single party. The two case studies which have executive mayors have mayoral committees which comprise members of the majority party only. It is noteworthy that these two municipalities have also prohibited the attendance of the media, the public and other councillors at meetings of the mayoral committee, thereby, lending credibility to the claim of a link between internal and external democracy.

In addressing the question of external democracy, there is sufficient evidence to argue that the concept of ward committees has failed to meet its democratic objectives. Ward committees have not been properly institutionalised into the formal municipal processes and, therefore, have failed to influence decision-making in any significant way. The research has also shown, that communities' participation is more likely to be in response to *ad hoc* initiatives than support for the ward committee system or the more formalised consultation processes around the budget, IDP and the like. The involvement of communities, in both instances, is generally confined to deliberation only, with the final decision being made by the formal decision-making structures.

4. ISSUES FOR FURTHER RESEACH

It is incumbent on municipalities to contribute towards building the capacity of communities and the research has shown that attempts have been made to achieve this objective. For various reasons communities, in general, still do not have the capacity to deal with the complexities and intricacies of local government. This shortcoming prompts several pointed questions/statements for example, "One has to ask whether engagement between people with masters degrees in Town Planning and people who are not fortunate enough not to have gone beyond high school or primary school is

really community participation?"[14] and "If a group or organisation is responding to a proposal from the city council, they may be severely handicapped by an incomplete understanding of what is being put forward, or being very much at the mercy of the officials as to how they can be incorporated."[15]

The research has also questioned the sustainability of community participation initiatives by showing that there has been a greater response to *ad hoc* attempts at engaging communities. In this regard Tanya Zack maintains that sustaining a momentum and interest in participation by the affected groups is difficult in the context of long time lags and development is being hampered by external forces. It requires tangible gains to be delivered in the process. Most of community participation exercises in development do not see outputs delivered within the expected time, if at all. This serves to re-enforce the suggestion that to ward off apathy and to achieve a greater recognition, communities, through their ward committees, need to be empowered to take meaningful decisions on behalf of those represented.

The research has queried the institutional capacity of municipalities to manage these processes. In this regard Hetherington and Mckenzie point out that it is also difficult for municipalities to ensure that the contribution of the public to the I D P, the development of Key Performance Indicators or the budget is not meaningless.[16] How do municipalities ensure that the written or verbal comments received from the public are not put away in a filing cabinet and have no bearing on the outcome of the I D P or the budget?[17] On the other hand is it realistic or possible for municipal officials to really take into account the competing demands of different sections of the community; in the compilation of complex and plans?[18] Furthermore, it was found that municipalities experience difficulties in reconciling divergent community needs, for example, demands for verge cutting and speed control measures vs appeals for basic services.

In South Africa there is a history of community participation. Ineffective local government in black townships during the apartheid era prompted the establishment of effective civic associations. Doreen Atkinson points out that it gave communities an ethos of participatory democracy which was often reflected in their structures, such as street committees, area committees, block committees etc. However, with the dawning of democracy that level of mobilisation is difficult to sustain, particularly with a legitimate government, grievances start to abate and the most talented community leaders drift away to various positions in government or business.[19]

The research also uncovered tensions between ward committees and community-based organisations and brought into focus the question of community organisations which purport to

represent the residents. Steven Friedman draws attention to a further difficulty in terms of which he claims that no single organisation, in any residential area in our complex circumstances could possibly speak for all the people in a community.[20] These organisations speak for parts of "the people," and some organisations speak for bigger parts than others. But in any event, no organisation can speak for "the people."[21] Although community organisations are essential participants in the process, the approach which has recently developed in certain institutions in South Africa is that they are dealing with "the people" when they are actually dealing with a particular group.[22] Such an approach is misleading. Very often this becomes an unholy alliance between community leadership who purport to represent "the people," and the developer.[23]

The foregoing discussion serves to confirm that achieving successful public participation is not something which happens easily. But in the words of Yunis Carrim, "There is simply no choice. Effective community participation is necessary. The magnitude of the transformation and the challenges of delivery and development require this."[24] Community participation is here to stay, but, whether attempts at engaging the community in municipal decision-making are successful or not, a cost against the efficiency of decision-making will accrue.

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Buffalo City - w.w.w. BUFFALO CITY.org.za
eThekwini - w.w.w. Ethekwini.org.za
Nelson Mandela - w.w.w. NMMM.org.za

INTERVIEWEES

MSUNDUZI LOCAL MUNICIPALITY

Ahmed N	Ward Councillor
Cassimjee F	Strategic Executive Manager: Finance
Cooper W	Deputy City Administrator
Ferguson A	Consultant
Gardner C	Speaker
Grantham F	Executive Member
Haswell R	Strategic Executive Manager: Economic Development & Growth
Hulane Z	Strategic Executive Manager: Community Services & Social Equity
Kadir H	Executive Member
Lambert W	Executive Member
Layman A	Director: Pietermaritzburg Chamber of Business
Mashoko P	Strategic Executive Manager: Infrastructure, Services & Facilities
Matobako J	Strategic Executive Manager: Corporate Strategic Planning
Meyer G	Executive Member
Mpanza S	Process Manager: Sound Governance & Human Resources
Muller L	Chief Building Inspector
Olivier K	Whip Democratice Alliance
Perumal K	Strategic Executive Manager: Sound Governance & Human Resources
Phungula B	Executive Member
Seymour C	Whip: Inkhata Freedom Party
Shabalala S	Manager in the City Manager's Office
Stander K	Consultant
Van der Haegen Y	Editor: The Witness
Van Der Merwe J	Legal Advisor
Zondi H	Mayor
Zulu T	City Manager
Zungu TA	Executive Member

BUFFALO CITY LOCAL MUNICIPALITY

Booi B	Ward Councillor

Botha E	Business Editor: Daily Despatch
Card D	Alderman, Freeman, Former Mayor
Gauche` J	General Manager: Organisational Support
Hobana F	Speaker
Holbrook L	Director: Border-Kei Chamber of Business
Hourquebie L	Administrative Officer
Kruger W	Councillor
Mlotana M	Legal Adviser
Mosana V	Mayoral Committee
Olivier B	Ward Councillor
Parbhoo H	Former Chairperson: Indian Management Committee
Rens A	Ward Councillor
Symons M	Former Town Clerk/Consultant
Vallabh D	Ward Councillor
Vos B	Chief Building Inspector

eTHEKWINI METROPOLITAN MUNICIPALITY

Angamuthu V	Acting Head: Communications
Bonhomme T	Ward Councillor
Devling L	Chairperson: Combined Ratepayers Association
Ganesh D	Executive Member
Govender M	Chief Building Inspector
Joseph D	Head: City Hall Administration & Secretariat
Layley A	Committee Officer
Maree J	Ward Councillor
Mbambo M	Public Participation Officer
Mitchell A	Ward Councillor
Mtembu B	Municipal Reporter: Daily News
Naicker S	Ward Councillor
Naidoo P	Ward Councillor
Oldfield G	Ward Councillor
Pailey J	Legal Adviser
Ploos van Amstel	Executive Committee Member

Seheri A	Manager: City Secretariat
Stewart P	Director: City Secretariat
Strydom G	Manager: Regional Centres
Sutcliffe M	City Manager
Xulu S	Ward Councillor
Zulu S	President: Durban Chamber of Business

NELSON MANDELA METROPOLITAN MUNICIPALITY

Basson R	Manager in the Mayor's Office
Carradice R	Manager: Ward Committees and Public Participation
Coetzee C	Senior Committee Secretary
DA Costa A	Chief Executive: Port Elizabeth Regional Chamber of Commerce and Industry
Fibeger C	Councillor
Goosen A	Ward Councillor
Jackson E	Manager in the office of the Manager of the Budget and Treasury
Knight E.	Ward Councillor
Kramar C	Representative of the Building Inspectorate
Kwenaite M	Member of the Mayoral Committee
Lotter	Ward Councillor
Matavire M	Metro Reporter: The Herald
Mbanji T	Records Controller
Mqulwana N	Manager in the Speaker's Office
Roboji Y	Secretariat Manager
Smit A	Councillor
Trent E	Councillor (Democratic Alliance Caucus Leader)
Tsatsire I	Manager: Policy and Transformation
Williams R	Manager: Communications
Williams R	Ward Councillor and retired Chief Eexecutive Officer: Uitenhage Municipality

OFFICIAL DOCUMENTS

MSUNDUZI LOCAL COUNCIL

Establishment of the Msunduzi Municpality.

Notice published in terms of Section (12) of the Local Government: Municipal Structures Act.

Minutes of the Inaugral Meeting of the Msunduzi local Council held on 15 December 2000.

List of Councillors and cell numbers.

List of Councillors on the basis of party affiliation

Demarcation map: K.Z.225.

Areas represented by Pietermaritzburg Local Councillors: K.Z.225.

Committees

Current Structure of Committees.

Proposed Realignment of Committees.

Rules, Functions and Plenary powers of the Executive and other Committees of the Msunduzi Municipal Council.

Terms of reference of the Executive and other committees of the Msunduzi Municipal Council.

Ward committees: Discussion document by Nico Steytler and Johann Metler.

Ward committees: Establishment of Ward committees: Report for Executive Committee dated 15 May 2001.

Ward committees capacity building: Progress Report for Executive Committee dated 3 June 2003.

Ward committees: Policy on the establishment and functioning of ward committees in Kwazulu-Natal.

Government Gazette Notice N° 2561 Notice 2649 of 2003: Guidelines for the establishment and operation of municipal ward committees.

Comments dated 31 August 2004 by Dr Tonie Heyneke, Umhlathuze Municipality on the "Guidelines for the establishment and operation of Municipal Ward Committees.

List of Committees and Committee officials.

Action checklist for Sub-committees, working groups and task teams.

Action checklist for Executive, Portfolio and Full Council meetings.

Rules of Order.

Calendar of Meetings: September 2004.

Public Participation

Public Participation Policy for Council and committee meetings.

IDP and Medium Term Budget Public Participation Guidelines.

Msunduzi Municipality: Budget 2003/2004: Press Notice Natal Witness.

Procedures

Procedure for the preparation and adoption of the annual operating and capital Budgets.

Procedure for the adoption of by laws.

Procedure for Tariffs.

Approval of Capital and Operating Budgets: 2004/2005 (Minutes of a Special Meeting of The Executive Committee held on 11 May 2004).

Approval of Capital and Operating Budgets: 2004/2005 (Minutes of a Special Meeting of the Msunduzi Municipal Council held on 13 May 2004).

Budgets

Msunduzi Municipality: Capital Estimates 2003 – 2004.

Msunduzi Municipality: Operating Estimates 2003 – 2004.

Msunduzi Municipality: Three year Capital Estimates.

BUFFALO CITY LOCAL MUNICIPALITY

Establishment of the Municipality.

Notice published in terms of the section (12) of the Municipal Structures Act.

Determination of types of Municipality Act.

List of Ward Councillors and contact details.

List of Proportional Representation Councillors and contact details.

Maps.

Base Map: South Africa.

Demarcation Map: Eastern Cape.

Demarcation Map: District Councils.

Demarcation Map: Buffalo City Local Municipality.

Committees

Notice dated 27 October 2004 convening Meeting of Mayoral Committee.

Operational and Strategic Committees.

Delegations – Roles and Responsibilities of Standing Committees.

Schedules of meetings: 2004.

Alignment of Political and Administrative Structures.

Frequency, Duration and Workload of Meetings of the Mayoral Committee for the Period January – June 2004.

Reports for Mayoral Committee.

Establishment of Ward Committees.

Operationalisation of Ward Committees.

Public Participation

Frequently asked questions (FAQ's).

The Municipality: How it works.

Council Meetings: Formal invitation to attend.

Extract from Daily Dispatch 29 October 1995.

Public Hearings on B C (Buffalo City) Budget, IDP.

Press Article: Daily Dispatch 13 April 2004.

Approval of Buffalo Municipality Draft IDP Review (2004) for Public Consultation.

Input on Communications Strategy and Action Plan.

Procedures

Credit Control and Debt Collection Policy and Procedures.

Budgets

Budget and IDP schedule 2005/2006.

Budget 2003/2004: Message from the Mayor.

Table of Contents: Budget 2003/2004.

Mpongo Park workshop (11 – 12 November 2003).

Buffalo City Council's Capital and Operating Budgets for 2004/2005 to 2006/2007.

First Draft three year (MTEF) 2004/2007. Medium Term Expenditure Framework.

By-Laws

Introduction to the City's By-Laws.

Miscellaneous

Buffalo City "Best Council in South Africa".

List of Contacts – Buffalo City.

Border – Kei: Chamber of Business.

Census 2001: Statistics: Buffalo City.

Focus on Buffalo City 2002/2003Publication.

Buffalo City Integrated Development Plan.

Buffalo City: Annual Report.

eTHEKWINI METROPOLITAN MUNICIPALITY

Establishment of the Municipality.

Notice published in terms of Section (12) of the Municipal Structures Act.

Municipal Demarcation Board: Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998: Municipality Durban.

List of councillors and contact details.

Background to Administrative Organisation.

eThekwini Municipality Transformation Plan.

Organogram: Revised organisation structure.

Maps

Outer boundaries of metropolitan and district municipalities: South Africa.

Outer boundaries of metropolitan and district municipalities: KwaZulu-Natal.

Determination of outer boundary of the Metropolitan Municipality of Durban.

Committees.

Diagram: Committee Structure.

Membership of Committees.

City Secretariat: Department Packages.

Committee Flow Chart.

Terms of reference of Committees.

Calendar of meetings 2005.

Rules regulating the establishment and operation of ward committees.

Handbook for ward committee elections.

Public Participation.

Annual Report.

Procedures.

Credit Control and debt collection policy and procedures.

Budgets.

Report dated 15 November 2004 submitted by the City Manager to the Executive Committee entitled "Draft Capital Budget 2005/6 to 2006/2007.

Miscellaneous.

Agenda: Executive Committee meeting 8 March 2005

Development Profile.

NELSON MANDELA METROPOLITAN MUNICIPALITY

Establishment of the Municipality.

Notice published in terms of Section (12) of the Municipal Structures Act.

Determination of types of Municipality Act N° of 2000 (p.n.645).

Metro Structure: Nelson Mandela Metropolitan Municipality.

Metro Structure.

Breakdown of the number of seats per party.

Redemarcation of boundaries.

Contact details.

Telephone Guide.

Map: Outer Boundaries of the Metropolitan Area.

Committees

Standing Committees.

Chairpersons and members of Standing Committees.

Code of conduct for ward committee members.

Rules of Order: Ward Committees.

Report on the establishment of Secretarial Support Services for Ward Committees (22 August 2001).

Establishment of Secretariat Support services for Ward Committees.

Ward Councillors Accommodation.

Functions and responsibilities attached to the position of Ward Committee Clerk.

Mayoral Committee.

Public Participation

Peoples Assembly Program.

Overview.

Public Participation.

Developmental Local Government.

IVR Electronic Help Desk: Release of new services.

Press Release by the Mayor: 13 April 2005.

Patriotic Volunteerism Programme.

Budgets

Multi-year Budget Strategy: 2005/06 to 2007/08 Financial years.

By-laws

Customer Care and Revenue Management laws.

Assistance to the poor policy.

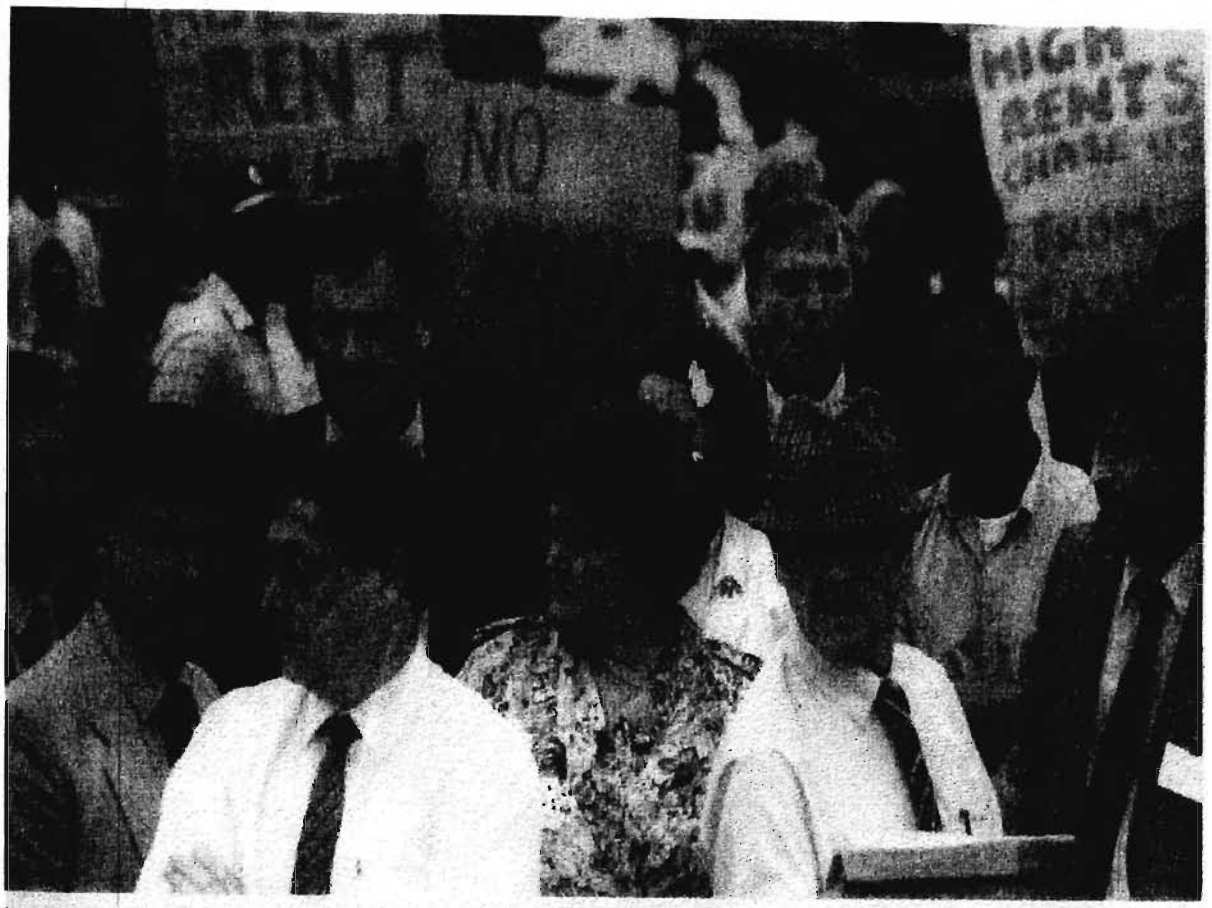
Miscellaneous

Agenda: Environmental and Health Committee Meeting: 10 May 2005.

Vision 2020: Developmental priorities.

APPENDIX 1

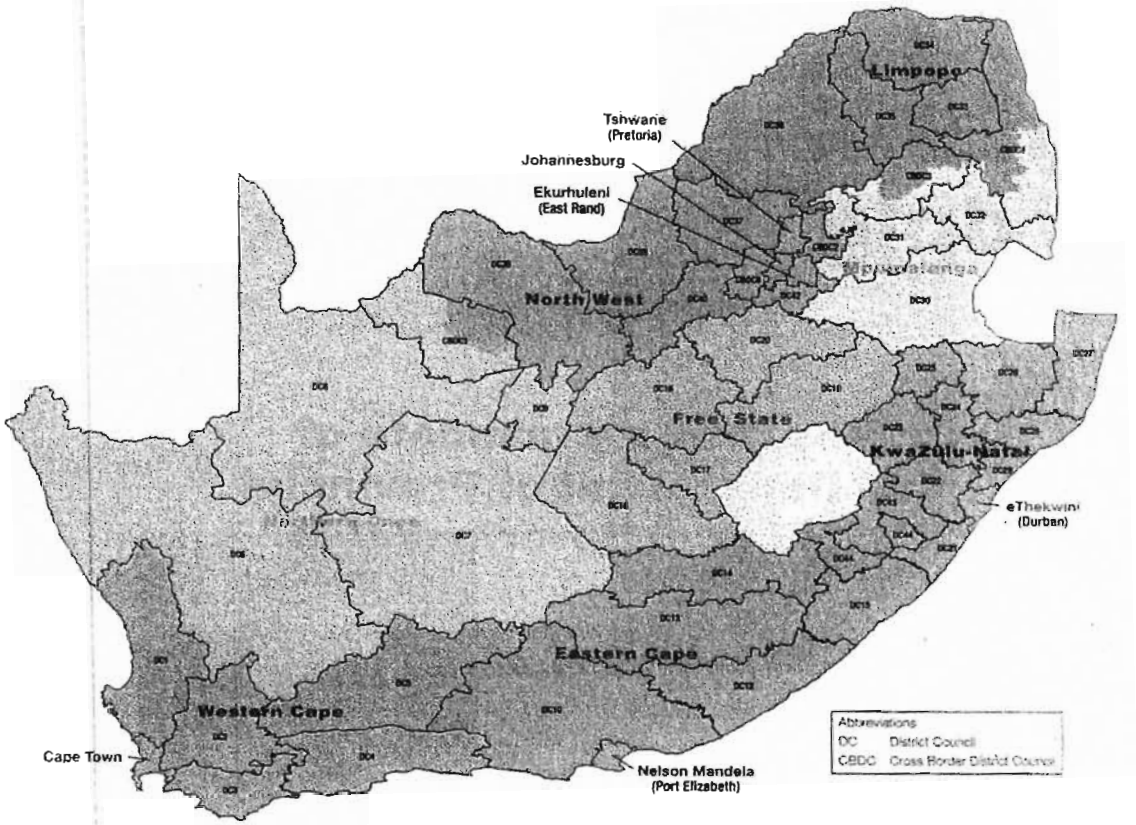
NEWSPAPER EXTRACT: NATAL WITNESS: 5 DECEMBER 1990



Mayor Pat Rainier, city councillors and other officials went on a tour of Happy Valley yesterday in an attempt to resolve the rent boycott and to gain insight into the housing roblems in the community. They were met by placard-waving demonstrators who protested against the presence of a coloured Local Affairs Committee member. However Mervyn irks, secretary of the Happy Valley Civic Association, expressed the residents' confidence in the new mayor and thanked the councillors for accepting his invitation to visit the area. here will be a special meeting on the issue tomorrow and Rainier said last night she planned to meet with Dirks again. [illegible] Picture by MARK WHS

APPENDIX 2

MAP: METROPOLITAN AND DISTRICT MUNICIPALITIES



South Africa's 284 Municipalities

6 Metropolitan Municipalities 47 District Municipalities 231 Local Municipalities

Eastern Cape

Alfred Nzo District Municipality (DC44) ...
- Umzimkhulu Municipality (EC05b1)
- Umzimvubu Municipality (EC05b2)
- Amatole District Municipality (DC12)
- Amahlathi Municipality (EC124)
- Buffalo City Municipality (EC125)
- Great Kei Municipality (EC123)
- Mbhashe Municipality (EC121)
- Mnquma Local Municipality (EC122)
- Ngqushwa Municipality (EC126)
- Nkonkobe Municipality (EC127)
- Nxuba Municipality (EC128)

Cacadu District Municipality (DC10)
- Baviaans Municipality (EC107)
- Blue Crane Route Municipality (EC102)
- Camdeboo Municipality (EC101)
- Ikwezi Municipality (EC103)
- Kouga Municipality (EC108)
- Koukamma Municipality (EC109)
- Makana Municipality (EC104)
- Ndlambe Municipality (EC105)
- Sundays River Valley Municipality (EC106)

Chris Hani District Municipality (DC13)
- Emalahleni Municipality (EC136)
- Engcobo Municipality (EC137)
- Inkwanca Municipality (EC133)
- Intsika Yethu Municipality (EC135)
- Inxuba Yethemba Municipality (EC131)
- Lukhanji Municipality (EC134)
- Sakhisizwe Municipality (EC138)
- Tsolwana Municipality (EC132)

Nelson Mandela Metropolitan Municipality (Port Elizabeth)

O R Tambo District Municipality (DC15)
- King Sabata Dalindyebo Municipality (EC157)..
- Mbizana Municipality (EC151)
- Mhlontlo Municipality (EC156)
- Ntabankulu Local Municipality (EC152)
- Nyandeni Municipality (EC155)
- Port St. Johns Municipality (EC154)
- Qaukeni Municipality (EC153)

Ukhahlamba District Municipality (DC14)
- Elundini Municipality (EC141)
- Gariep Municipality (EC144)
- Maletswai Municipality (EC143)
- Senqu Municipality (EC142)

Free State

Lejweleputswa District Municipality (DC18)....
- Masilonyana Municipality (FS181)
- Matjhabeng Municipality (FS184)
- Nala Municipality (FS185)
- Tokologo Municipality (FS182)
- Tswelopele Municipality (FS183)

Motheo District Municipality (DC17)
- Mangaung Local Municipality (FS172)
- Mantsopa Municipality (FS173)
- Naledi Municipality (FS171)

Northern Free State District Municipality (DC20)
- Mafube Municipality (FS205)
- Metsimaholo Local Municipality (FS204)
- Moqhaka Local Municipality (FS201)
- Ngwathe Municipality (FS203)

Thabo Mofutsanyana District Municipality (DC19)
- Dihlabeng Local Municipality (FS192)
- Maluti-a-Phofung Local Municipality (FS194)..
- Nketoana Local Municipality (FS193)
- Phumelela Local Municipality (FS195)
- Setsoto Municipality (FS191)

Xhariep District Municipality (DC16) .....
- Kopanong Local Municipality (FS162)...
- Letsemeng Municipality (FS161)
- Mohokare Municipality (FS163)

Gauteng

Ekurhuleni Metropolitan Municipality (East Rand)

City of Johannesburg (Johannesburg)

Metsweding District Municipality (CBDC2)..
- Kungwini Local Municipality (CBLC2)
- Nokeng Tsa Taemane Local Municipality (GT02b1)

Sedibeng District Municipality (DC42)
- Emfuleni Municipality (GT421)
- Lesedi Local Municipality (GT423)
- Midvaal Local Municipality (GT422)

City of Tshwane Metropolitan Municipality (Pretoria)

West Rand District Municipality (CBDC8)....
- Merafong City Local Municipality (CBLC8)...
- Mogale City Local Municipality (GT411)
- Randfontein Local Municipality (GT412)
- Westonaria Local Municipality (GT414)

KwaZulu-Natal

Amajuba District Municipality (DC25)
- Dannhauser Municipality (KZ254)
- Newcastle Municipality (KZ252)
- Utrecht Municipality (KZ253)

eThekwini Municipality (Durban)

Ilembe District Municipality (DC29)
- éNdondakusuka Municipality (KZ291)
- KwaDukuza Municipality (KZ292)
- Maphumulo Municipality (KZ294)
- Ndwedwe Local Municipality (KZ293)

Sisonke District Municipality (DC43)
- Greater Kokstad Municipality (KZ5a4)
- Ingwe Local Municipality (KZ5a1)
- Kwa Sani Municipality (KZ5a2)
- Matatiele Municipality (KZ5a3)
- Ubuhlebezwe Municipality (KZ5a5)

Ugu District Municipality (DC21)
- Ezinqoleni Municipality (KZ215)
- Hibiscus Coast Municipality (KZ216)
- Umdoni Municipality (KZ212)
- Umuziwabantu Municipality (KZ214)
- Umzumbe Municipality (KZ213)
- Vulamehlo Municipality (KZ211)

uMgungundlovu District Municipality (DC22)
- Impendle Municipality (KZ224)
- Mkhambathini Municipality (KZ226)
- Mpofana Municipality (KZ223)
- Msunduzi Municipality (KZ225)
- Richmond Municipality (KZ227)
- uMngeni Municipality (KZ222)
- uMshwathi Municipality (KZ221)

uMkhanyakude District Municipality (DC27)..
- Big 5 False Bay Municipality (KZ273)
- Hlabisa Municipality (KZ274)
- Jozini Municipality (KZ2720
- Mtubatuba Municipality (KZ275)
- Umhlabuyalingana Municipality (KZ271)

uMzinyathi District Municipality (DC24)
- Endumeni Municipality (KZ241)
- Msinga Municipality (KZ244)
- Nquthu Municipality (KZ242)
- Umvoti Municipality (KZ245)

Uthukela District Municipality (DC23)
- Emnambithi / Ladysmith Municipality (KZ232)
- Imbabazane Local Municipality (KZ236)
- Indaka Municipality (KZ233)
- Okhahlamba Local Municipality (KZ235).
- Umtshezi Municipality (KZ234)

Uthungulu District Municipality (DC28)
- Mbonambi Municipality (KZ281)
- Mthonjaneni Municipality (KZ285)
- Nkandla Municipality (KZ286)
- Ntambanana Municipality (KZ283)
- City of uMhlathuze (KZ282)
- uMlalazi Municipality (KZ284)

Zululand District Municipality (DC26)
- AbaQulusi Municipality (KZ263)
- éDumbe Municipality (KZ261)
- Nongoma Local Municipality (KZ265)
- Ulundi Municipality (KZ266)
- uPhongolo Municipality (KZ262)

Limpopo

Capricorn District Municipality (DC35)
- Aganang Municipality (NP352)
- Blouberg Municipality (NP351)
- Lepelle-Nkumpi Municipality (NP355)
- Molemole Municipality (NP353)
- Polokwane Municipality (NP354)

Mopani District Municipality (DC33)
- Ba-Phalaborwa Municipality (NP334)
- Greater Giyani Municipality (NP331)
- Greater Letaba Municipality (NP332)
- Greater Tzaneen Municipality (NP333)

Vhembe District Municipality (DC34)
- Makhado Municipality (NP344)
- Musina Municipality (NP341)
- Mutale Local Municipality (NP342)
- Thulamela Local Municipality (NP343)

Waterberg District Municipality (DC36)
- Bela-Bela Municipality (NP366)
- Lephalale Municipality (NP362)
- Modimolle Local Municipality (NP365)
- Mogalakwena Municipality (NP367)
- Mookgophong Municipality (NP364)
- Thabazimbi Municipality (NP361)

Mpumalanga

Bohlabela District Municipality (CBDC4)
- Bushbuckridge Municipality (CBLC6)
- Maruleng Municipality (NP04A1)

Eastvaal District Municipality (DC30)
- Albert Luthuli Municipality (MP301)
- Dipaleseng Municipality (MP306)
- Govan Mbeki Municipality (MP307)
- Lekwa Local Municipality (MP305)
- Mkhondo Local Municipality (MP303)
- Msukaligwa Municipality (MP302)
- Seme Municipality (MP304)

Ehlanzeni District Municipality (DC32)
- Mbombela Local Municipality (MP322)
- Nkomazi Municipality (MP324)
- Thaba Chweu Municipality (MP321)
- Umjindi Municipality (MP323)

Greater Sekhukhune District Municipality (CBDC3)
- Fetakgomo Local Municipality (NP03A3)
- Greater Groblersdal Municipality (CBLC
- Greater Marble Hall Municipality (CBLC
- Greater Tubatse Municipality (CBLC5)
- Makhuduthamaga Local Municipality (NP03A2)

Nkangala District Municipality (DC31)
- Delmas Municipal Council (MP3110)
- Dr J.S. Moroka Municipality (MP316)
- Emalahleni Local Municipal Council (Mi
- Highlands Municipality (MP314)
- Middelburg Municipality (MP313)
- Thembisile Municipality (MP315)

Northern Cape

Frances Baard District Municipality (DC9) ..
- Dikgatlong Municipality (NC092)
- Magareng Municipality (NC093)
- Phokwane Municipality (CBLC7)
- Sol Plaatje Municipality (NC091)

K[illegible]o District Municipality (DC7)
- Emthanjeni Municipality (NC073)
- Kareeberg Municipality (NC074)
- Renosterberg Municipality (NC075)
- Siyancuma Municipality (NC078)
- Siyathemba Municipality (NC077)
- Thembelihle Municipality (NC076)
- Ubuntu Municipality (NC071)
- Umsobomvu Municipality (NC072)

Kgalagadi District Municipality (CBDC1)
- Gamagara Municipality (NC01B1)
- Ga-Segonyana Municipality (CBLC1)
- Moshaweng Local Municipality (NW1A1)

Namakwa District Municipality (DC6)
- Hantam Municipality (NC065)
- Kamiesberg Municipality (NC064)
- Karoo Hoogland Municipality (NC066)
- Khâi-Ma Municipality (NC067)
- Nama Khoi Municipality (NC062)
- Richtersveld Municipality (NC061)

Siyanda District Municipality (DC8)
- !ai !Garib Municipality (NC082)
- ǂgatelopele Municipality (NC086)
- //Khara Hais Municipality (NC083)
- !Kheis Municipality (NC084)
- Mier Municipality (NC081)
- Tsantsabane Municipality (NC085)

North West

Bojanala Platinum District Municipality (DC37)
- Kgetlengrivier Local Municipality (NW374)
- Madibeng Municipality (NW372)
- Moretele Local Municipality (NW371)
- Moses Kotane Local Municipality (NW375)
- Rustenburg Local Municipality (NW373)

Bophirima District Municipality (DC39)
- Greater Taung Municipality (NW394)
- Kagisano Local Municipality (NW391)
- Lekwa-Teemane Local Municipality (NW396)
- Mamusa Local Municipality (NW393)
- Molopo Local Municipality (NW395)
- Naledi Local Municipality (NW392)

Central District Municipality (DC38)
- Ditsobotla Local Municipality (NW384)
- Mafikeng Local Municipality (NW383)
- Setla-Kgobi Local Municipality (NW381)
- Tswaing Municipality (NW382)
- Zeerust Municipality (NW385)

Southern District Municipality (DC40)
- City Council of Klerksdorp (NW403)
- Maquassi Hills Local Municipality (NW404)
- Potchefstroom Local Municipality (NW402)
- Ventersdorp Municipality (NW401)

Western Cape

Boland District Municipality (DC2)
- Breede River / Winelands Municipality (WC026)
- Breede Valley Municipality (WC025)
- Drakenstein Municipality (WC023)
- Stellenbosch Municipality (WC024)
- Witzenberg Municipality (WC022)

City of Cape Town (Cape Town)

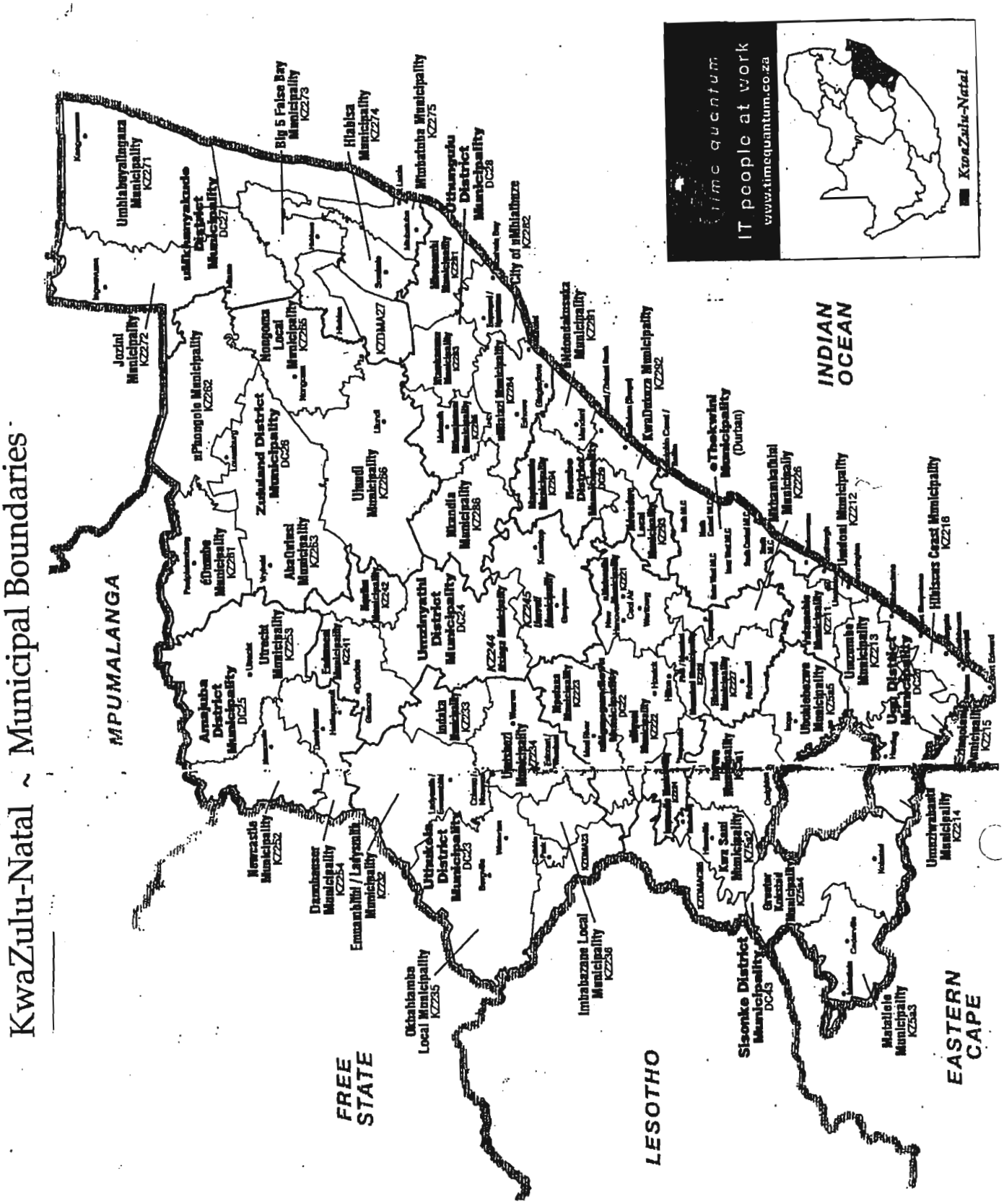
Central Karoo District Municipality (DC
- Beaufort West Municipality (WC053)
- Laingsburg Municipality (WC051)
- Prince Albert Municipality (WC052)

Eden District Municipality (DC4)
- District Management Area (Uniondale)
- George Municipality (WC044)
- Kannaland Municipality (WC041)
- Knysna Municipality (WC048)
- Langeberg Municipality (WC042)
- Mossel Bay Municipality (WC043)
- Oudtshoorn Municipality (WC045)
- Plettenberg Bay Municipality (WC047)

Overberg District Municipality (DC3)
- Cape Agulhas Municipality (WC033)
- Overstrand Municipality (WC032)
- Swellendam Municipality (WC034)
- Theewaterskloof Municipality (WC031)

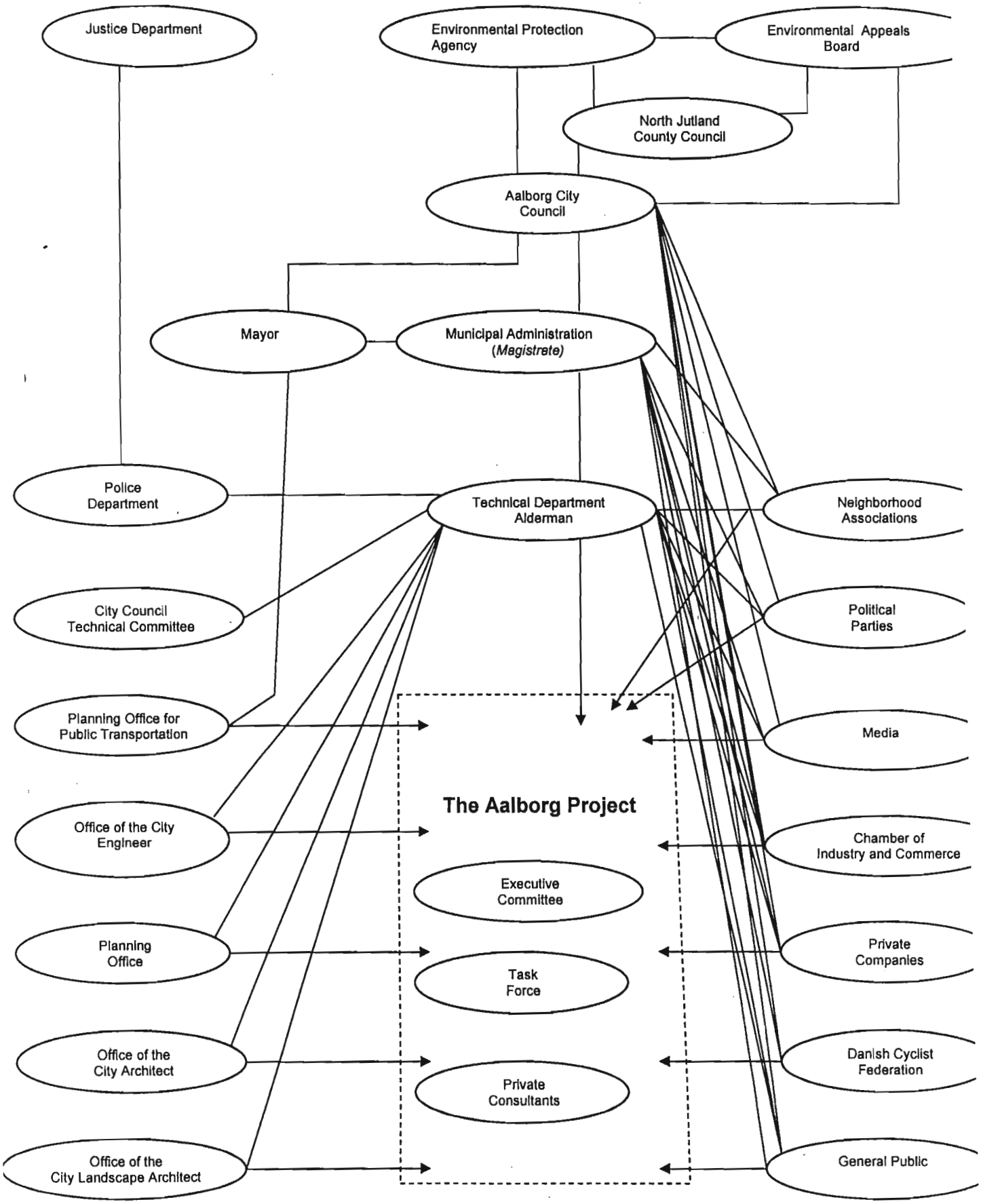
West Coast District Municipality (DC1)
- Bergrivier Municipality (WC013)
- Cederberg Municipality (WC012)
- Matzikama Municipality (WC011)
- Saldanha Bay Municipality (WC014)
- Swartland Municipality (WC015)

KWAZULU-NATAL: MUNICIPAL BOUNDARIES



MAIN ACTORS IN THE AALBORG PROJECT

APPENDIX 5



THE BUDGET PROCESS

Section 17 of the Local Government Municipal Finance Management Act (Scheduled to be enacted on 1 July 2004) contains the following provision in respect of the budget process :-

1. The councilor for financial matters must-

   (a) Ensure that a draft annual budget containing the prescribed particulars is prepared at least a prescribed number of days, or, if a number of days is not prescribed, at least four months, before the start of the financial year to which it relates; and

   (b) Upon completion of the draft budget –

      (i) Follow a process of community participation in accordance with Chapter 4 of the Municipal Systems Act; and -

      (ii) Comply with subsection (2).

2. The councilor for financial matters must-

   (a) Immediately upon the draft budget's preparation, publish in a newspaper of general circulation in the municipality a notice-

      (i) Stating that the draft annual budget is available for public scrutiny during office hours at the main administrative office of the municipality and such other places as may be specified in the notice; (see attached notices published in The Natal Witness on 27.05.2004

      (ii) Inviting the public to submit written comments and repress to to the municipality within a period specified in the notice; and

      (iii) Specifying the dates set down by the council for public hearing on the draft annual budget; and

   (b) At the next sitting of the municipal council following the draft budget immediately upon the draft budget's preparations, table the draft budget in the council for discussion and public hearings.

3. The municipal manager must submit a copy of the municipality's draft budget immediately upon the draft budget's preparation to-

   (a) The National Treasury, in the case of a municipality whose name appears on the list appears on a list published by Minister by notice in the *Gazette*;

   (b) The relevant provincial treasury;

(c) The district municipality in whose area it falls, in the case of a local municipalities

(d) The local municipalities in its area, in the case of a district municipality.

4. Any comments the National Treasury, the relevant provincial treasury or a municipal referred to in subsection (3)(c) or (d) may wish to offer on a draft budget must be submitted to the municipality within 40 days of receipt of the draft budget

5. The councilor for financial matters must as soon as the council discussions and the public hearing referred to in subsection (2)(b) have been completed

(a) Direct the municipal manager to prepare the final budget for the financial year, taking into account-

(i) The discussions and public hearings conducted by the council on the draft budget;

(ii) Any public comment and representations received by the municipality in terms of subsection (2)(a);

(iii) Any recommendations on the draft budget submitted by –

(aa) The National Treasury;

(bb) The relevant provincial treasury; and

(cc) Any other municipality; and

(iv) Any guidelines and policy statements issued by the National Treasury; and and

(b) Table the final budget in the council for approval.

6. The councilor for financial matters must manage the budget process in such wthat that the budget referred to in subsection (5)(b) is tabled in the council at least 30 days before the start of the financial year to which the budget relates.

7. A municipal must approve its annual budget before the start of the financial year to which it relates.

APPENDIX 7

THE PROCEDURE TO MAKE A BY-LAW

The Constitution, the Municipal Structures Act and the Municipal Systems Act set the framework in terms of which a municipal council must pass by-laws. Within this framework, a council may make a pass by-law to further regulate its internal procedures of lawmaking.

The Constitution sets two basic requirements for municipal lawmaking:

- First, a by-law must have the support of the majority of all the councillors.
- Second, the community must have enjoyed the opportunity to have its say with regard to that by-law.

The making of a by-law entails the following steps:

Step 1 A draft by-law is prepared by a Municipal Department or a committee of the council.

Step 2 The council must consult with the community with regard to the draft by-law. It must at least publish the by-law for comment by the public. (see attached notice published in The Natal Witness on 27.05.2004)

Step 3 The by-law is introduced in and debated by the council.

Step 4 The municipal council votes on the by-law.

Step 5 If passed by the council, the by-law is published and becomes law on that date or a later date set in the by-law.

Step 1 : DRAFTING A BY-LAW

A Department councillor or a committee of a municipal council may prepare a draft by-law. It is usually drafted by a municipal department on the instructions of a council committee.

Standard draft by-laws

In order to assist municipal councils, the Minister responsible for local government or the provincial MEC may make standard draft by-laws on any matter that a council may make laws on. These standard draft by-laws are not binding on councils. A council may decide to use such a by-law as a basis for its own by-law. A council may change the standard draft by-law to fit in with local conditions or circumstances. It may also ignore the standard draft by-laws altogether.

When a council uses a standard draft by-law, it must follow the same lawmaking process as when it drafts its own by-law.

A council may also make a by-law by incorporating, by reference, provisions of national or provincial legislation in that by-law. When it does so, the council must follow the same lawmaking process as when it drafts its own-law.

Step2 CONSULTING WITH THE COMMUNITY

Section 160(4) of the Constitution provides that

> No by-law may be passed by a Municipal Council unless the proposed by-law has been published for public comment.

Section 16(1) of the Municipal System Act provides that

> 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.

The Municipal Systems Act requires municipalities to develop community participation in the process of making by-laws.

Once a draft by-law has been introduced in the council, the council must consult with the community regarding the draft by-law.

Publication for comment

The first step in the consultation process is to publish the draft by-law for public comment. This step is compulsory.

When publishing a draft by-law for comment, it must be done in a manner that allows the public an opportunity to make representations. The council may make rules on how notice of the by-law must indicate by what date and to whom comments or representations may be given.

This opportunity to comment must be open to all residents. When the council invites the local community to submit written comments on a draft by-law, it must make special provision for people who cannot write. It must state in the invitation that a person who cannot write may come during office hours to a place where a municipal staff member will assist that person to write down comments and representations.

The council may take further steps to extend consultation. A municipality must establish its won mechanisms, processes and procedures to ensure effective consultation. When doing so, the municipality must take into account the special needs of :-

- People who cannot read or write;
- People with disabilities;
- Women; and
- Other disadvantaged groups.

The municipality must also communicate to its community information about how residents can participate.

Advice from ward committees and other committees

The municipality may use the ward committees, if they have been established, to discuss the merits of a draft by-law. It may hold public meetings and hearings. The municipal council may establish one or more advisory committees that consist of persons who are not councillors to advise the council on any matter, including by-laws. Gender representation must be taken into account when appointing these committees.

The duty to facilitate community participation can be further regulated by the national Minister responsible for local government. National regulations can be made and guidelines issued concerning minimum standards for implementing community participation in the affairs of the municipality. In doing so, the Minister must differentiate between different kinds of municipalities according to their capacity to comply with the regulations or guidelines. The Minister can also phase in the application of those requirements on community participation of the Municipal Systems Act which place a financial or administrative burden on municipalities.

Step 3 PROCEDURES IN THE COUNCIL CHAMBER

Introduction of a draft by-law

A member or a committee of a municipal council may introduce a draft by-law in the council. Any councillor is thus free to table a draft by-law.

Internal procedures

A council may make by-laws with rules and orders for making by-laws in the future. Once these rules and orders have been adopted the council must comply with them.

Reasonable notice to councillors

For the council to perform its democratic function, all proposed by-laws must be subject to open debate. The Constitution thus requires in section 160(4)(b) that no by-law may be passed by the municipal council unless 'all members of the Council have been given reasonable notice'. This means that the councillors should be given a copy of the draft by-law, sufficient time to study the by-law, and adequate notice of when the by-law will be debated and voted on.

Report by executive committee or executive mayor

Before passing a by-law, a council that has an executive committee or executive mayor, must first require that committee or mayor to give a report and recommendation on the by-law.

Freedom of debate

Section 161 of the Constitution provides that

> Provincial legislation within the framework of national legislation may provide for privileges and immunities of Municipal Councils and its members.

Debating the merits or the demerits of a draft by-law lies at the heart of democracy. Free and open debate is thus protected in the Constitution.

The Municipal Structures Act provides the national framework for provincial legislation that must still be passed . Such legislation must at least provide that councillors have freedom of speech in a council and its committees subject to the rules and orders of the council.

Councillors are also not liable for civil or criminal proceedings, arrest, imprisonment or damages for anything that they have said in, produced before or submitted to the council or its committees. The same rule applies to anything revealed as a result of what they said in, produced before or submitted to the council or any of its committees.

A councillor cannot, for example, be sued for defamation for what he or she has said in the council chamber. The rules and orders of the council may, however, provide for rules to prevent the abuse of this freedom of speech.

Until provincial laws on the matter have been passed, the provision of the Municipal Structures Act will govern the privileges and immunities of councillors in their council debates.

Open to the public

Section 160(7) of the Constitution provides that

> A Municipal Council must conduct its business in an open matter, and close its sittings, or those of its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted.

To ensure that a council's lawmaking is accountable, responsive and open, members of the public have the right to attend council meetings. To exercise this right, the public must know where and when council meetings are to be held. They must also know what the meetings of the council are about.

The general rule is that council activities are open to the public.

The municipal manager must give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting of the council. This duty also applies to special or urgent meetings of the council, except when time constraints make this impossible.

When the council deals with a by-law, the council, or a committee of the council, may not exclude the public, including the media. This rule applies when the council is considering or voting on a draft by-law tabled in the council.

To ensure that the public can indeed attend council meetings, the council must, within its financial and administrative capacity, provide space for the public in the chambers and places where it and its committees meet.

To ensure the orderly conduct of its meetings, a council may also take reasonable steps to regulate public access to, and public conduct, at its meetings. The council may order the removal of persons who are disruptive at the meeting. Likewise, a council may determine whether or not the media may bring television cameras into the council chamber.

Step 4 : VOTING FOR A BY-LAW

Majority vote

For a council to pass a by-law, the majority of councillors must vote in favour of it. This means that 50% plus one of all the elected councillors must vote for the by-law.

Step 5: PUBLICATION AND COMING INTO FORCE OF A BY-LAW

Section 162(1) of the Constitution provides that

> A municipal by-law may be enforced only after it has been published in the official gazette of the province.

After a by-law has been passed by the council, it must be published promptly in the *Provincial Gazette*. This is a necessary requirement before the by-law can have any force or effect.

The by-law can also provide for the mayor to issue a notice to bring the by-law into operation. A copy of the notice to bring the by-law into operation. A copy of the notice must be displayed at the municipal offices.

Where it is feasible, the by-law must be published in a local newspaper. If not, the council must find other practical ways of bringing the by-law to the attention of the local community.

When the community is notified through the media, it must be done:

- In the local newspaper(s);

- In a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record;
  or
- By means of radio broadcasts covering the area of the municipality.

Such a notification must be done in the official languages of the area, as determined by the council.

Municipal code of by-laws

Section 162(3) of the Constitution provides that

Municipal by-laws must be accessible to the public.

A municipality must compile and maintain a collection of all its by-laws in bound or loose-leaf form so that they are readily accessible. Where possible, the collection must also be kept in electronic format.

This compilation is called the municipal code, and is the municipality's official record of all applicable by-laws. A municipality must constantly update the code.

This code, which must be kept at the head office, should also be accessible to the public. The municipality must provide, at the request of a member of the public, a copy of or an extract from its municipal code. This may be done for a reasonable fee, determined by the council.

Msunduzi Local Council

Review of Documents

1. Establishment of the Msunduzi Municpality.

1.1 Notice published in terms of Section 12 of the Local Government: Municipal Structures Act.
1.2 Minutes of the Inaugral Meeting of the Msunduzi local Council held on 15 December 2000.
1.3 List Councillors and cell numbers.
1.4 List of Councillors on the basis of

(1) Party affiliation.
(2) Ward or Proportional Representation.

1.5 Demarcation map K.Z.225.
1.6 Areas represented by Pietermaritzburg Local Councillors: K.Z.225.

2. Committees

2.1 Current Structure of Committees.
2.2 Proposed Realignment of Committees.
2.3 Rules, Functions and Plenary powers of the Executive and other Committees of the Msunduzi Municipal Council.
2.4 Terms of reference of the Executive and other committees of the Msunduzi Municipal Council.
2.5 Ward committees: Discussion document by Nico Steytler and Johann Metter.
2.6 Ward committees: Establishment of Ward committees – Report for Executive Committee dated 15th May 2001.
2.7 Ward committees capacity building: Progress Report for Executive Committee dated 3rd June 2003.
2.8 Ward committees: Policy on the establishment and functioning of ward committees in Kwazulu Natal.
2.9 Government Gazette Notice Nº 2561 Notice 2649 of 2003: Guidelines for the establishment and operation of municipal ward committees.
2.10 Comments dated 31 August 2004 by Dr Tonie Heyneke, Umhlathuze Municipality on the "Guidelines for the establishment and operation of Municipal Ward Committees.
2.11 List of Committees and Committee officials.
2.12 Action checklist for Sub-committees, working groups and task teams.
2.13 Action checklist for Executive, Portfolio and Full Council meetings.
2.14 Rules of Order.
2.15 Calendar of Meetings: September 2004.

3. Public Participation

3.1 Public Participation Policy for Council and committee meetings.
3.2 IDP and Medium Term Budget Public Participation Guidelines.
3.3 Msunduzi Municipality: Budget 2003/2004: Press Notice Natal Witness.
3.4 Ethekwini Metropolitan Council : Organisational Structure.
3.5 Various Newspaper cuttings.

4. Procedures

4.1 Procedure for the preparation and adoption of the annual operating and capital Budgets.
4.2 Procedure for the adoption of by laws.
4.3 Procedure for Tariffs.
4.4 Approval of Capital and Operating Budgets: 2004/2005 (Minutes of a Special Meeting of The Executive Committee held on 11 May 2004).
4.5 Approval of Capital and Operating Budgets: 2004/2005 (Minutes of A Special Meeting of the Msunduzi Municipal Council held on 13 May 2004).

5. Budgets

5.1 Msunduzi Municipality: Capital Estimates 2003 – 2004.
5.2 Msunduzi Municipality: Operating Estimates 2003 – 2004.
5.3 Msunduzi Municipality: 3 year Capital Estimates for.

2003 – 2004
2004 - 2005
2005 - 2006

6. By – Laws.

6.1 Industrial Effluent By Laws : Msunduzi.
6.2 Approval and Promulgation : Industrial Effluent By Laws : Msunduzi.

7. Miscellaneous

7.1 Research Instruments.
7.2 Schedule of Interviews.

APPENDIX 9

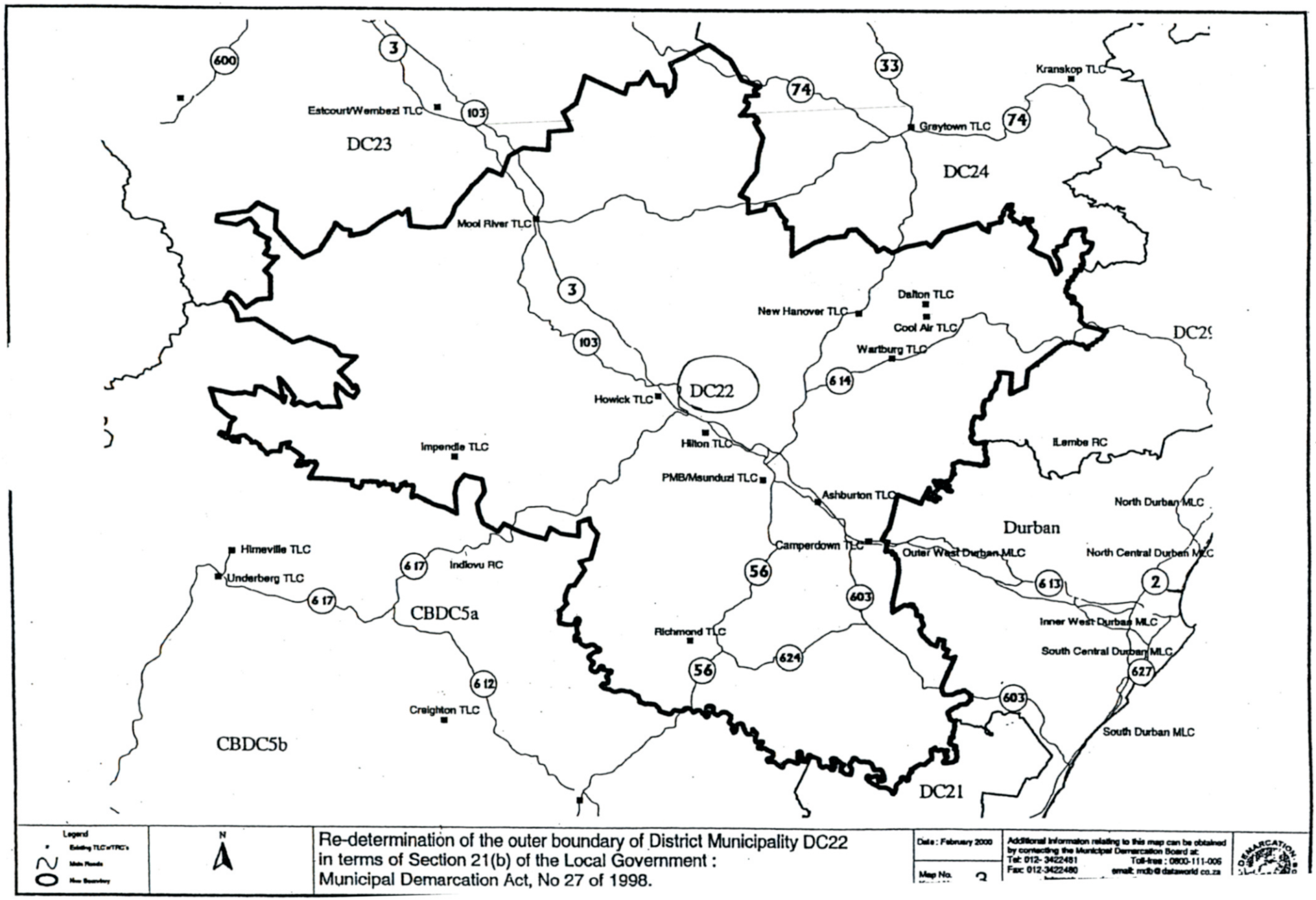
MSUNDUZI LOCAL COUNCIL
FOCUS INTERVIEWS:RESPONDENTS

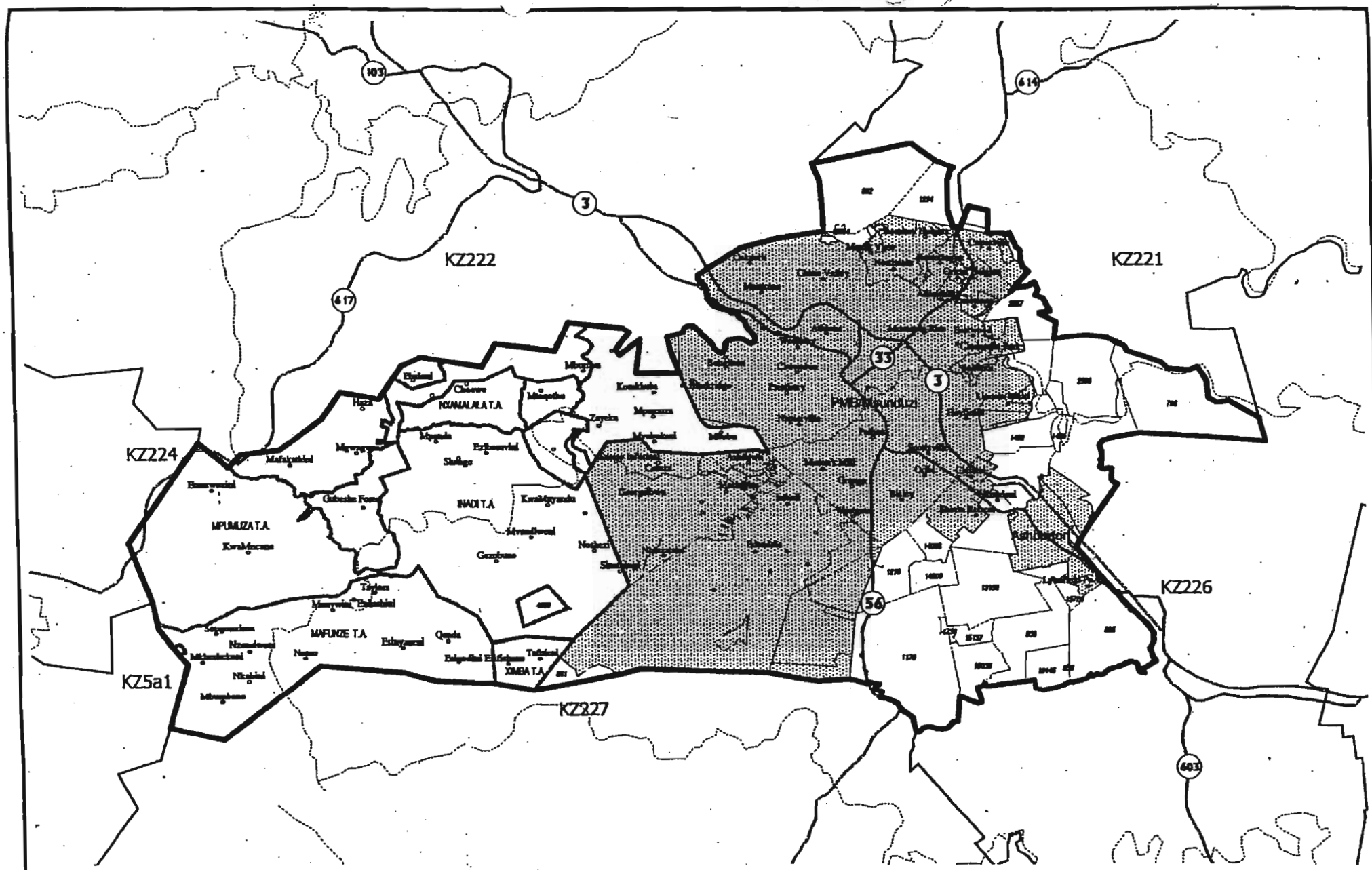
NO	NAME OF RESPONDENT	POSITION	DATE
1	LAMBERT W.F	EXECUTIVE MEMBER	20.09.2004
2	HASWELL R.F	STRATEGIC EXECUTIVE MANAGER (ECONOMIC DEVELOPMENT & GROWTH)	27.09
3	LAYMAN A	DIRECTOR: PMBURG CHAMBER OF BUSINESS	29.09
4	ZONDI H	MAYOR	30.09
5	HULANE Z	STRATEGIC EXECUTIVE MANAGER: COMMUNITY SERVICES & SOCIAL EQUITY	30.09
6 7	COOPER W VAN DER MERWE J	DEPUTY CITY ADMINISTRATOR LEGAL ADVISER	30.09
8	SHABALALA S	MANAGER IN THE CITY MANAGER'S OFFICE	01.10.2004
9	AHMED N	WARD COUNCILLOR	4.10
10	KADIR H	EXECUTIVE MEMBER	5.10
11	OLIVIER K	WHIP D.A	6.10
12	PHUNGULA B	EXECUTIVE MEMBER	7.10
13	SEYMOUR C	INKHATA FREEDOM PARTY WHIP	8.10
14	MASHOKO P	STRATEGIC EXECUTIVE MANAGER INFRASTRUCTURE, SERVICES & FACILITIES COMMITTEE	8.10
15	CASSIMJEE F	STRATEGIC EXECUTIVE MANAGER : FINANCE	12.10
16	PERUMAL K	STRATEGIC EXECUTIVE MANAGER : SOUND GOVERNANCE & HUMAN RESOURCES	13.10

NO	NAME OF RESPONDENT	POSITION	DATE
17	MEYER G	EXECUTIVE MEMBER	13.10
18	ZUNGU TA	EXECUTIVE MEMBER	14.10
19	GARDNER C	SPEAKER	14.10
20	GRANTHAM F	EXECUTIVE MEMBER	14.10
21	ZULU T	CITY MANAGER	14.10
22	STANDER K	CONSULTANT	14.10
23	MATOBAKO J	STRATEGIC EXECUTIVE MANAGER: CORPORATE STRATEGIC PLANNING	15.10
24	VANDERHAEGEN Y	EDITOR: THE WITNESS	18.10
25	MPANZA S	PROCESS MANAGER: SOUND GOVERNANCE & HUMAN RESOURCES	20:10
26	FERGUSON A	CONSULTANT	1.11
27	MULLER L.	CHIEF BUILDING INSPECTOR	10.06.2005

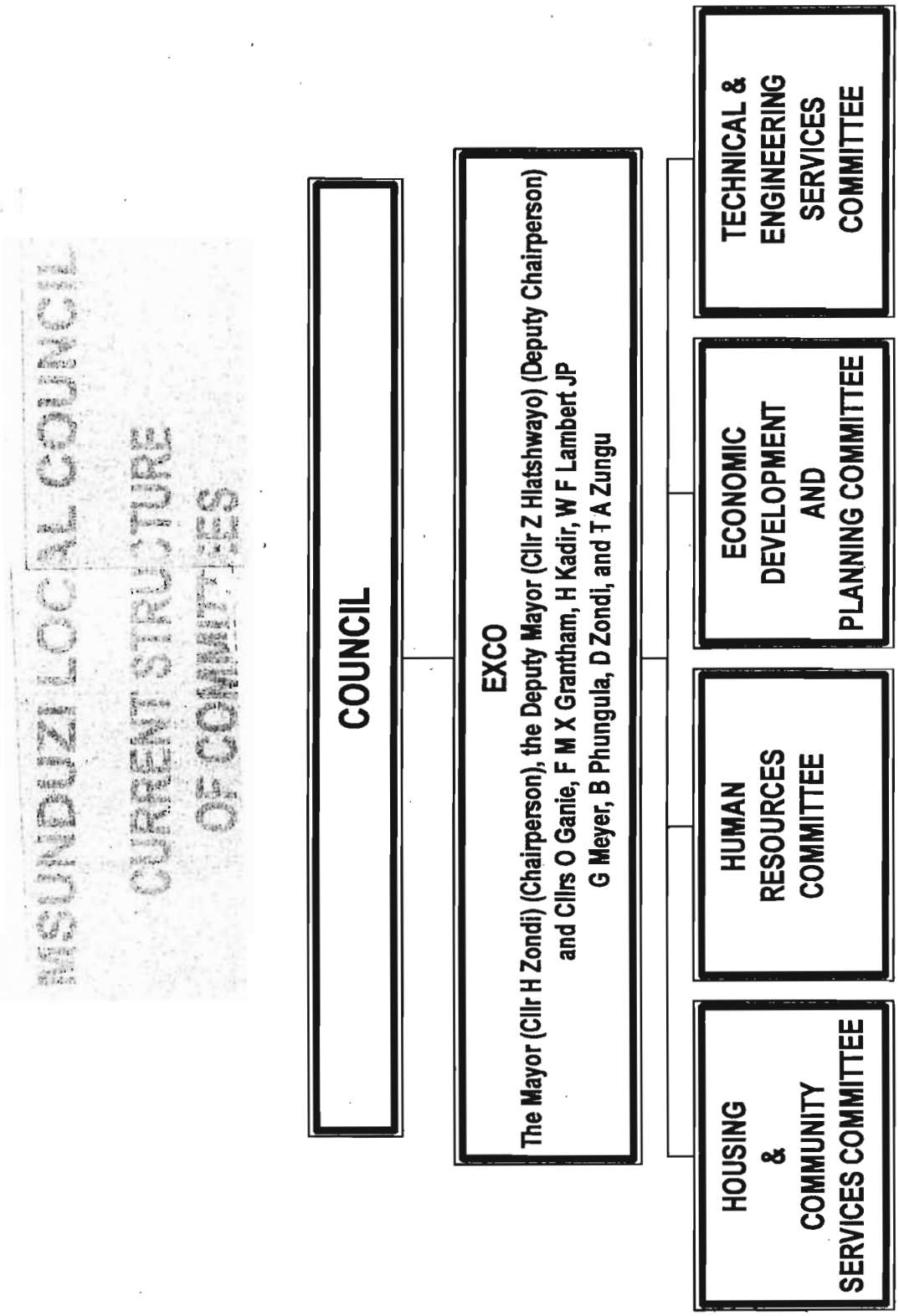
APPENDIX 10

MSUNDUZI LOCAL COUNCIL LIST OF MEETINGS ATTENDED FOR OBSERVATION PURPOSES		
TYPE / NAME	**NO.**	**DATE**
MSUNDUZI LOCAL COUNCIL	1	27-Sep-2004
EXECUTIVE COMMITTEE	2	7-Oct-2004 21-Oct-2004
PORTFOLIO COMMITTEES	3	21-Sep-2004
(JOINT MEETING) TECHNICAL & ENGINEERING SERVICES AND HOUSING & COMMUNITY SERVICES		
ECONOMIC DEVELOPMENT AND PLANNING		13-Oct-2004
WARD COMMITTEES	2	
WARD 33		5-Oct-2004
WARD 31		11-Oct-2004


600
3
103
Estcourt/Wembezi TLC
DC23
74
33
Kranskop TLC
Greytown TLC
74
DC24
Mool River TLC
3
103
New Hanover TLC
Dalton TLC
Cool Air TLC
Wartburg TLC
614
DC22
Howick TLC
Hilton TLC
Impendle TLC
PMB/Msunduzi TLC
Ashburton TLC
iLembe RC
North Durban MLC
Durban
Camperdown TLC
Outer West Durban MLC
North Central Durban MLC
Himeville TLC
Underberg TLC
617
617
Indlovu RC
56
603
613
2
CBDC5a
Inner West Durban MLC
Richmond TLC
South Central Durban MLC
624
627
56
612
603
Creighton TLC
South Durban MLC
CBDC5b
DC21
Legend
N
Re-determination of the outer boundary of District Municipality DC22
in terms of Section 21(b) of the Local Government :
Municipal Demarcation Act, No 27 of 1998.
Date : February 2000
Map No.
Additional information relating to this map can be obtained
by contacting the Municipal Demarcation Board at:
Tel: 012- 3422481
Toll-free : 0800-111-006
Fax: 012-3422480
email: mdb@dataworld.co.za


KZ222
KZ221
KZ224
KZ226
KZ5a1
KZ227
MPUMUZA T.A
MADI T.A
MAFUNZE T.A
NXAMALALA T.A
XIMBA T.A
PMB/Pietermaritzburg
Re-determination of the outer boundary of Local Municipality KZ225
in terms of Section 21(b) of the Local Government :
Municipal Demarcation Act, No 27 of 1998.
Date : February 2000
Map No.
Kaart Nr. 21
Additional information relating to this map can be obtained
by contacting the Municipal Demarcation Board at:
Tel: 012- 3422480 Toll-free : 0800-111-006
Fax: 012-3422480
Internet: www.demarcation.org.za
Postal : Private Bag X28, Hatfield, 0028

MSUNDUZI LOCAL COUNCIL
CURRENT STRUCTURE OF COMMITTEES



MSUNDUZI LOCAL COUNCIL
CURRENT STRUCTURE OF COMMITTEES

MSUNDUZI LOCAL COUNCIL
PROPOSED REALIGNMENT

CREDIT CONTROL POLICY : PROMULGATION AS A BYLAW

09/10/2001	Executive Committee	Resolved : *That the City Treasurer submit a report on credit control for consideration by the Budget Task Team at 09:00 on Thursday, 11 Octobe 2001.*
11/10/2001	Budget Task Team	Report dated 7 October 2001 by City Treasurer included on agenda. Discussions ensued and meeting adjourned for further discussions.
15/10/2001	Budget Task Team	Discussion on report by City Treasurer continued. Recommended to Exco: *(a) That the draft credit control policy, as contained in the agenda, be expanded to include issues as discussed inte alia:* *Account delivery, Indigent policy, Affordability, Education, Street naming, Workshops, Campaigns, with a view to implementing the final policy at the end of February 2002.* *(b) That the existing policy remain in place until the final policy is implemented.* *(c) That the City Treasurer invite proposals for the audit of meters.* *(d) That the organisational functions in the Revenue Protection and Disconnection Divisions be improved and rationalised to accommodate the new requirements and that these matters be referred to the Labour Forum.* *(e) That the first policy issue to be dealt with be the delivery of accounts and that the City Treasurer invite the General Post Office to attend the next Budget Task Team meeting on 22 October 2001.* *(f) That the City Electrical Engineer be permitted to go to tender for the disconnection service.*
25/10/2001	Executive Committee	Budget Task Team minutes included in agenda. Resolved: *(b) That the draft credit control policy be expanded to include issues as discussed…. With a view to implementing credit control in those areas where, because of lack of resources and the supply of water only, credit control is not being carried out, at the end of February 2002, with ongoing credit control continuing elsewhere.* *(c) That the existing policy remain in place until the final policy is implemented.*
15/11/2001	Executive Committee	Document by City Treasurer tabled at the meeting. Draft programme for the implementation of revised Credit Control Policy discussed.

19/11/2001	Budget Task Team	Report dated 14 November 2001 by City Treasurer circulated separately. Recommended to Exco *That implementation of proposed Interim Policy on Free Basic Water be approved and the relevant bylaws reviewed.* Recommended to Exco *That a comprehensive communications strategy covering the Free Basic Water Policy, Credit Control Policy and the Indigent Policy be engaged.* Report dated 15 November 2001 by City Treasurer circulated separately. Agreed *That the Indigents Policy should be considered further at a meeting of the Budget Task Team to be held on 27/11/2001.*
05/12/2001	Budget Task Team	Report dated 7 October 2001 by City Treasurer included in agenda. Recommended *That, subject o the Deputy City Treasurer including the amendments agreed to by the Budget Task Team, the Draft Credit Contro Policy be considered for recommendation to the Full Council.*
18/12/2001	Special Executive Committee	Documents included in agenda and documents by City Treasurer tabled. Resolved *(a) That the credit control policy, as outlined in the report on page 13 of the agenda, be approved.* *(b) That the Indigents Policy, as outlined in the tabled report from the City Treasurer, be approved.* *(c) That the City Treasurer and relevant officials take the steps necessary at this stage to implement this policy, in accordance with the approved credit control policy programme.*
31/01/2002	Executive Committee	Report dated 23 January 2002 by Acting City Administrator (Administration) included in agenda. Resolved to recommend to the Full Council *(a) That the resolutions of the Executive Committee meeting of 18 December 2001 be reaffirmed subject to the following additions.....* *(b) That the Legal Adviser, in consultation with the City Treasurer, draft the necessary bylaws to give effect to the Council's Credit Control Policy.*
21/02/2002	Executive Committee	Report dated 11 February 2002 circulated separately dealing with communication strategy in respect of Free Basic Water, Indigent and Credit Control Policies was noted.
23/02/2002	Council	Report of Executive Committee meeting held on 31 January 2002 includec in agenda. Resolved *That the recommendations of the Executive Committee (*as above*) be approved.*

11/03/2002	Bylaws Sub-Committee	Report dated 26 February 2002 included in agenda. Recommended to Exco : *(a) That the Deputy City Administrator, in consultation with other relevant officials, commences the drafting of Credit Control Bylaws…*
02/04/2002	Bylaws Sub-Committee	Committee was advised the meetings between officials had been held and that the first draft would be finished within the week.
09/04/2002	Special Executive Committee	Minutes of Bylaws Sub-Committee meeting held on 11 March 2002 included in agenda. Resolved *That the Deputy City Administrator (Legal), in consultation with other relevant officials, commences the drafting of Credit Control Bylaws.*
11/04/2002	Executive Committee	Report dated 15 March 2002 by City Treasurer included in agenda. Resolved *(a) That the final amended version of the Credit Control and Indigents Policy be noted.* *(b) That it be noted that the Credit Control and Indigents Policy cannot be fully implemented until such time as Council has adopted the necessary bylaws to give effect to the policy.*
24/04/2002	Bylaws Sub-Committee	Draft Credit Control Bylaws included in agenda. Recommended to Exco : *That the draft Credit Control Bylaws be accepted subject to the above changes and referred to the Full Council.*
23/05/2002	Executive Committee	Report of the Bylaws Sub-Committee dated 15 May 2002 included on the agenda. Resolved *That the Credit Control Bylaws be referred back to the Bylaws Sub-Committee once the requested opinion from Legal Counsel has been obtained, and the Bylaws be amended if necessary and resubmitted for approved by the Executive Committee in their final form.*
15/08/2002	Executive Committee	Confidential Report dated 30 July 2002 by Acting City Administrator (Administration) included in agenda. Resolved *(a) That the Municipal Manager convene a workshop which is to be attended by members of the Executive Committee, Heads of Departments and the Bylaws Sub-Committee in order to give consideration to the collection of revenue and the implementation of Council's credit control and debt collection policies.* *(c) That the report dated 30 July 2002 by Acting City Administrator (Administration) be stood down pending the outcome of the workshop mentioned in (a) above.*

29/08/2002	Executive Committee	Report dated 19 August 2002 by City Treasurer included in agenda. Resolved *That the report dated 19 August 2002 be stood down to a workshop to give consideration to the collection of revenue and the implementation of Council's credit control and debt collection policies, which is to be convened by the Acting City Treasurer within 10 days; noting that all councillors and Heads of Departments are to be invited to attend.*
08/10/2002	Bylaws Sub-Committee	Draft Credit Control Bylaws included in the agenda. Recommended to Exco: *(b) That the Draft Credit Control Bylaws as amended be approved.* *(c) That the draft Credit Control Bylaws be advertised in English and Zulu in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) as read with section 12 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000), inviting the public to make representations with regard to the proposed bylaws.* *(d) That upon expiry of the period for representations, the proposed bylaws be submitted to the full Council for adoption and thereafter for publication in the Provincial Gazette.*
24/10/2002	Executive Committee	Report dated 18 October 2002 by Acting City Administrator included in agenda. Resolved to recommend to the Full Council *(a) That the draft Credit Control Bylaws be approved.* *(b) That the draft Credit Control Bylaws be simultaneously advertised together with the Indigents Policy, in English and Zulu in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) as read with section 12 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) inviting the public to make representations with regard to the proposed bylaws.* *(c) That upon expiry of the period for representations, the proposed bylaws be submitted to the full Council for adoption and thereafter for publication in the Provincial Gazette.*

		Report of the Executive Committee arising from its meeting held on 24 October 2002 included in agenda. Resolved *(a) That the draft Credit Control Bylaws be approved.* *(b) That the draft Credit Control Byalws be simultaneously advertised together with the Indigents Policy, in English and Zulu, in terms of section*
25/11/2002	Full Council	*156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) as read with section 12 of the Local Government Municipal Systems Act, 200 (Act 32 of 2000) inviting the public to make representations with regard to the proposed bylaws.* *(c) That upon expiry of the period for representations, the proposed bylaws be submitted to the full Council for adoption and thereafter for publication in the Provincial Gazette.* *(d) That the Bylaws Sub-committee give consideration to the following suggestions made by Councillor Blomeyer:* *(i) That paragraphs 6(1) and 6(20 of the Credit Control Bylaws be amended so that where businesses and domestic consumers are in arrears, a minimum of 20% of the total overdue amount shall be paid initially, with the balance being paid within four months, ie. Four equal instalments of 20%, so that the entire outstanding amount is paid within five months.* *(ii) That paragraph 7 of the Credit Control Bylaws be amended to include a provision that those customers who present cheques which are subsequently dishonoured should be held liable for any bank charges arising therefrom.*
There is no further record of any representations on the Bylaws being considered or the matter being brought back to Council. Due to the delay caused by the request for amendments by Councillor Blomeyer, it appears the Bylaws have never been published. However, the credit control and indigent policies are referred to during the subsequent budget processes as indicated below.		
26/05/2003	Special Executive Committee	Documents tabled at the meeting. Resolved to recommend to the Full Council *(d) That the Credit Control and Indigents policy of the Council accompanying the budget document (pages 1-14) be approved.*
26/05/2003	Full Council	Documents tabled at the meeting. Resolved *(3.4) That the Credit Control Policy and Indigent Policy of the Council accompanying the budget document (Pages 1 to 14) be approved.*

22/04/2004	Executive Committee	Documents tabled at the meeting. Resolved to recommend to the Full Council *(i) That the credit control and indigent policies and the amendments thereto be approved for public display.*
29/04/2004	Full Council	Documents tabled at the meeting. Resolved *(i) That the credit control and indigent policies and the amendments thereto be approved for public display.*
11/05/2004	Special Executive Committee	Documents tabled at the meeting. Resolved to recommend to the Full Council *(3.1.2) The credit control and indigent policies and any amendments thereto as approved be adopted.*
13/05/2004	Full Council	Documents tabled at the meeting. Resolved *(2.1.2) The credit control and indigent policies and any amendments thereto as approved be adopted.*

STEPS LEADING TO THE APPROVAL OF THE MSUNDUZI MUNICIPALITY CAPITAL AND OPERATING BUDGETS 2004/2005

?	Notice to Strategic Executive Managers to prepare draft Operating and Capital Estimates	Circular sent to all SEMS for action.
12 December 2003	City Manager's Committee	The PM: B&FM reported that discs with information pertaining to 2004/2005 budget had been prepared and aligned to the relevant PM's. He requested that information regarding the operating, capital and employee files be updated for each business unit. A guideline figures from 2003/2004had been included and motivation for the change in figures has to be included in the report. With regards to the capital budget he emphasized that three factors, namely, economic benefits, job creation and affordability of projects had to be given special attention to as per the request of the Executive Committee. Due to stringent deadlines, he requested that all that information be submitted on or before 7 January 2004.
26 January 2004	City Manager's Committee	Lengthy discussion on the alignment of the IDP and Capital budget
30 January 2004	City Manager's Committee	The Process Manager: Income advised that during next week staff from the budget office would be calling for meetings with the SEMs to discuss the capital budget
6 February 2004	City Manager's Committee	Discussion on upcoming workshop on IDP/Budget Alignment process
5 March 2004	City Manager's Committee	A document entitled "Capital Budget 2004/2005" was tabled by Mr Robertson. Agreed that the Strategic Executive Managers, Process Managers and Managers in the City Manager's office meet at 10:00 on Monday, 8 March 2004 in Committee Room 3 to discuss the IDP/budget alignment process prior to the matter being discussed by the Budget & Finance Sub-Committee.
8 March 2004	Senior Management	IDP/Budget Alignment discussions

8 March 2004	Budget and Finance Sub-Committee	Did not discuss the budget and it was agreed *"That the Budget and Finance Sub-Committee be adjourned until a meeting between the Mayor, the City Manager and the Strategic Executive Manager : Finance, to discuss the parameters of the 2004/2005 budget, had been held and the report by the City Manager, on the additional funding requested by the different business units, had been submitted."* There is no record of a subsequent meeting of the sub-committee prior to the budget being tabled at the Executive Committee.
31 March 2004	City Manager's Committee	Announcement of delay due to Council recess prior to elections. Discussion on adjustments required to reduce the large budget deficit
January – April 2004	Departmental meetings	Discussion, review and refining of budgets
22 April 2004	Executive Committee	The following documentation was TABLED at the meeting: (i) Draft Operating Estimates 2004/2005 : Green Book dated 22 April 2004 (ii) Budget Summary page (iii) Estimates : 2004/2005 : Report dated 22 April 2004 by Strategic Executive Manager : Finance (iv) Draft book of Tariffs and Charges for Msunduzi Municipality. (v) Capital Estimates 2004/2005 : Second Draft : White Book. Above documentation considered and thereafter recommended for approval to the Full Council. *(Tabled documentation subsequently circulated under cover of CC 64 of 2004).*

26 April 2004	Full Council	The following documentation was circulated under cover of a Supplemer Agenda dated 22 April 2004: (i) Report of the Executive Committee : Meeting held on 22 April 2004. (i) Draft Operating Estimates 2004/2005 : Green Book dated 22 April 2004 (ii) Budget Summary page (iii) Estimates : 2004/2005 : Report dated 22 April 2004 by Strategic Exec Manager : Finance (iv) Capital Estimates 2004/2005 : Second Draft : White Book. Following an address on the budget by the Mayor, it was resolved that the ite discussed at a Special meeting to be held on Thursday, 29 April 2004 to er Councillors more opportunity to study the documentation and to hold party ca meetings thereon.
29 April 2004	Special Full Council	The following additional documents were tabled at the meeting: (i) Draft book of Tariffs and Charges for Msunduzi Municipality. (ii) Actual date to date budget of operating estimates (iii) Restructuring Grant Account – Reconciliation (iv) Capital Estimates : Consolidated 2004/2005, 2005/2006 and 2006/2007 bu book. The budget documentation was considered and approved for public display public participation.
30 April 2004	City Manager's Committee	Public participation programme tabled and discussed. It was agreed that a me be held on Monday 3 May 2004 between the City Manager, SEMs and PMs to at a possible way forward for the budgetary public participation programme. Budget and draft tariffs made available. Structured meetings to be held with SI
2 May 2004 4 May 2004 5 May 2004 8 May 2004 9 May 2004	Georgetown Public Zonal meeting Imbali Public Zonal meeting Truro Hall Public Zonal meeting City Hall Public meeting Vulindlela Public Zonal meeting	Mayor presented the budget. Period of questions and answers. Requests comments noted.

11 May 2004	Executive Committee	The following documents were TABLED at the meeting: (i) IDP Review and Draft budget : Conclusion of consultation on the IDP Review : Report dated 10 May 2004 by IDP Support Team, incorporating notes of Public Zonal meetings. (ii) Estimates 2004/2005 : Report dated 7 May 2004 by Strategic Executive Manager : Finance. (iii) Appendix E : Certificate of Compliance. (iv) Credit Control and Indigent Policy dated 30 April 2004. (v) Tariffs and Charges 2004/2005. (vi) Cash Flow Models. (vii) Operating Budget 2004/2005 : White book. (viii) Minutes of the Public Participation meeting held on 8 May 2004. Following consideration of the recommendations in the Strategic Executive Manager : Finance's report and the supporting documentation, it was resolved to recommend to the Full Council that the capital budget, operating budget, cash flow statement and supporting policies of the Budget Document and any appendices be adopted. *(Tabled documentation subsequently circulated under cover of CC 74 of 2004).*
13 May 2004	Special Full Council	The following documentation was TABLED at the meeting: (i) Report of Executive Committee : Meeting held on 11 May 2004 incorporating the documents tabled at the Executive Committee meeting as listed in 8. above. Following delivery of the Budget Speech by the Mayor, it was resolved: *That the capital budget, operating budget, cash flow statement and supporting policies of the Budget Document and any appendices, …. be adopted by Council and constitute the Budget of the Council for the 2004/2005 financial year as well as the medium term (indicative) budgets for the 2005/2006 and 2006/2007 financial year.*

Statutory Notice Published in the Witness on 27th May 2004

NOTICE NO. 01/2004
THE MSUNDUZI MUNICIPALITY
PUBLIC COMMENT ON PROPOSED BY- LAWS: ADVERTISING SIGNS

In accordance with the provisions of the Constitution and the Municipal Systems Act, the Msunduzi Municipality publishes its intention to adopt new Advertising Signs By -laws and, accordingly, invites members of the public to comment on the proposed by-laws.

The proposed by-laws are available from:

The Msunduzi Municipality
Corporate Strategic Planning
Symons Centre
5th Floor
341 Church Street
Pietermaritzburg

ANY PERSON WISHING TO COMMENT ON OR OBJECT TO THE PROPOSED BY-LAWS MUST DO SO BY NO LATER THAN 17/6/04.

PERSONS WHO CANNOT WRITE MAY APPROACH THE OFFICES OF THE CORPORATE STATEGIC PLANNING AT SYMONS CENTRE 5TH FLOOR, 341 CHURCH STREET PIETERMARITZBURG, DURING OFFICE HOURS WHERE A MUNICIAPL STAFF MEMBER WILL ASSIST THAT PERSON TO MAKE WRITTEN COMMENTS.

COMMENTS MUST BE LODGED WITH:

The Msunduzi Municipality
Corporate Strategic Planning
Symons
Centre
5th Floor
341 Church Street
Pietermaritzburg

or be posted to:
The Msunduzi Municipality
Corporate Strategic Planning
P. O. Box 1393
Pietermaritzburg 3200

ALL SUBMISSIONS MUST BE CLEARLY MARKED "PROPOSED ADVERTISING SIGNS BY-LAWS"

For further enquiries, please phone Karin Stander on telephone number 031 5731110

T. Zulu
ACTING MUNICIPAL MANAGER
THE MSUNDUZI MUNICIPALITY

CITY OF CHOICE

PIETERMARITZBURG MSUNDUZI

The Msunduzi M

Consolidating Service Delive And Enhancing Our Social Contra

This year is a year of "firsts" for The Msunduzi Municipality. It is the first municipality, nationally, to finalise and submit its budget in South Africa. It is also the first IDP-linked budget for the municipality, ensuring that more resources will be allocated to projects directly linked to the revitalisation of the city's economy to create jobs and prosperity for all. It is also the first budget that has been met with wide approval by all political parties and the Pietermaritzburg Chamber of Business. That we, as a city, have made such strides since December 2000 is a momentous feat, and one that all the people of Pietermaritzburg can be pr Over the next few months, we will be deployin resources and our human capital to the areas of We will also ensure that we spend frugally, along business lines and follow the principles o governance. We will also continue to attract more b and encourage small and medium enterprises to These are notable challenges that demand innovative as we turn adversity to advantage, and consolidate delivery.

BUDGET SPEECH

On May 25, 2003, South Africans and Africans the continent over, celebrated the 40th anniversary of Africa Day. This day marks the commitment of African leaders who pledged for the continent to become a better place for all her people. This pledge survives to this day, and it pleases me greatly that in over the past 40 years, Africa has awoken to its potential, and has moved from aid to trade, and from despots to democrats.

Six months after our first year of office since the end of the transitional period, we made a pledge to our people in Pietermaritzburg. We promised to make the city work. We promised that the infrastructure will operate efficiently. We promised that services will be delivered and that our commitment as enshrined in the Batho Pele principles, will motivate us and make us more accountable.

We made these promises despite the problems associated with a holding budget and its ramifications. In brief, we undertook the impossible with nothing but our will and desire for a just, peaceful and sustainable municipality.

I mention these elements to show how far we have come in that period. This year's budget proves the point; it is the first budget among all of South Africa's cities to have been presented well ahead of the June deadline, and it is also the first Msunduzi Municipality budget that has been aligned to the Integrated Development Plan imperatives laid down last year.

Service delivery, as President Thabo Mbeki pointed out to the Commonwealth Government Forum in March 2003, constitutes the very essence of local government. Today we stand, poised and ready, to deliver unprecedented levels of service.

Efficient service delivery can only be administered in an effective organisational structure and we have finalised the managerial appointments of the first and second levels in the organisation. We are well advanced in a re-engineering process and initiated performance management in our business units, using process mapping and integrated management principles to eliminate the burden of wastage and duplication, and to provide services well beyond the expected standard.

These efforts, we believe, will help create a city that attracts business and investment opportunities, is increasingly safe and provides value for money across the board.

A number of strategic decisions have had to be made to reposition Pietermaritzburg not only as the capital of KwaZulu-Natal, but also as the regional economic base, and the "City of Choice".

In the same way we have had to acclimatise to the changing macro environment and its economic impact, we had to adapt to the realities of bulk water and electricity provision. While bulk supplies are largely uncontrollable, efforts are underway to reduce water losses through pressure reduction, repair of burst pipes and to clamp down on illegal connections.

Savings realised in the 2002/03 financial year was used to extend the free basic water service to areas such as Vulindlela. Also notable in this regard is that as of July 1, 2003 the municipality becomes a Water Service Authority and will effectively take over provision of bulk supplies to Vulindlela and Bishopstowe.

The cost of bulk water from Umgeni will go up by 8%, while Eskom's bulk tariffs will also increase by 9% from 1 January, 2004. On the credit side, our Equitable Share from National Treasury has increased by some R20 million, from R50 million to R70 million.

In the past few months, a lot of work has gone into submitting an application to National Treasury for a Restructuring Grant of R130 million. To date R40 million has been received, with another R20 million due in June 2003 and a further R20 million due in February 2004.

These funds are not a lifeboat, but recognition by National Treasury of the municipality's role as an aspirant metro, and its contribution to the GDP. As a municipality we welcome this and are mindful of the steps we need to put i in order to secure further funding so as not to burd ratepayers.

Further sources of grant finance have been identifie USAID, CMIP, MIIU, NEF, Department of Housing and to continue with our work. Again, our Capital Estima linked to the IDP's seven categories, with a total bu some R160 million. We have analysed sustainable delivery in the various departments to ensure we on track, and monitor the expenditure trends.

The total Operating Budget for 2003/2004 stands a R1138.1 million and we are required to achieve Op Expenditure of between 98%-102% of our Operating

Our failure to do so will negatively affect our allocat the Restructuring Grant. Our rate fund, electricity an expenditure has also increased, as have the other Expenditure.

The bulk of the operating costs are for the purch water from Umgeni and includes the costs for opera a Water Service Authority (WSA) in the whole area bulk of the operating costs relate to treatment of at Darvill which is split relative to the water consu of these areas. Also included is the clearing of VI the operating costs of Vulindlela and Bishopstowe as

The Edendale Valley will benefit from a R20,8 million all that will go towards housing projects, resurfacing, foo and traffic calming. The CBD allocation for roads st R4 million.

As far as rates and tariffs are concerned group areas for 2003/04 financial year pertaining to vacant lar other (businesses) have been reduced from 30% t This reduction in the rebate will result in an add income of R507 000 to the municipality. The Ed rebate which was introduced when the new area incorporated in the city in order to assist first tim payers, this rebate remains unchanged at 40%.

Previously all properties within the area of jurisdic The Msunduzi Municipality with a value of equal to than R8 000, received an additional rebate where rates shall not be more than R90 per annum. The new b increases this value from R8 000 to R12 000. The ef this is that the number of land owners eligible for the has increased from 1634 to 4455.

In respect of vacant land and all Provincial Housing properties, a rebate will be granted to all original benef so that the rates levied shall not be more than R annum, provided that no other rebates shall apply t property.

This is a major advance for our people and a clear our part to effect just policies. Furthermore, all prop within the area of jurisdiction of The Msunduzi Munic with a value equal to or less than R30 000, an add rebate will be granted. Rates levied shall not be mor R90 per annum.

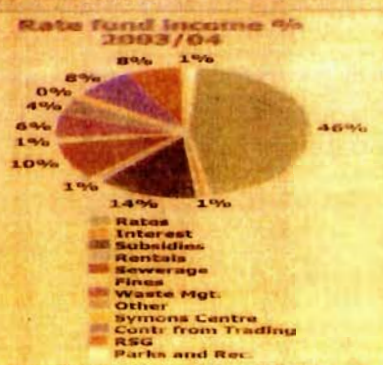
Where we have not contained increases, we have cuts. Refuse, sewerage and rates are all below last increase by 2%. We have also reviewed expenditure organisation to ensure a lean and mean administr frugal and fair to all who it serves, both internall externally. Our motivation is to deliver a better life our people now, and in the future.

Through area-based management, we will also d resources appropriately to enhance responsiveness keep the city clean. We are on our way to achiev reality and the full scale and impact of our interventio be felt.

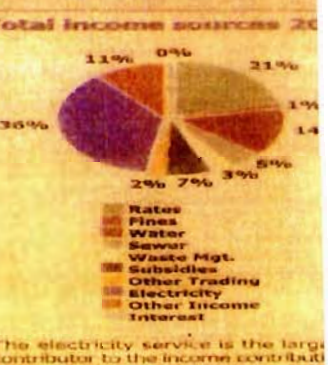
I am positive and excited at these prospects and I awaits all of us, our children and their children.

I wish to thank all parties for their commitment and ser to this cause. Our leadership and conscientiousn nothing but exemplary.

Public works, waste management, parks and recreation and sewerage make up 50% of the rate fund expenditure.



The rate income for 2003/04 will comprise 46% of the total rate fund income. The contributions from the trading services comprised 8% of the rate fund income.



The electricity service is the larg contributor to the income contributi 36% of the total income. Rat contributes 21% of the total incom Water contributes 14% of the to income. Included under other incom is the RSC of R45.69 million.

nicipality BUDGET 2003/2004

FACT FILE

- The Msunduzi Municipality is located along the N3 at the junction of an industrial corridor from Durban to Pietermaritzburg and an agro-industrial corridor stretching from Pietermaritzburg to Estcourt.
- It has the second largest urban centre within the KwaZulu-Natal province and the main economic hub within Umgungundlovu District Municipality.
- The Municipality administers an area of 649 km² and is home to more than 523 470 people (census 1996).
- The Msunduzi Municipality was established on the 5th December 2000, when the area of jurisdiction was increased to incorporate the old Pietermaritzburg City Council, the Edendale Valley, Ashburton, Lynnfield Park, Claridge (which is no longer included) and Vulindlela.

IDP ALIGNMENT to the Capital Budget

- The Capital Budget has been categorised into the 7 prioritised strategic issues in terms of the municipality's Intergrated Development Plan (IDP).
- The (IDP) is a requirement of the Municipal Systems Act, 2000 (Act No. 32 of 2000). It is meant to assist municipalities to focus on real developmental priorities, thus curbing wasteful expenditure.
- Section 26 of the Municipal Systems Act, 2000 addresses the core components of the IDP.

City Finances	7 532 028	4.71%
Development of local economy	4 450 000	2.78%
Organisational Transformation	145 000	0.09%
Sustainable Services Delivery	144 820 832	90.51%
Safety and Security	887 140	0.55%
Health and Services/HIV	275 000	0.1%
Environment	1 890 000	1.18%
Total (millions)	**160 000 000**	

TARIFF INCREASES

ELECTRICITY

The anticipated increase from Escom is 9% from January 1, 2004. The National Electricity Regulator has recommended that the increase for large power users be contained. As a result the increase is now 8%. For other electricity users, the increase is 10%.

Included in the cost for electricity service is an amount of R4 million for free basic electricity which is funded from the equitable share.

With the formation of the Regional Electricity Distribution Service it is necessary for the Council to ring fence the operations of the Electricity Service. In order to achieve this, the contribution from the electricity service to the rate fund has been reduced from 12.5% to 10.5% for the 2003/04 financial year. This is the first step towards ring fencing the electricity service.

WATER

The increase from Umgeni Water is 8% from January 1, 2003. The council has pegged the increase to last year's raise of 10%. The reasons for this include the provision of free water services for a full year and the inclusion of the operating costs of the Vulindlela water scheme.

In order to balance the water service, an increased contribution of R1,8 million has been made from the rates fund to bring the total contribution to R9 million for the 2003/04 financial year.

	2002/03	2003/04
Electricity - large power users	8%	8%
Electricity - generally	7%	10%
Water	10%	10%
Sewerage	9%	7%
Refuse	9%	7%
Rates	9%	7%

SEWERAGE

The tariff increase is 7%, 2% below last year's.

Included in the expenditure is some R2.5 million in respect of the additional operating costs for Vulindlela and Bishopstowe.

REFUSE

The tariff increase is 7%, 2% below last year's.

RATES

The tariff increase is 7%, 2% below last year's.

REBATES

CURRENT REBATES - RESIDENTIAL PROPERTY

All properties within the area of jurisdiction of The Msunduzi Municipality denoted 'D' and 'F' on the valuation roll with a value equal to or less than R30 000, will be granted an additional rebate. Rates levied shall not be more than R90 per annum.

These rebates were introduced to assist the poor by introducing a flat tariff for lower valued properties. This rebate remains unchanged.

CURRENT REBATES - VACANT LAND

All properties within the area of jurisdiction of The Msunduzi Municipality denoted 'VL' on the valuation roll with a value equal to or less than R8 000, will be granted an additional rebate. Rates levied shall not be more than R90 per annum. The new budget increases this value from R8 000 to R12 000. The effect is that the number of land owners eligible for the rebate has increased from 1634 to 4455.

In respect of vacant land and all Provincial Housing Board properties, a rebate will be granted to all original beneficiaries so that the rates levied shall not be more than R90 per annum, provided that no other rebates shall apply to such property. The value of these rebates and the residential rebate is approximately R3 million.

	2002/03	2003/04
Vacant land	20%	15%
Res land	30%	30%
Other	20%	15%
Edendale	40%	40%

RATES REBATES

A reduction in the rebate on vacant land and properties designated "other" will result in an additional income of R507 000 to the municipality. The Edendale rebate which was introduced when the new areas were incorporated in [illegible] unchanged at 40%.

THE BUDGET TEAM

(ltr) Sixtus Gwala (Budget Officer), Adrian Ogilvie (Deputy City Treasurer: Revenue), Lubasi Mbumwae (Acting City Manager), Mayor Hloni Zondi, Farhad Cassimjee (Strategic Executive Manager Finance) and Roy Bridgmohan (Acting Deputy City Treasurer: Expenditure).

Operating Expenditure by category

Bulk purchases has the highest expenditure in both years and comprises 35.5% of the total expenditure budget. The increase over 2002/03 is 12.6%.

Salaries comprises 30.1% of the budget and has increased by 9.5% over last year.

General expenses comprises 18.3% of the expenditure and has increased by 42.7% over last year due to the inclusion of the restructuring grant expenditure.

R & M comprises 3.4% of the expenditure and has increased by 18.4% over last year. This is still below our targeted expenditure of 20% in order to maintain our assets.

Capital charges comprises 12.3% of the budget and has increased by 7.2%.

Departmental charges and contributions comprises 20.2% of the total expenditure and has increased by 6.5% over last year.

Recharges/charge outs comprises 21.4% of the total expenditure and has increased by 10.2% over last year.

16/10/2003

SHOSHOLOZA PROJECTS

	Ward	Projects	Vote	Cost	Department	SEM	Status/Remarks	Implementation
1		Bus Shelter	136 391 0001	120000	Public Works		6 Shelters : Bases now : shelters by 12/02/04	10/11/03
		Zayeka Hall	243 391 0001	55000	Estates			
		Sports Field	431 391 0001	66000	Parks			
2		Bhageni Road	125 391 0002	120000	Public Works		Roads - meet with DOT	
		Mpusheni Hall	243 391 0002	55000	Estates			
		Standpipe	789 391 0002	30000	Water		Discuss with Cir - Umgeni Water unhappy to install	20/10/03
3							Councillor to report back date - site inspection	
4		Sewing	044 391 0004	40000	City General	T. Zulu		
		Poultry	044 391 0004	20000	City General		Dept. Agric to advise	
		Block Making	044 391 0004	40000	City General		2 fields - levelling / grassing	
		Sports Event	266 391 0004	10000	Housing Admin.		30 Teams	
		Fencing	398 391 0004	10000	Parks		Ezibonwini Hall	
		Gardening	398 391 0004	80000	Parks		Joint venture : Dept. Agriculture	
		Netball	431 391 0004	20000	Parks.		Ezibonwini	
		Sports Field	431 391 0004	20000	Parks		2 fields - levelling / grassing	
5		Block Making	044 391 0005	100000	City General		Special Projects	
		Poultry	044 391 0005	50000	City General		Special Projects	
		Sewing	044 391 0005	5000	City General	T. Zulu	Special Projects	
		Sports Event	266 391 0005	35000	Housing Admin		CAP	1-2/10/03
		Gardening	398 391 0005	60000	Parks		5 Sites - Quotes for fencing to be submitted	
6		Piggery / Poultry	044 391 0006	62000	City General		Special Projects (Site visit needed - all projects)	
		Block Making	044 391 0006	20000	City General		Special Projects	
		Unisex Salon	044 391 0006	15000	City General		Special Projects	
		Catering	044 391 0006	13000	City General		Special Projects	
		Creche	266 391 0006	8000	Housing Admin			
		Traditional Wear	266 391 0006	13000	Housing Admin		CAP	
		Building Material	266 391 0006	9000	Housing Admin		For Creche	
		Gardening	398 391 0006	98000	Parks			
7		Block Making	044 391 0007	20000	City General		Songonzima / Nzondweni Projects	
		Sewing	044 391 0007	Get Quotes	City General	T. Zulu	Mkhesekeni, Tolini	
		Building Structures	044 391 0007	Get Quotes	City General		Bo Nomo, Magwenyane, Hashini (R22000)	
		Amplifier & accessories	266 391 0007	2702	Housing Admin		CAP	
		Nkabini Creche	266 391 0007	19000	Housing Admin		Fencing / Paint	

BUFFALO CITY MUNICIPALITY

LIST OF DOCUMENTS REVIEWED

1. Establishment of the Municipality.

1.1 Notice published in terms of the section (12) of the Municipal Structures Act.
1.2 Determination of types of Municipality Act.
1.3 List of Ward Councillors and contact details.
1.4 List of P.R. Councillors and contact details.
1.5 Maps.

1.5.1 Base Map (SA).
1.5.2 Demarcation Map (Eastern Cape).
1.5.3 Demarcation Map (District Councils).
1.5.4 Demarcation Map (Buffalo City Local Municipality's).

2. COMMITTEES

2.1 Notice dated 27-10-2004 Convening Meeting of Mayoral Committee.
2.2 Operational and Strategic Committees.
2.3 Delegations – Roles and Responsibilities of Standing Committees.
2.4 Schedules of meetings: 2004.
2.5 Alignment of Political and Administrative Structures.
2.6 Frequency, Duration and Workload of Meetings of the Mayoral Committee for the Period January – June 2004.
2.7 Reports for Mayoral Committee.
2.8 Establishment of Ward Committees.
2.9 Operationalisation of Ward Committees.

3. PUBLIC PARTICIPATION

3.1 Frequently asked questions (FAQ's).
3.2 The Municipality: How it works.
3.3 Council Meetings: Formal invitation to attend.
3.4 Extract from Daily Dispatch 29th October 1995.
3.5 Public Hearings on B C (Buffalo City) Budget, IDP.
[Press Article – Daily Dispatch 13-04-2004.
3.6 Approval of Buffalo Municipality Draft IDP Review (2004) for Public Consultation.
3.7 Input on Communications Strategy and Action Plan.

4. PROCEDURES

4.1 Credit Control and Debt Collection Policy and Procedures.

5. BUDGETS

5.1 Budget and IDP schedule 2005/2006.
5.2 Budget 2003/2004: Message from the Mayor.
5.3 Table of Contents: Budget 2003/2004.
5.4 Mpongo Park workshop (11th – 12th Nov 2003).
5.5 Buffalo City Council's Capital and Operating Budgets for 2004/2005 to 2006/2007.
5.6 First Draft three year (MTEF) 2004/2007. [Medium Term Expenditure Framework].

6. BY-LAWS

6.1 Introduction to the City's By-Laws.

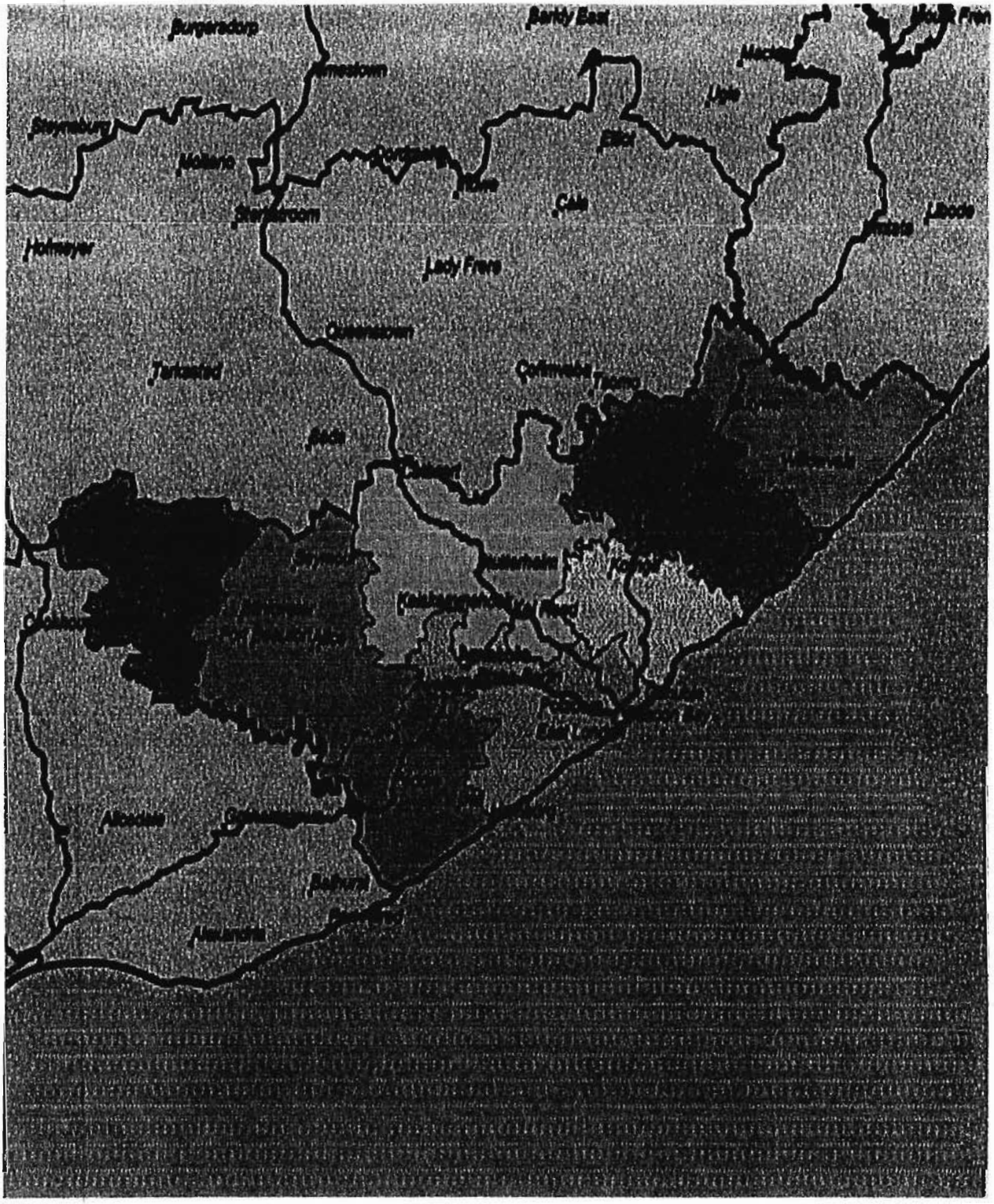
7. MISCELLANEOUS

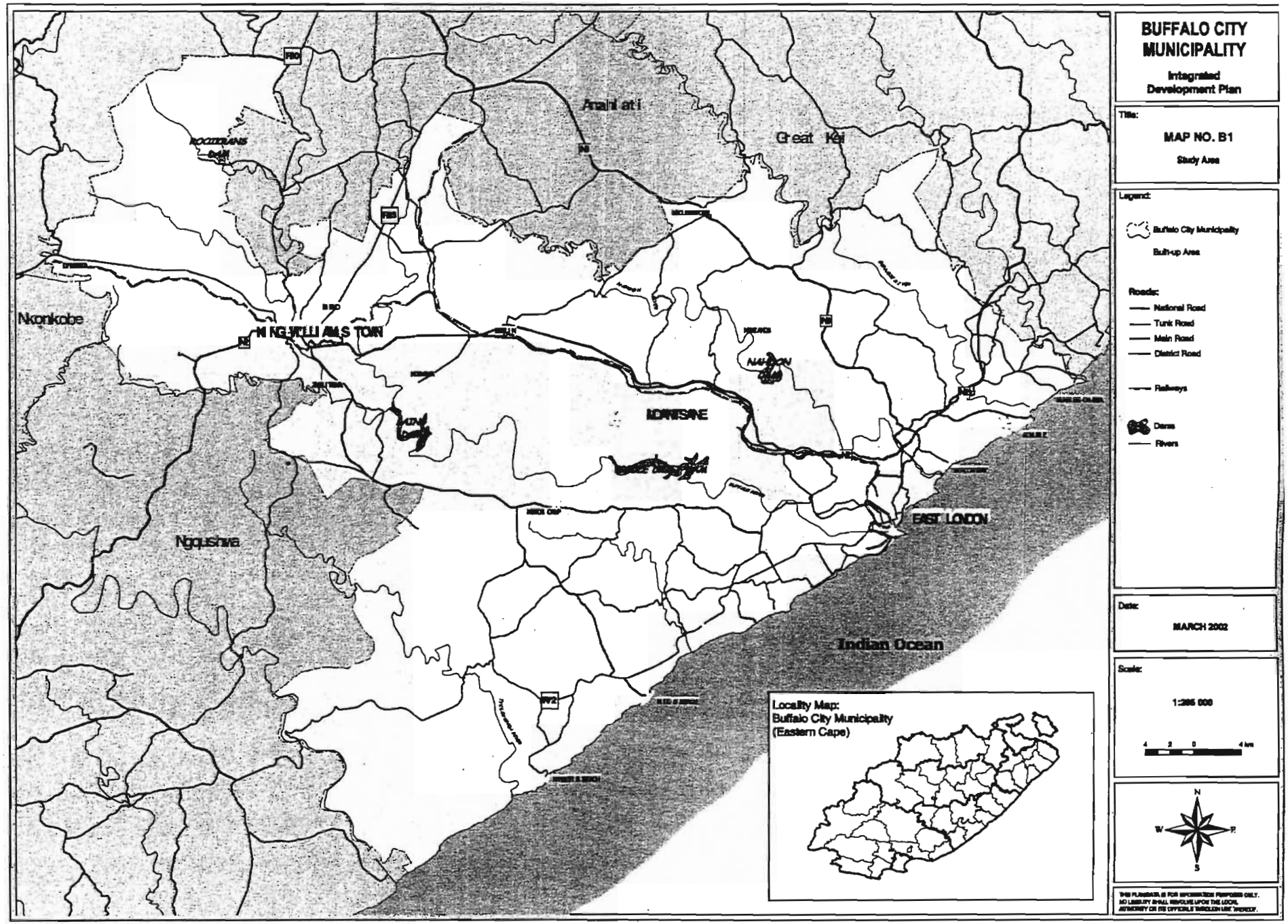
7.1 Buffalo City "Best Council in South Africa".
7.2 List of Contacts – Buffalo City.
7.3 Border – Kei: Chamber of Business.
7.4 Request for permission to undertake research.
7.5 Request for permission to undertake research – Response.
7.6 Census 2001: Statistics: Buffalo City.
7.7 Msunduzi Research Document.
7.8 Schedule of Interviews.
7.9 Research Instruments.
7.10 Focus on Buffalo City 2002/2003/Publication.
7.11 Buffalo City Integrated Development Plan.
7.12 Buffalo City: Annual Report.

APPENDIX 21

BUFFALO MUNICIPALITY FOCUS INTERVIEWS:RESPONDENTS			
NO	**NAME OF RESPONDENT**	**POSITION**	**DATE**
1	HOURQUEBIE L.	ADMINISTRATIVE OFFICER (COMMITTEES)	15.11.2004
2	BOTHA E	BUSINESS EDITOR DAILY DISPATCH	15.11.2004
3	RENS A	WARD COUNCILLOR	16.11.2004
4	GAUCHe`J	GENERAL MANAGER ORGANISATIONAL SUPPORT	17.11.2004
5	HOLBROOK L	DIRECTOR BORDER -KEI CHAMBER OF BUSINESS	17.11.2004
6	PARBHOO H	FORMER CHAIRPERSON - INDIAN MANAGEMENT COMMITTEE	18.11.2004
7	CARD D	ALDERMAN/ FREEMAN: FORMER MAYOR	18.11
8	SYMONS M	FORMER TOWN CLERK/CONSULTANT	18.11.2004
9	MOSANA V	MAYORAL COMMITTEE	22.11.2004
10	HOBANA F	SPEAKER	29.11.2004
11	KRUGER W	COUNCILLOR (P.R)	30.11.2004
12	OLIVIER B	WARD COUNCILLOR	30.11.2004
13	BOOI B	WARD COUNCILLOR	1.12.2004
14	VALLABH D	WARD COUNCILLOR	1.12.2004
15	MLOTANA M	LEGAL ADVISER	30.12.2004
16	VOS B	CHIEF BUILDING INSPECTOR	13.06.2005

DEMARCATION MAP: AMATOLE




BUFFALO CITY MUNICIPALITY
Integrated Development Plan
Title:
MAP NO. B1
Study Area
Legend:
Buffalo City Municipality
Built-up Area
Roads:
National Road
Trunk Road
Main Road
District Road
Railways
Dams
Rivers
Date:
MARCH 2002
Scale:
1:285 000
4 2 0 4 km
N
W
E
S
Amatati
Great Kei
Nkonkobe
NGQUELLIAMS TOWN
KOMSINE
EAST LONDON
Ngqushwa
Indian Ocean
Locality Map:
Buffalo City Municipality
(Eastern Cape)

CREDIT CONTROL AND DEBT COLLECTION POLICY CLUSTER MEETING COMMENTS

WEST BANK – WARD 22
30 OCTOBER 2003

COMMENTS

1. Annual rates be payable in 6 months not 3 months.
2. The Policy must include procedures on deposit refunds.

BISHO – WARD 12
30 OCTOBER 2003

COMMENTS

1. Attorneys have no customer care skills.
2. Rates need to be explained in more detail.
3. The Credit Control Policy is sectioned – what the consumer must do and nothing on what the Buffalo City Municipality must do.

CAMBRIDGE – WARD 5 & 32
3 NOVEMBER 2003

COMMENTS

1. Poor unable to afford deposits.
2. 40% on electricity purchase not sufficient to reduce balances.
3. Free issue electricity and water not sufficient.
4. Free issues electricity and water to the poor and pensioners only.
5. Free issues electricity to apply once and not every month.
6. Government pensions days not keeping with BCM due dates.
7. Water leaks in poor arrears to be repaired.
8. Meters must be read every month.
9. Buffalo City Municipality due dates should be 18th
10. Housing is a basic need. Council must not sell houses for debt.
11. Indigent: The gross household income of R1 500 should not include income from tenants on same erf.
12. Indigent is discouraged from seeking employment as old debt (abeyance) is brought back.

SCENERY PARK – WARD 31, 30 & 32
3 NOVEMBER 2003

COMMENTS

1. Why does the Municipality charge more rates as they build houses themselves?
2. Why does the Municipality deduct monies from electricity, as payments are made every month?
3. If you stay in another persons' property and the owner is not there, can the municipality make an arrangement for an indigent person who is not the owner?

4. Why are consumers not receiving statements from the municipality every month?
5. Why every time when purchasing electricity an amount is deducted from the account?
6. When parents pass away what becomes of the children remaining in the house?
7. Why pay every time when purchasing electricity when an arrangement is made and is paid every month?
8. Public want municipal staff to wear nametags.
9. What happens to the rates of the property when there's no longer anyone staying at the premises?
10. We debtors are paying services and the payments do not reflect on the statements and also houses built themselves and rates paid on their houses.
11. Why when making arrangements is the consumer still being handed over to the attorneys.

MZAMOMHLE – WARD 3 & 4
3 NOVEMBER 2003

COMMENTS

1. If the accounts statement is still in the process of delivery, is the late payment of the account still the debtors' problem?
2. Thankful for being consulted. Will Buffalo City Municipality produce final policy?
3. The water standpipes do not work - want service to individual shacks.
4. The 40 % collected at purchase of electricity where does it go to – current or arrears?
5. What to do with water leaks. To be repaired by Buffalo City Municipality and charge to accounts.
6. How did residents get notice of the meeting? Should have been more notice of the meeting?
7. Disconnection of electricity for other services, what if residents do not want electricity?
8. When there is a stop order from salaries, does current account still have to be paid?
9. Standpipes: People are paying flat rates and people in shacks are using their water.
10. Is electricity a basic service or not?
11. People that are paying their accounts, where are the monies going?
12. Local people must be employed for projects in the community.

NU1 MDANTSANE – WARD 38, 36, 37, 35, 33, 45 & 30 (PORTION)
4 NOVEMBER 2003

COMMENTS

1. Ward Committees must have meetings on a regular basis.
2. Councillors must call meetings and discuss the Credit Control Policy.
3. When does the payments deducted from the Prepaid System reflect onto the accounts?

GOMPO HALL – WARD 23, 24, 25, 26, 27 & 28
4 NOVEMBER 2003

COMMENTS

1. What must the consumer do if his/her account has been handed over to the attorneys and has been asked to respond within seven days?
2. Why were consumers never informed about the system of switching off electricity when they are not paying their accounts?
3. Does the municipality have the right to force consumers to pay charges for services not rendered?
4. What is the need for consumers to put input on the Credit Control Policy because it seems to them that it has already been done?
5. What must the existing owner do if the previous owner is deceased without having a will, where the previous owner is still the registered owner of the property?
6. If someone is willing to pay that is if he had source of income, but does not, what is the municipality doing with cases like these?
7. The communities want to be taught the legal terminologies because they do not understand the legal procedures and also stating that they cannot afford legal fees and interest incurred on their accounts.
8. How is it possible to get two different statements for same erf number?
9. How can water services be charged whilst there is no meter?

CAMBRIDGE HALL – WARD 29
5 NOVEMBER 2003

COMMENTS

1. Monthly readings must be read thoroughly and regularly.
2. Reduction on electricity and rates charges.
3. More vending stations to be installed in Cambridge area.

ZWELITSHA – WARD 10, 13 (PORTION), 14, 15, 34 (PORTION)
5 NOVEMBER 2003

COMMENTS

1. Leakage of water should be allowed to be repaired by the owner.
2. Why are the roads in Zwelitsha not tarred?
3. The water is not purified and the electricity is not 100 %.
4. Jobs must be allocated to unemployed people.
5. Refuse bags are not being supplied any more.
6. Leakage and running water must be dealt with.
7. Electricity must not be barred.
8. Why ask R20 electricity in East London whereas other areas ask for R5 and R10.
9. Interest must not be charged on accounts.

10. Indigents: The income group R1 500 – R5 000 can pay over a period of 36 months. The income group R5 000 and more can pay over a period of 24 months. If not honoured the full amount owed becomes due. Maximum period of 24 – 36 months depending on the income group. All indigents must have a prepayment meter. Increase indigent to R2 500 instead of R1 500.

11. There are consumers qualifying for an indigent subsidy but cannot get one and subsidies are cancelled without consumers being notified.

12. Due dates are not corresponding with pension dates for accounts payments.

13. Accounts to be delivered on the 1st and due date for account payment also the 1st and not the 15th.

DIMBAZA – WARD 7, 8, 9
5 NOVEMBER 2003

COMMENTS

1. Why must payments on municipal accounts be made when the owner is deceased?

2. The Credit Control Policy is enormous and is being understood by the public, but what is the point since the attorneys are involved already.

3. Monies deducted from the Prepaid System is a very good arrangement to bring the arrears down.

4. If the value of the house in town and the township is the same, will the rate be the same?

5. The public feels that the deduction percentage should be dropped.

6. Want clarity for blocking for indigent and non-indigent.

7. When purchasing electricity, monies are deducted from the electricity but legal action is still taking place. How long will the arrangement take place?

8. Thanking the municipality for presenting the Credit Control Policy.

9. Why are businesses not involved in the Credit Control Policy?

10. When the Meter Readers go out to read the meters, they must not take information from the children.

11. Why block consumers when they purchase electricity and there is an arrangement on the account.

12. Accounts are paid every month but do not reflect any decrease of the arrears.

KING WILLIAMS TOWN – TOWN HALL – WARD 11
6 NOVEMBER 2003

COMMENTS

1. Consumer serviceman/contractors leave the cables open without sealing them when they finish their jobs.

2. KWT municipality asks debtors for more money to pay towards the arrears, what will happen to debtors that cannot pay? KWT municipality does not look after the consumers.

3. Problem with due date of account at KWT not getting paid on that date.

4. How is rebate on rates calculated, how is rates charged and why pay rates when the municipality does not deliver?

5. Want the municipality to reverse all debt from the attorneys and make arrangement with the municipality.

GREENFIELDS – WARD 2, 24
6 NOVEMBER 2003

COMMENTS

1. How is rates calculated?
2. What to do with debtors living in shacks.
3. 24 Months on an arrangement is new because Credit Control Department wants to arrange for 12 months only.
4. What becomes of the rates for 2003/2004 i.e. do debtors also arrange for 24 – 36 months.
5. Clerks must be trained on the Credit Control Policy.
6. Counter services are not satisfactory.
7. Does the municipality have a contract with any energy saving device?
8. What to do when public have a non-existent councillor?
9. Municipality must put a stop to final notices until Credit Control Policy is finalised?
10. What is the relationship between the councillors, officials and public?

SWEETWATERS – WARD 13
10 NOVEMBER 2003

COMMENTS

1. All pensioners' accounts to be written off and all accounts to date to be written off and start from the beginning. Deceased accounts to also be written off.
2. All accounts to date to be written off – start from scratch.
3. Subsidised transfers for indigents.
4. Increase indigent subsidy to R2 500 instead of R1 500.
5. Account statements to be sent month end instead of the 15th
6. The municipality not to repossess furniture rather disconnect the electricity of water services. Employment of defaulters instead of repossession.
7. Deceased estates accounts to be written off.
8. No action to be taken when the defaulter is still coming forward and be disconnected only when not coming at all.
9. The municipality should accept any amount towards to arrangement.
10. Billing of pensioners and normal debtors must differentiate.
11. Officials to attend one of the Ward Committee meetings.
12. Sweetwaters rates to be less because it is an RDP area. Rates to be adjusted per area.

GINSBERG – WARD 10
12 NOVEMBER 2003

COMMENTS

1. Rates and services to be explained.
2. Deceased estates: Two accounts still being posted to one household.

3. Arrangements made and paid accordingly but still being charged the 40 %.
4. Why is Buffalo City Municipality quicker then King Williams Town?
5. Why do unemployed people have to make arrangements?
6. 50 % free electricity issues are not received yet.
7. Indigent debtors are asked to pay current account as well as the 40 %. Indigent debtors to only pay current and not the 40 %.
8. Why is it not permitted to claim for previous and current months free issues?
9. Why is Buffalo City Municipality charging more than the other municipalities e.g. Cape Town?
10. The Venus System gives different figures then the figures with the attorneys. Cant the municipality use another method of collecting money besides the attorneys.
11. Can the municipality use another method of collecting debt instead of making use of the attorneys?
12. Account statements are reflecting different figures to the Venus System.
13. Is FNB the only bank to make payments?
14. Why can electricity not be available elsewhere immediately?
15. When purchasing electricity the account is always blocked even when the payments have been made already.
16. Why block the owner when there are 5 tenants sharing the premises?
17. Promised to have new prepaid meters installed – still waiting.
18. Pensioners receive the pension funds late. Buffalo City Municipality not to charge interest on their accounts.
19. Public want projects to plant or farm.
20. With the inheritance of houses, can the municipality not write off deceased arrears?
21. The municipality not to have attorneys for legal action but to continue with disconnection.
22. Water leak for indigent debtors to be fixed even if it is inside and the municipality to charge the fee on the account.
23. Why do debtors 60 years of age get pension but the Policy relates to 65 years and older?

BUFFALO CITY MUNICIPALITY

2005/06
BUDGET & IDP SCHEDULE

July 2004		
Review the 2004/05 Budget Process	12 July 2004	Budget & Treasury Department
Establish process and timetable for the 2005/06 to 2007/08 Budget and IDP Development	12 July 2004	Budget & Treasury Dept./Reform Team
IDP, Budget and Performance Strategic Management Committee Workshop to identify strategies for the development of the 2005/06/ to 2007/08 Budgets.	21 July 2004	Budget & Treasury Department
Identify factors affecting the medium term budget forecasts.	30 Jul 2004	Budget & Treasury Department/Reform Team
Annual Performance agreements (S 57(1)(b) Mun.Sys Act) completed.	30 Jul 2004	Municipal Manager
August 2004		
Budget Schedule to the IDP, Budget and Performance Strategic Management Committee.	3 Aug 2004	GM Budget & Treasury
IDP/Budget Steering Committee Meeting	19 Aug 2004	GM Budgets/GM IDP
Rep Forum: to gather IDP/Budget priorities from the Community.	26 Aug 2004	IDP, Budget and Performance Strategic Management Committee
Approval of Council of Budget Assumptions and IDP Review Process.	31 Aug 2004	IDP, Budget and Performance Strategic Management Committee
2003/04 Annual Financial Statements submitted to Auditor-General	31 Aug 2004	Chief Financial Officer
September 2004		
Directorates to be provided with the current Baseline Operating Medium Term Expenditure Forecasts (MTEF) 2005/06 to 2006/07 which are to be used as a base for development of new Operating Medium Term Expenditure Budgets 2005/06 to 2007/08	6 Sept 2004	Directorates
Review tariffs and charges and prepare options.	6 Sept 2004	Finance Directorate/ Directorates

Organise Budget training sessions for Directorates (staff)	13 Sept 2004	Budget & Treasury Department
Check with National, Provincial Governments and District Municipalities for any adjustments to projected allocations for the next three years.	22 Sept 2004	Budget & Treasury Department
October 2004		
IDP/Budget Steering Committee Workshop	7 Oct 2004	GM budgets & GM
Final date for submission of all Baseline Operating Budgets & Operational Plans by Directorates	8 Oct 2004	Directorates
Strategic Workshop: Discuss cluster allocations & linking of budget to IDP. Review linkage between Departmental Operational Plans and the Integrated Development Plan.	21-22 Oct 2004	Directorates
Draft of Tariff Policies	29 Oct 2004	GM Budget & Treasury Department
November 2004		
IDP, Budget & Performance Management Committee. Discuss outcome of Strategic Workshop.	01 Nov 2004	GM Budgets & Treasury and GM IDP
First Adjustments review of 2004/05 Capital Operating Budget to Finance Committee.	02 Nov 2004	Directorates
Cluster Meetings: Outcome of strategic workshop	1 - 5 Nov 2004	Directorates
Prepare the First Draft Capital Expenditure Budgets 2005/06 to 2007/08.	12 Nov 2004	Directorates
Update 5 year Financial Plan	19 Nov 2004	Finance Directorate
IDP/Budget Steering Committee	26 Nov 2004	Budget & Treasury Department
Receive audited Annual Financial Statements and Audit Report from the Auditor-General for the 2003/04 financial year	30 Nov 2004	Auditor-General
December 2004		
Rep Forum: Feedback from community & update on the 04/05 IDP implementation	02 Dec 2004	GM Budgets/GM IDP
Consideration by the IDP, Budget and Performance Management Committee and any other relevant Council body on Operating Expenditure, Capital Expenditure and Tariffs Drafts.	07 Dec 2004	GM Budgets/GM IDP
Check with National, Provincial Governments & District Municipalities for any adjustments to projected allocations for the next three years.	10 Dec 2004	Budget & Treasury Department/Directorates
January 2005		
IDP/Budget Steering Committee Meeting	25 Jan 05	GM Budget
Table in a Special Council meeting the annual report, Annual Financial Statements and the audit report for 2003/04	27 Jan 2005	Municipal Manager

Prepare Chapter 2 of the Budget Book "2004/05 Review"	10 – 21 Jan 2004	Budget & Treasury Office
February 2005		
Final Capital and Operating Draft Budgets and IDP for presentation to Mayoral Committee and the Community (Possible combined meeting with IDP, Budget Policy & Performance Management Strategic Committee – if any changes from National Treasury).	1 Feb 2005	GM Budget & Treasury/GM IDP & Performance Management
Second Adjustment Review of the 2004/05 Budget to the Finance Committee presented to Finance Committee.	2 Feb 2005	Budget & Treasury Department & Directorates
Submission of adjusted Operational Plans	2 Feb 2005	Directorates
Rep Forum: Consultation with Stakeholders, Representative Forums and the Community.	17 Feb 2005	Council
Capital and Operating Draft Budgets and IDP approved by Council for consultation with the community	22 Feb 2005	Council/CFO/GM Budgets
Capital and Operating Draft Budgets forwarded to National Treasury and the Provincial Treasury and District Municipalities and any prescribed national or provincial organs of state to other municipalities affected by the budget.	25 Feb 2005	Budget & Treasury Department
Briefing and preparation for Public Consultation & advertise IDP and Budget for public comments	28 Feb 2005	GM Budgets/GM IDP/Directorates
March 2005		
Public meetings / Consultation	3 – 24 March 05	IDP Office
Tender for Design and Printing of the IDP, Budget and other books for approval by Council on the 31 May 2005	9 Mar 2005	GM Budgets & GM IDP
Council after consideration of the 2003/04 Annual Report to adopt and Oversight Report.	29 Mar 2005	Council
Submit to National Treasury, Provincial Treasury and the MEC responsible for Local Government the Consolidated Annual Financial Statements, the 2003/04 audit report and any corrective action taken in response to the findings of the audit report.	31 Mar 2005	Municipal Manager/ Directorates
April 2005		
IDP / Budget Steering Committee Meeting	14 Apr 2005	GM Budgets/GM IDP
Check with National, Provincial Governments & District Municipalities for any adjustments to projected allocations for the next three years.	15 Apr 2005	Budget & Treasury Department
Directorates to provide the Final Review of the Current Year 2004//05 for inclusion in the Budget Book.	15 Apr 2005	Directorates
Review Financial Management Policies	15 Apr 2005	Budgets & Treasury Department
Final IDP & Draft Budgets prepared, taking into consideration community feedback.	19 Apr 2005	Council/CFO/Budget & Treasury Department

Directorates to submit list of Capital projects to be rolled over for inclusion in the 2005/06 budget	15 Apr 2005	Budget Office/ Directorates
May 2005		
Adjustments Review Report of the 2004/05 Budget to the Finance Committee.	3 May 2005	Budget & Treasury Department & Directorates
IDP, Budget Policy & Performance Management joint meeting with Mayoral Committee: adoption of IDP & Budget	3 May 05	
Arrange printing of Budget and Tariff documents and IDP	13 May 2005	GM Budgets
IDP & Budgets 2005/06 to 2007/08 adopted by Council along with the Mayor's State of the City Address.	31 May 2005	Council/CFO/Budget & Treasury Department
June 2005		
The Draft Budgets and service delivery implementation plans and the annual performance agreements for the Municipal Manager and all managers directly responsible to the municipal manager, based on operational plans and the IDP, to be issued to the Mayor by the Municipal Manager.	14 Jun 2005	Municipal Manager
IDP & Annual Budget Reports to National, Provincial Treasury and District Municipality	7 Jun 2005	Budget & Treasury Department
IDP, Annual & Adjustment Budget, Budget related policies, annual report, performance agreements, service delivery agreements, Long Term Borrowing contracts published on Council website.	7 Jun 2005	Budget & Treasury Department

BUFFALO CITY LOCAL MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION CLUSTER MEETINGS.		
DATE	**AREA**	**WARD/S**
30-10-2003	West Bank	22
30-10-2003	Bisho	12
3-11-2003	Cambridge	5 & 32
3-11-2003	Scenery Park	30,31 & 32
3-11-2003	Mzamomhle	3 & 4
4-11-2003	N U I Mdantsane	30 (Portion) 33, 35, 36, 37,38 & 40
4-11-2003	Gampo	23,24,25,26,27 & 28
5-11-2003	Cambridge	29
5-11-2003	Zwelitsha	10,13 (portion) 14, 15 & 34 (portion)
5-11-2003	Dimbaze	7, 8 & 9
6-11-2003	King Williams Town	11
6-11-2003	Greenfields	2 & 24
10-11-2003	Sweetwaters	13
12-11-2003	Ginsberg	10

ETHEKWINI MUNICIPALITY

LIST OF DOCUMENTS REVIEWED

1. Establishment of the Municipality.

1.1 Notice published in terms of Section (12) of the Municipal Structures Act.
1.2 Municipal Demarcation Board: Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998: Municipality Durban.
1.3 List of councillors and contact details.
1.4 Background to Administrative Organization.
1.5 EThekwini Municipality Transformation Plan.
1.6 Organogram: Revised organization structure.
1.7 Maps
  1.7.1 Outer boundaries of metropolitan and district municipalities – South Africa.
  1.7.2 Outer boundaries of metropolitan and district municipalities – KwaZulu-Natal.
  1.7.3 Determination of outer boundary of the Metropolitan Municipality of Durban.

2. Committees.

2.1 Diagram: Committee Structure.
2.2 Membership of Committees.
2.3 City Secretariat: Department Packages.
2.4 Committee Flow Chart.
2.5 Terms of reference of Committees.
2.6 Calendar of meetings 2005.
2.7 Rules regulating the establishment and operation of ward committees.
2.8 Handbook for ward committee elections.

3. Public Participation.

3.1 Annual Report.

4. Procedures.

4.1 Credit Control and debt collection policy and procedures.

5. **Budgets.**

5.1 Report dated 15 November 2004 submitted by the City Manager to the Executive Committee entitled "Draft Capital Budget 2005/6 to 2006/2007.

6. **By-Laws.**

7. **Miscellaneous.**

7.1 Agenda: Executive Committee meeting 8.03.2005
7.2 Development Profile.

APPENDIX 28

eTHEKWINI METROPOLITAN MUNICIPALITY

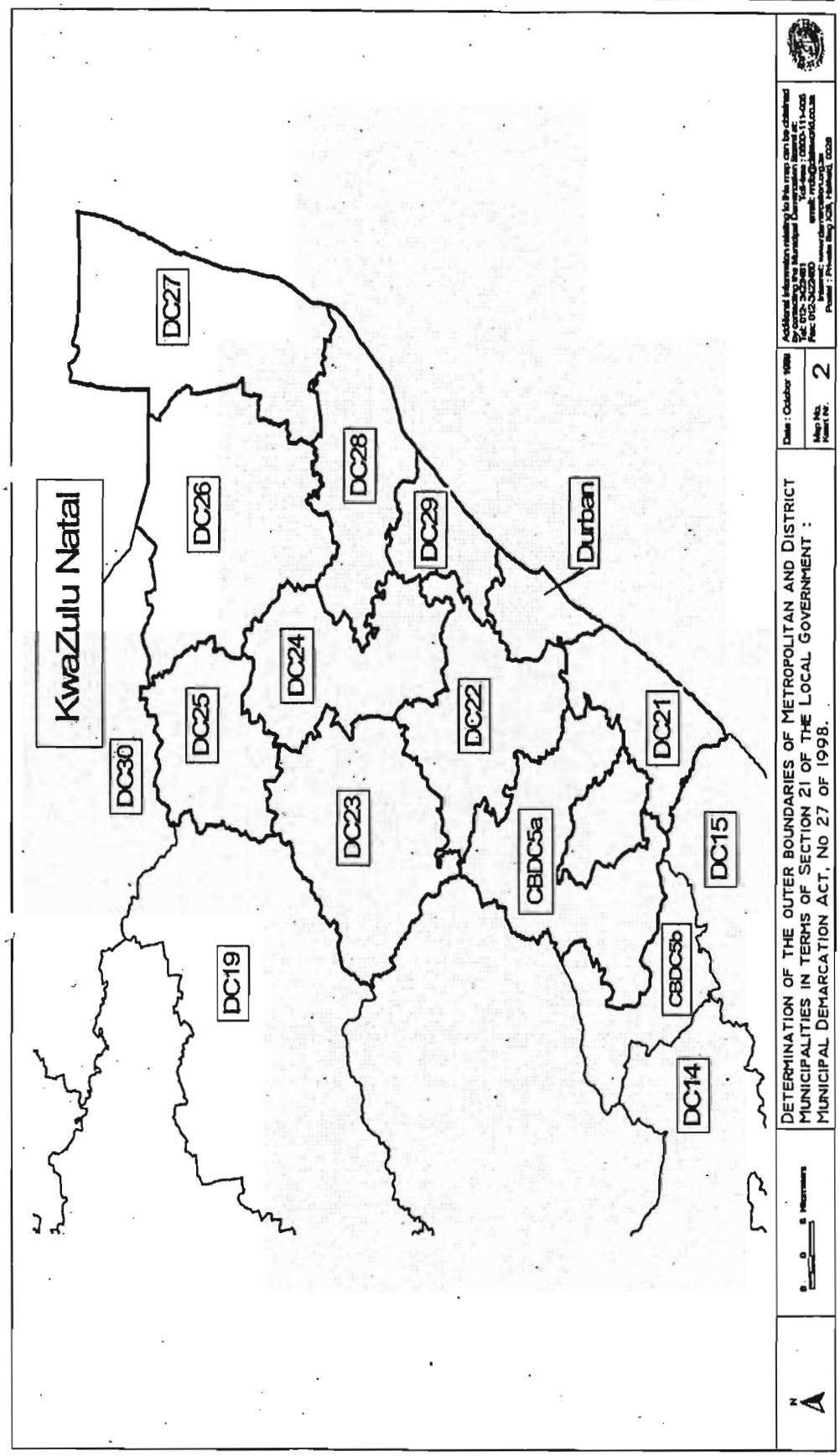
OBSERVATION: MEETINGS ATTENDED	
Type	**DATE**
1. Council	
2. Executive Committee	Tuesday, 8th March 2005
3. Support Committee	

eTHEKWINI MUNICIPALITY: FOCUS INTERVIEWS

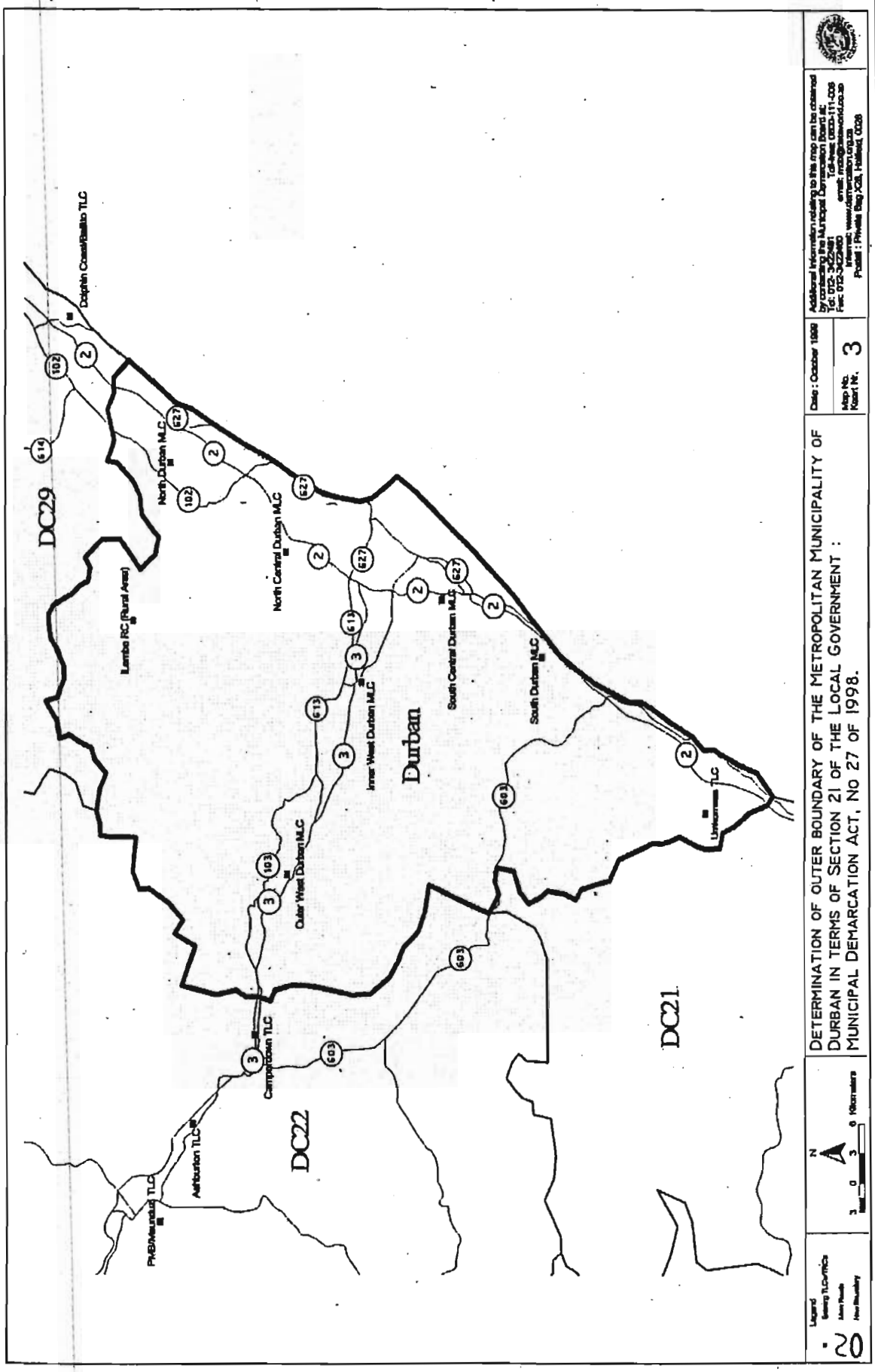
N°	NAME OF RESPONDENT	POSITION	DATE
1	Sutcliffe M (Dr)	City Manager	2.2.2005
2	Stewart P (Mrs)	Director: City Secretariat	14.2.2005
3	Joseph D	Head: City Hall Administration & Secretariat	14.2.2005
4	Seheri A (Ms)	Manager: City Secretariat	21.2.2005
5	Strydom G	Manager: Regional Centres	21.2.2005
6	Pailey J	Legal Adviser	21.2.2005
7	Mbambo M	Public Participation Officer	21.2.2005
8	Angamuthu V(Ms)	Acting Head: Communications	28.2.2005
9	Layley A (Mrs)	Committee Officer (Exco)	28.2.2005
10	Mtembu B	Municipal Reporter Daily News	8.3.2005
11	Ploos van Amstel (Mrs)	Executive Committee Member	8.3.2005
12	Devling L (Mrs)	Chairperson: Combined Ratepayers Association	10.3.2005
13	Maree J.	Ward Councillor	14.3.2005
14	Naicker S	Ward Councillor	14.3.2005
15	Mitchell A	Ward Councillor	14.3.2005
16	Bonhomme TJ	Ward Councillor	15.3.2005
17	Ganesh D	Exco Member	15.3.2005
18	Naidoo P	Ward Councillor	15.3.2005
19	Oldfield G	Ward Councillor	16.3.2005
20	Xulu S	Ward Councillor	16.3.2005
21	Zulu S (Prince)	President Durban Chamber of Business	25.4.2005
22	Govender M	Chief Building Inspector	13.05.2005

DEMARCATION MAP: KWAZULU-NATAL

APPENDIX 30



14 Oktober 1999 Die Provinsiale Koerant van KwaZulu–Natal 1311



◊ Monday
□ Tuesday
☼ Wednesday
⌂ Thursday
COUNCIL
□ EXCO
Chairperson : Clr T O Mlaba (Mayor)
Vice Chairperson: Clr L Naidoo (Deputy Mayor)
Clrs T L Gabela, D Ganesh, S N Gumede, P N Kunene, J M Mile, G B J Ndlela and L M Ploos van Amstel
⌂ Economic Development & Planning (EDP)
Chair: Clr L Naidoo
⌂ Procurement & Infrastructure (PIC)
Chair: Clr S N Gumede
◊ Health, Safety & Social Services (HSS)
Chair: Clr T L Gabela
◊ Corporate & Human Resources (CHR)
Chair: Clr P N Kunene
Report Directly to EXCO
◊ Development, Planning & Facilitation (DPF)
□ Business Support, Economic Development, City Enterprises & Markets (BEC)
⌂ Area-Based Learning, Cato Manor, SIB, INK, Rural, iTRUMP (ABM)
□ Housing, Transport & Engineering (HTE)
⌂ Electricity, Water & Sanitation & Cleansing & Solid Waste (EWS)
◊ Health, Emergency Services & Safer Cities (HES)
□ Parks, Recreation, Cemeteries & Culture (PRC)
◊ Human Resources & Legal (HRC)
□ Skills Development & Management Services & Organizational Development (SDM)
☼ Audit (AUD)
☼ Masakhane, Grant-in-Aid & Poverty (MGP)
⌂ Community Participation, Youth Affairs & Gender (CYG)
□ Nonracialism, Nonsexism & Non-discrimination(NNN)
☼ Metropolitan Police (MP)

COMMITTEES FLOW CHART

Department Clusters submit their signed reports (hard copy) to the Records Department of the City Secretariat & then forwards an electronic copy of the report to the relevant committee team

Records Section record receipt of the report and give it a reference number.

The report is then forwarded to the Deputy Head: Secretariat who enters the report on the Tracking System (which is on the Intranet) as to which Sub Committee or Committee the report will be submitted to and forwards it to the relevant Committee Team for their next agenda.

Team Leader's check the report for accuracy, financial details etc. and meet with the relevant Committee Chairpersons →

The various Committee Teams then co-ordinate the meetings and arrange for presentations, interviews and the like.

Sub Committee → Support Committee

Sub Committee → Support Committee

Sub Committee → Support Committee

EXCO

COUNCIL

After the Committees have met & the item has been approved by EXCO & Council a decision circular is electronically sent to Department Clusters for action & is put onto the Internet/Intranet

8 Point Plan	STRATEGIC FOCUS AREA	KPAs	PROJECT ACTIVITIES	CAPITAL BUDGET				OPERATING BUDGET 2005/2006	PROJECT EXPLANATION
				2004/2005	2005/2006	2006/2007	2007/2008		
Quality Living Environments	Meeting services and maintenance backlogs	Housing stock	Maintenance of Housing Stock	11,400,000	176,800,000	84,100,000	72,000,000		
		Housing Letting Flats - line items 319-357 of Budget book		11,400,000	6,800,000	4,100,000	2,800,000		Based on previous trends.
		Upgrade of Flats	Meeting Council's infrastructure standards		50,000,000	20,000,000	10,000,000		New Capital - Refurbishment of Flats
		Hostels	Upgrade		120,000,000	60,000,000	60,000,000		New Capital Projects
		Housing delivery and services (includign slums clearance)	Delivery of 16000 units in terms pl keeping in line with Council's infrastructure programme	673,100,000	820,182,000	912,053,000	1,124,850,000		
		New Housing DOH Funds	10000 units to meet housing backlog	375,000,000	400,000,000	420,000,000	400,000,000		Based on estimate of 10000 units @R40000
		New Housing Infrastructure - lines 359-416 of Budget book	Meeting Council's infrastructure standards	160,000,000	257,982,000	297,453,000	345,000,000		Assumption is made that Housing will qualify for Full MIG Funding and that this amount will incl Water Projects that relate to these Housing Projects. Also for 2007/08 approx figure of R345m is being estimated to be received.
		Slums Clearance		50,000,000	55,000,000	65,000,000	240,000,000		New slumes being initiated in 07/08 - 8000 units
		Water	16000 housing units	31,900,000	52,500,000	55,100,000	57,856,000		
		Electricity Reticulation - Community - lines 419-437 of Budget book.		56,200,000	54,700,000	74,500,000	82,000,000		
			Electrification of electrifiable homes is met within Council's and Gov. objective	52,500,000	50,800,000	69,500,000	75,000,000		Medium/ small - new services (Electricity supply to previously disadvantaged Areas)
			No outages due to load problems.To ensure future growth and redundancy is catered for within the system	3,700,000	3,900,000	5,000,000	7,000,000		Medium/ small - reinforcement(Reinforce electricity supply to previously disadvantaged Areas)
		Service backlogs		64,000,000	72,000,000	91,000,000	103,000,000	65,228,812	
		Roads - line item 610 of Budget book	Follow up programme to address Housing created Access Roads backlog	30,000,000	28,000,000	39,000,000	45,000,000	25,228,812	Partial MIG feeded.
		Traffic & Transportation	CBD PT Circulatory System (Projects - Management plan)				3,000,000	8,000,000	Accessibility & Sustainability of CBD linkage between tourist beachfront and markets.
			Freight Management Infrastructure (Projects - Integration of existing functions)					1,000,000	Support Industry (STB) & Port expansion.
		Water	N/A						No service backlog
		Stormwater - line items 864-862 of Budget book	Locations subject to 1:10 year flooding	14,000,000	24,000,000	32,000,000	35,000,000	25,000,000	
		Electricty	N/A						No service backlog
		Community Blocksom		20,000,000	20,000,000	20,000,000	20,000,000		
		Road Naming						3,000,000	Completion of Street Naming exercise
		Infrastructure Maintenance		0	0	0	0		
		Roads	Existing Operating Budget					338,906,030	Deficit cost incl stormwater for Roads & Stormwater Maintenance
		Water							
		Stormwater	Existing Operating Budget					10,331,808	General Exp added to R&M for C, S & CM.
		Electricty							
	Meeting community services	Supply of Community facilities		30,900,000	27,384,000	54,600,000	4,000,000		
		Operation and maintenance of facilities							

NELSON MANDELA METROPOLITAN MUNICIPALITY REVIEW OF DOCUMENTS

1. **Establishment of the Municipality.**

1.1 Notice published in terms of Section (12) of the Municipal Structures Act.
1.2 Determination of types of Municipality Act N° of 2000 (p.n.645).
1.3 Metro Structure: Nelson Mandela Metropolitan Municipality.
1.4 Metro Structure.
1.5 Breakdown of the number of seats per party.
1.6 Redemarcation of boundaries.
1.7 Contact details.
1.8 Telephone Guide.
1.9 Map (outer boundaries of the Metro).

2. **Committees**

2.1 Standing Committees.
2.2 Chairpersons and members of Standing Committees.
2.3 Code of conduct for ward committee members.
2.4 Rules of Order: Ward Committees.
2.5 Report on the establishment of Secretarial Support Services for Ward Committees (22.08.2001).
2.6 Establishment of Secretariat Support services for Ward Committees.
2.7 Ward Councillors Accommodation.
2.8 Functions and responsibilities attached to the position of Ward Committee Clerk.
2.9 Mayoral Committee.

3. **Public Participation**

3.1 Peoples assembly Program.
3.2 Overview.
3.3 Public Participation.
3.4 Developmental Local Government.
3.5 IVR Electronic Help Desk: Release of new services.
3.6 Press Release by the Mayor 13 April 2005.
3.7 Patriotic Volunteerism Programme.

4. **Procedures**

5. **Budgets**

5.1 Multi-year Budget Strategy – 2005/06 to 2007/08 Financial years.

6. **By-laws**

6.1 Customer Care and Revenue Management laws.

6.2 Assistance to the poor policy.

7. **Miscellaneous**

7.1 Agenda: Environmental and Health Committee Meeting: 10 May 2005.
7.2 Vision 2020: Developmental priorities.

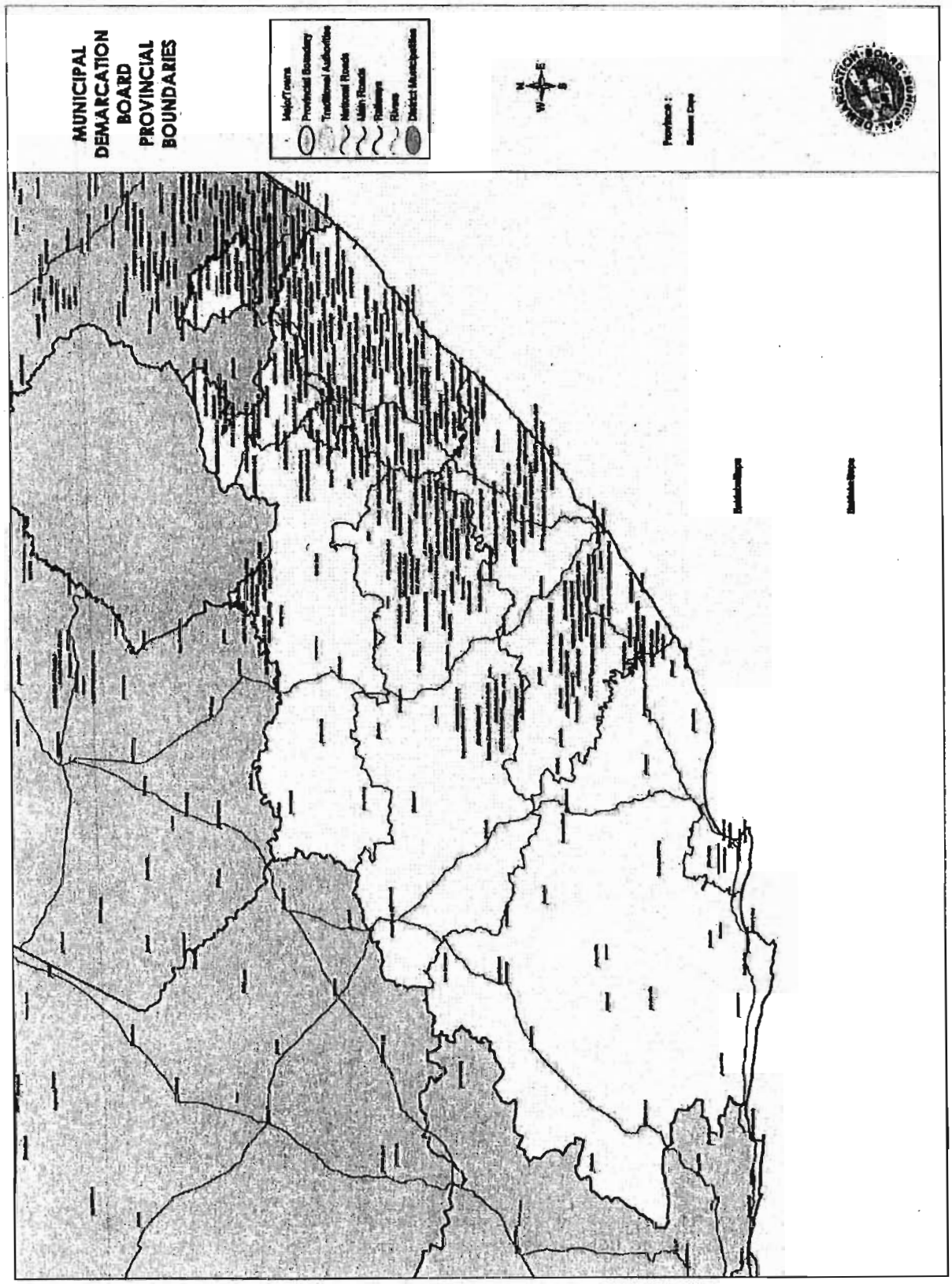
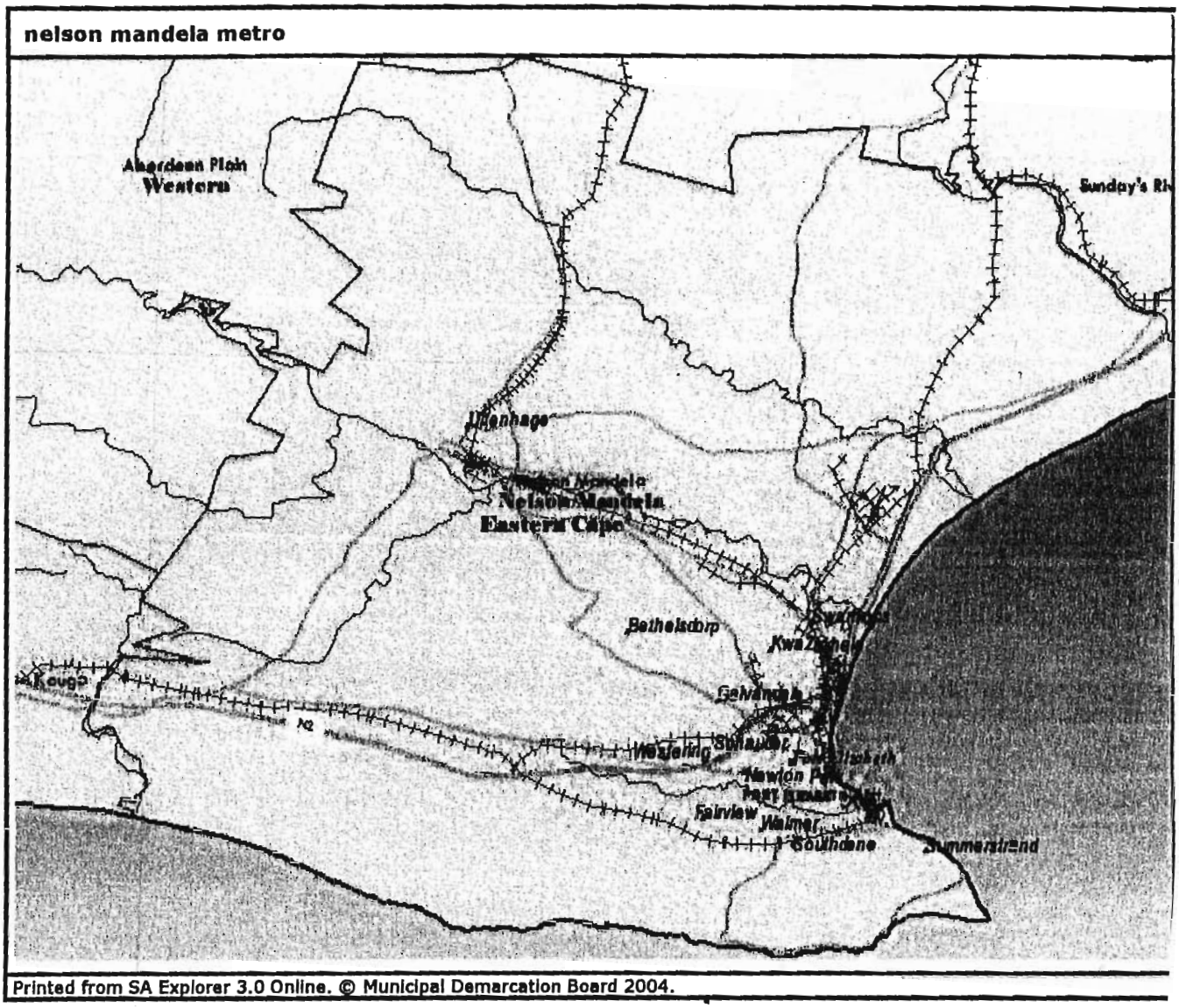
NELSON MANDELA METROPOLITAN MUNICIPALITY.

OBSERVATION: MEETINGS ATTENDED	
TYPE	**DATE**
1) Council	
2) Mayoral Committee	
3) Standing Committee (Environmental Health)	10/5/2005
4) Ward Committee	

NELSON MANDELA METROPOLITAN MUNICIPALITY
FOCUS INTERVIEWS

N°	NAME OF RESPONDENT	POSITION	DATE
1	Tsatsire I	Manager Policy and Transformation	1 April 2005
2	Trent E.C	Councillor DA Caucus Leader	5 May 2005
3	Lotter G.F	Ward Councillor	5 May 2005
4	Williams R.V	Ward Councillor and retired CEO Uitenhage Municipality	5 May 2005
5	Smit A	Councillor	6 May 2005
6	Matavire M	Metro Reporter The Herald	9 May 2005
7	Roboji Y	Secretariat Manager	9 May 2005
8	Coetzee C	Senior Committee Secretary	9 May 2005
9	Mbanji T	Records Controller	9 May 2005
10	Carradice R	Manager: Ward Committees and Public Participation	10 May 2005
11	Williams R	Manager: Communications	10 May 2005
12	Jackson E	Manager in the office of the Manager of the Budget and Treasury	11 May 2005
13	Fibeger C	Councillor	11 May 2005
14	Basson R	Manager in the Mayor's office	12 May 2005
15	Mqulwana N	Manager in Speakers office	12 May 2005
16	Kwenaite M	Member of the Mayoral Committee	12 May 2005
17	Knight E.A	Ward Councillor	16 May 2005
18	Goosen A	Ward Councillor	16 May 2005
19	Da Costa A	Chief Executive Port Elizabeth Regional Chamber of Commerce and Industry	17 May 2005
20	Kramar C (Ms)	Representative of the Building Inspectorate	13 June 2005

DEMARCATION MAP: EASTERN PROVINCE



DEMARCATION MAP: NELSON MANDELA METRO