AN INVESTIGATION INTO THE EXECUTIVE MAYORAL
SYSTEM, WITH REFERENCE TO THE NELSON MANDELA
METROPOLITAN MUNICIPALITY

BY

Z. NKAYITSHANA

A mini-dissertation presented to the Department of Public Management in the Faculty of Commerce and Governmental Studies in partial fulfilment of the requirements for the Degree Magister Technologiae (Public Management)

SUPERVISOR : DR. J.D. TAYLOR

CO-SUPERVISOR : DR. K. RAGA
IN HUMBLE SUBMISSION TO ALMIGHTY GOD
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Z NKAYITSHANA
PORT ELIZABETH TECHNIKON
NOVEMBER 2003
DECLARATION

I, Zweledinga Nkayitshana, hereby declare that:-

- The work in this mini-dissertation is my own original work;
- All sources used or referred to have been documented and recognised; and
- This mini-dissertation has not been submitted previously in full or partial fulfilment of the requirement for an equivalent or higher qualification at any other recognized educational institution of higher learning.

Z NKAYITSHANA
NOVEMBER 2003
AN INVESTIGATION INTO THE EXECUTIVE MAYORAL SYSTEM WITH REFERENCE TO THE NELSON MANDELA METROPOLITAN MUNICIPALITY

ABSTRACT

In this mini-dissertation, a study is undertaken for an investigation into the Executive Mayoral System with reference to the Nelson Mandela Metropolitan Municipality. The mini-dissertation comprises of five chapters. The study is based on the assumption that the introduction of an executive mayoral system will enhance the decision-making and policy-making processes at the Nelson Mandela Metropolitan Municipality. This is also based on the assumption that all local authorities and the Nelson Mandela Metropolitan Municipality in particular are faced with challenges of developmental local government.

The Executive Mayoral System, therefore, is expected to provide possible solutions and avenues to promote and improve socio-economic development and service delivery to strengthen the local tax base. Another challenging aspect is the capacity building for the staff members of the Nelson Mandela Metropolitan Municipality especially the Executive Mayor who has all the powers vested in him.

The main objectives of the research include, inter alia, to provide a brief theoretical background explanation regarding the reasons for the existence of local authorities and restructuring of local government in South Africa. To investigate and report on the implementation of the new mandate for local government with reference to the Executive Mayoral System at the Nelson Mandela Metropolitan Municipality. To investigate whether the Executive Mayoral System at the NMMM will contribute towards efficient and effective service delivery. This will be followed by the impact of the Metropole to promote and encourage community involvement on all the programmes of the municipality.
This investigation will ensure that the Nelson Mandela Metropolitan Municipality provides conducive environment for socio-economic development and achieve the national economic strategy under Growth, Employment and Redistribution (GEAR) policy. To bring about experiences from other countries and learn from those experiences based on their approach to the Executive Mayoral System.

An overview of the legislative framework and an explanation of selected policies for the Executive Mayoral System are made. Finally, a number of conclusions that were arrived during the study, followed by various recommendations are made. These are based on the qualitative research analysis in order to come up with solutions of ensuring sustainable service delivery with the Executive Mayoral System.
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CHAPTER 1

1.1 INTRODUCTION AND MOTIVATION FOR THE STUDY

Local government in South Africa has been undergoing profound changes in the last seven years. The democratic change and transformation from a centralised, autocratic system to a decentralised, democratic system of government has placed more emphasis and responsibility on local government to govern efficiently and effectively. The aim is for municipalities to satisfy the most basic needs of the people in their respective areas of jurisdiction, especially where most people in the provinces have high expectations. The structural changes to transform local government are, therefore, expected to bring about positive outcomes.

The various phases of transition are outlined in terms of the Local Government Transition Act 209 of 1993. The final transitional phase, as regulated by the above-mentioned Act, came into effect during the December 2000 local government elections, when an ambitious programme of reform was embarked upon. Reference in this regard can be made, firstly, to the pre-interim phase, which ran until the 1995/96 local government elections. Secondly, the interim phase, which started after the 1995/96 municipal elections until the new system of local government was decided upon and introduced. Lastly, the final phase, which came into existence once a new local government system, was established following the 2000 local elections.

Section 152 of the Constitution of the Republic of South Africa Act 108 of 1996, enshrines the objectives of local government and provides opportunities for community participation. This should occur where local affairs affect citizens’ living conditions. Apart from this, various forms of legislation to implement the process of local government transformation have been adopted. Such legislation may involve the White Paper on Local Government, 1998 (Government Gazette 1998).
number 18739) which aims to establish the framework within which the future local government system should be developed. The Local Government: Municipal Demarcation Act 27 of 1998 sets out structural changes and boundaries within which the process of transforming and developing local government can occur.

The Local Government: Municipal Structures Act 117 of 1998 determines which categories of municipalities can become metropolitan areas. The Local Government: Municipal Systems Act 32 of 2000 brings about strategies to implement the new system of local government. Reference in this regard can be made to the Integrated Development Plan (IDP). These IDPs have paved the way towards the establishment of metropolitan municipalities such as the Nelson Mandela Metropolitan Municipality in the western half of the Eastern Cape, which is the focus of this study.

In terms of the user-friendly guide (www.demarcation.org.za), the past decade has witnessed the development of metropolitan governance on a remarkable scale. Therefore, the issue of scale is important, as it is a measure used for the establishment of metropolitan areas, which are significant and complex regarding their economic and financial entities. This implies that the challenges to be faced in the establishment of a new municipal system, particularly the Nelson Mandela Metropolitan Municipality, are significant.

It is against this background that the Department of Constitutional Development decided that the broader implementation strategy of the White Paper on Local Government, 1998 should be communicated continuously. The above-mentioned Department designed an outreach programme, which simplifies and interprets the core aspects of the legislation, and highlights the implications that it will have for municipalities.
Transformation at the local sphere of government takes place in many ways, for example, institutionally, financially, and developmentally. Many new functions are being decentralised to local government, which provide and give municipalities a more integrated package of services and functions to manage. This system of governance is based on, firstly, working with local citizens and communities to find sustainable ways to meet their needs and improve the quality of their lives. Secondly, finding new ways to accelerate and sustain the delivery of services.

In general, metropolitan areas are faced with the challenges of severe poverty and the urgent need for economic development of entire communities and areas. These challenges necessitate strong metropolitan wide government, that is, a municipality that sees and addresses the entire local authority issue. In terms of the Local Government: Municipal Structures Act 117 of 1998, all metropolitan areas are governed by Category (A) municipalities, which have exclusive and sole authority in their areas of jurisdiction.

The study will review and evaluate specific developmental local government related aspects pertaining to the Executive Mayoral System. Amongst possible outcomes, emphasis is placed on the establishment of the Nelson Mandela Metropolitan Municipality with more powers vested in the Executive Mayor. Various forms of legislation have also been approved as support structures to highlight and give direction to the functioning of the Executive Mayoral System.

The study also focuses on possible solutions and avenues to promote and improve socio-economic development and service delivery to strengthen the local tax base and eliminate the culture of non-payment for services rendered. Reference can be made to public-private partnerships through the IDP and the introduction of a new system of payment for services. This also includes the stop order policy, a system in which an arrangement has to be made between the parties involved (employer, employee and the city treasurer). This still needs to be reviewed and evaluated. The introduction of these policy proposals aims at
improving local economic viability and eliminating non-payment for services rendered.

Furthermore, the study looks at implementing a particular aspect of the Skills Development Act 97 of 1998 through skills transfer for the promotion of a more competitive and productive workforce. This aims at promoting and enhancing skills transfer. Establishing training and learner focused programmes through institutions of higher learning and other consortiums can do this (both vertical and horizontal co-operation), with the support of intergovernmental relations.

The capacity and the ability of the Executive Mayoral System to sustain the programmes and policies of local government can be achieved by establishing public-private partnerships and public-public partnerships. The former refers to Murray and Roberts offering training to community subcontractors and the latter refers to training offered by other public sector and international agencies. Both internal and external environmental factors in this regard will be taken into consideration. Reference here can be made to the Urban Sector Network, University of South Africa (UNISA), Adult Basic Education and Training (ABET), the Institute for a Democratic Alternative in South Africa (IDASA) and the Norwegian Agency for Development (NORAD) who funded the creation and implementation of the Core Councillor Training Programme (CCTP)

The links and relationships between institutions of higher learning for training and research are based on searching for means to groom future leaders and advance the expertise that can ensure the sustainability of policy implementation. This will assist all the relevant stakeholders (local authorities and institutions of higher learning) to take an informed decision on their work programmes and core syllabi.
1.2 STATEMENT OF THE PROBLEM

Various comments can be made as to why it is necessary to transform and change the system of local government in South Africa. One will find that cities throughout the world as well as in South Africa, including the western part of the Eastern Cape Province, tend to align their living conditions with their demographic features, that is, the socio-economic, political and other related environmental factors that exist in their areas of jurisdiction.

In South Africa, the situation has in the past been different, as most cities tended to have separate local authorities divided along racial lines. The emerging need to democratise historically disadvantaged municipalities and communities have been witnessed by the 1994 democratic elections, which were perceived as intended to stabilise tensions and improve service delivery.

The study will investigate the advantages and disadvantages of the Executive Mayoral System. It will also review the criteria and delegation of authority with vested powers in one person (an Executive Mayor). Such authority and powers tend to either enhance policy implementation or create autocratic decisions, especially if there are no proper control measures based on the exercise of political power and accountability to the electorate and subordinates. Another challenge with the introduction of an Executive Mayoral System is based on whether it is possible for an Executive Mayor to act as a Municipal Manager. The question is: should South Africa follow the cabinet system in all local authorities, including the Nelson Mandela Metropolitan Municipality or a presidential system? These questions will receive responses in the next chapters of this discussion. The following section will review the statement of the hypothesis.
1.3 STATEMENT OF THE HYPOTHESIS

A hypothesis can be described as an empirically testable proposition explaining possible associations between variables, but which still needs verification. It is also a supposition made as a basis for reasoning without an assumption of its truth, used as a starting point for further investigation; a theory of generalisation (Hanekom and Thornhill, 1983:49).

The study will investigate opportunities and threats as well as strengths and weaknesses of the Executive Mayoral System.

1.3.1 Questions pertaining to the study

- What is the relationship between the Executive Mayor and the Municipal Manager as a city administrator?

- Will the communication between the Executive Mayor, his committee and community at large be effective?

- How will the new Executive Mayoral Committee System contribute towards economic viability and improve cash-flow management in the Nelson Mandela Metropolitan Municipality?

- Does the Executive Mayoral System contribute towards lessening the non-payment for essential services?

A brief review of the reasons and importance of the research will be explained below.
1.4 SIGNIFICANCE OF THE RESEARCH

The goals of this study will attempt to provide an idea and understanding of the research content by explaining certain of the key and broad concepts. These may include local government, metropolitan / city government, Executive Mayoral System, the council, ward and executive mayoral committee system. It will also focus on providing a brief explanation regarding the reasons for the existence of local authorities and restructuring of local government.

The study will also investigate whether the Executive Mayoral System will contribute towards improvement in the level of efficient and effective service delivery. The aspect of how the demarcation of boundaries, especially in a diverse culture, will impact on the involvement of communities and their structures within and around the metropolitan areas will be referred to in providing a positive response.

Another possibility is to determine how the metropolitan governance will achieve national economic strategy under the Growth, Employment and Redistribution policy, which has to bring about effective decentralisation of administrative and political powers. This should bring about an environment, which is conducive for socio-economic development of the Nelson Mandela Metropolitan Municipality.

Furthermore, the study will also examine how to improve and learn from past mistakes, and reference will be made to various approaches utilised by other metropolitan municipalities to achieve objectives within their areas of jurisdiction. Therefore, the advantages and disadvantages of the Executive Mayoral System will be explained.

In evaluating both administrative and political arrangements for effective and efficient service delivery for the benefit of the community, the theory search will determine the best approach. Apart from the above-mentioned elements, the
The purpose of introducing the IDP in the Metropolitan Municipality as a municipal policy proposal and planning will be highlighted. The adherence to a power relationship between the Executive Mayor and the Municipal Manager as determined by guiding policy, will also be reviewed.

The research will review the Executive Mayor’s level of responsibility and accountability to the electorate and to his subordinates. It will also assist in drawing and submitting conclusions and proposals that may contribute to the effective and efficient service delivery for the betterment and advancement of community lives. An additional aspect is to provide recommendations that will contribute to improving socio-economic issues and promoting the living standard of communities.

This Executive Mayoral System of governance will create a facility through which publicly available information will be shared with other municipalities. It is hoped that the information provided will be of use to the Nelson Mandela Metropolitan Municipality as it develops its IDP and as it targets funding and resources. It is expected that the data and information gathered through the study will motivate users to make available further data and information sources.

1.5 ASSUMPTIONS

The assumptions in this research are based on the existing and future challenges that are facing most of the new municipal structures, including the Nelson Mandela Metropolitan Municipality. The study assumes that the introduction of an Executive Mayoral Committee System will enhance the decision-making and policy-making process of the Nelson Mandela Metropolitan Municipality. The study also assumes that the 1996 Constitution does not explicitly explain the limitations to and boundaries of power sharing when decisions are to be taken by a council and between the Mayor, the executive mayoral committee and the ward committees.
1.6 DELIMITATION OF THE STUDY

The field of study will be limited to the Nelson Mandela Metropolitan Municipality, with special emphasis on the Executive Mayoral System. The research will attempt to evaluate both positive and negative implications that will be imposed by this system of governance on the local government sphere and the Nelson Mandela Metropolitan Municipality in particular.

1.7 DEFINITION OF TERMS

The definition of terms include the following:

1.7.1 Local Government

Local government is that sphere of government, which is commonly defined as a decentralised, representative institution with general and specific powers devolved to it by a higher sphere of government within a geographically defined area. It is also referred to as a political subdivision of a nation, which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labour for prescribed purposes (Ismail et al, 1997:2). Cloete (1995:49) further argues that local government refers to the functions performed by political office bearers of a municipal council empowered to perform such functions for the implementation of legislation.

1.7.2 Local Authority

A local authority is an organisation comprising elected politicians and appointed officials, which operates within a specific geographic area to provide services for its local community. This type of authority has a right to govern on its own initiative, but is subject to constitutional provisions as well as central and
provincial legislation (Ismail et al., 1997:3). Cloete (1995:45) states that a local authority is an institution created to provide prescribed local services in a city, town or other urban area. Such an authority usually consists of a council with elected members for legislative purposes, management committees and departments staffed by officials to perform the administrative functions.

1.7.3 Metropolitan Area

According to Cloete (1995:47), a metropolitan area is a large urban area consisting of a core known as the metropolis, surrounded by urbanised areas that can function as separate municipalities. Reference can be made to the cities of Cape Town, Durban, Pretoria and Port Elizabeth with the newly established Nelson Mandela Metropolitan Municipality in the western part of the Eastern Cape Province.

1.7.4 Metropolitan Government

In terms of section 1(1) of the Local Government Transition Act 209 of 1993, metropolitan government comprises the area of multiple local government, which is densely populated, with an intense movement of people, goods and services. It is an area which is extensively developed or urbanised and has more than one central business district, industrial area and concentration of employment. It is also an institution, which economically forms a functional unit comprising various smaller units that are interdependent economically and in respect of services.

1.7.5 The Mayor

Under the weak mayoral system, the Mayor is a member of a municipal council elected by other councillors in small municipalities to serve as the chairperson of the council and to represent the town or city where necessary as a ceremonial functionary (Cloete, 1995:47). In a strong mayoral system, the Mayor does not
chair council meetings; rather the speaker directs the council proceedings and acts as chairperson at meetings of a municipal council. In a metropolitan municipality the Mayor exercises both ceremonial and executive powers, meaning that more powers are vested in an Executive Mayor.

### 1.7.6 Committee System

The term committee system refers to a group of people appointed by some other, generally larger, body to discuss matters within some field of relevance with a view to making group decisions and recommendations to the larger body. A committee system can be divided into three systems, namely, portfolio, geographic and issue committees (Ismail et al., 1997:103).

Craythorne (1997:170) defines a committee system as a system whereby the councillors break up the work they have to do into functional units called standing committees. It is also a body to which some tasks has been entrusted by some other body, with the notion that the committee is responsible and answerable to the body which sets it up. It deals with principles, with considerable powers of delegation being given to officials.

### 1.7.7 Executive Committee

According to Cameron and Stone (1995:43), an executive committee is the cabinet of the local authority, especially in larger ones in which the greater workload makes it impossible for decisions to be made at the monthly council meeting. The executive committee deals with the administration and management of town council affairs. In other words, most of the executive’s decisions still have to be referred to the council for approval, which remains the highest decision-making body.
1.7.8 Systems Analysis

Fox and Meyer (1995:125) define systems analysis as the continuous process of reviewing systems objectives, designing alternative methods to realise them, and weighing the effectiveness and costs of alternatives, mainly in an economic sense. This is based on the principles of scientific research and analysis as an extension of human relations.

1.8 METHODOLOGICAL JUSTIFICATION

The method of study will include the following:

1.8.1 Theory Search

The theory search will make use of various texts consisting of relevant books, journals, papers and research presentations in the form of interviews, and other media information programmes. Secondary sources of information will comprise of publications and information written or presented by eyewitness accounts. Other sources such as press reports; conferences and journal interpretations will also be reviewed.

1.8.2 Description of a Qualitative Theory and Evaluation

The documented part of the research will focus on reviewing and analysing existing literature and legislative prescription to support the stated assumptions.
1.9 PROPOSED SEQUENCE OF CHAPTERS

Chapter 1:
Introduction and motivation for the study

Chapter one will focus on defining various concepts, terminology and the demarcation of the study field including the description and explanation of the background to a metropolitan municipality. The reasons for the establishment of the Nelson Mandela Metropolitan Municipality will also be reviewed. The statement of the research problem and sub-problems, as well as the research hypothesis, research boundaries and methodological justification will be explained in this chapter. The chapter will focus on the demarcation of the field of study, the research methodology to be used and the formulation of the study objectives as well as the proposed outline of the chapters.

Chapter 2:
Local government in South Africa (Pre and Post 1994)

A clear explanation of the reasons for the existence of local government and its operation, under both pre and post 1994 political dispensations will be outlined. The relationship between local authorities and citizens will be investigated.

Chapter 3:
Executive mayoral systems within local government (American versus South African perspective)

In chapter three, brief reference will be made to the experiences of American cities that have already adopted and implemented the system of metropolitan government with Executive Mayors being vested with executive powers. An analysis of relevant literature will be conducted to assess and evaluate the success or failure of metropolitan systems of government.
Chapter 4:
An assessment of the advantages and disadvantages of an Executive Mayoral System

Chapter four will review the perceived advantages and disadvantages of an Executive Mayoral System with reference to the Nelson Mandela Metropolitan Municipality. An overview of contemporary legislative prescriptions pertaining to metropolitan municipalities with Executive Mayoral Systems will also be undertaken.

Chapter 5:
Conclusions and recommendations

In chapter five, a brief synthesis of the preceding chapters will be made, followed by conclusions and recommendations.

1.10 SUMMARY

In this chapter, several assumed concepts in the Executive Mayoral System are identified. Key words have been defined. Furthermore, the purpose of the research is stated, followed by research methodology to be used as well as an outline of the proposed study.

In the next chapter, a theoretical and a clear explanation of the reasons for the existence of local government, under both pre and post 1994 is discussed
CHAPTER 2
LOCAL GOVERNMENT IN SOUTH AFRICA (PRE AND POST 1994)

2.1 INTRODUCTION

The environment in which local government systems operate is influenced by the ideological philosophy of the party in power throughout the country. The South African local government system is amongst those affected by this phenomenon. There is a strong, universal assumption that local government is a self-sufficient sphere, because it has been given the responsibility to provide the service itself from its own premises, employ staff and acquire equipment. Because of the previous regime and political differences, local authorities were segregated along racial lines. It is the responsibility of the current leadership to deal with the challenges of the changing environment in governance to change the situation for the transformation of local government into a better environment for all communities.

To reflect on the transitional process of government and local government in particular and for the purpose of the study, focus will be on the South African local government system. The study will evaluate and review both the pre and post 1994 regimes, including the transformation of local government and the establishment of metropolitan councils and the Nelson Mandela Metropolitan Municipality (NMMM) in particular. Attention will be devoted to the development of formal structures and strategies for performance in service delivery. This chapter will provide a clear explanation of the reasons for the existence of local authorities and local government as well as the establishment of the Nelson Mandela Metropolitan Municipality.

2.2 ORIGINS OF LOCAL GOVERNMENT

For the greatest part of his existence man was a nomad who remained in one place for as long as he could find natural shelter, food and water. Man, therefore,
remained in one place to construct dwellings after he came to know how to produce food by cultivation and domesticate animals. In the final analysis, people became dependent upon goods and services provided by others after realising a need to devise a reliable arrangement for the service provision that was essential for closer settlements. The origins of local government and development of urban areas in South Africa was therefore only witnessed when the Dutch started a settlement at the Cape of Good Hope in 1652. Cape Town was the first urban area to be established in Southern Africa (Cloete, 1995:12).

According to Ismail et al (1997:36), South African local government and urban areas originated as a halfway base on the sea route between Europe and the Far East Countries, when the Dutch East India Company (DEIC) established a refreshment station at the Cape. This company’s entrepreneurial orientation had a profound impact on the system of governance at the Cape. During 1652 and 1795, the influences of both the Dutch and English respectively, have culminated in the development of a hybrid local government system in South Africa.

Bekker (1996:2) argues that during the post 1994 era, there should be an efficient and effective system of local government. In fact, most citizens living within the jurisdictional area of a municipality cannot imagine what it would be like without a local authority to which they can turn for the provision of essential public services. Since man began to cluster together to form communities, there has been a need to satisfy his collective needs. The ancient Greeks and Romans were some of the first civilisations to establish cities and what are today known as municipalities. This led to the formulation of South African towns and cities and today these towns are dispersed throughout South Africa.

According to Townsend (2000:5), the Nelson Mandela Metropolitan Municipality, formerly known as the Port Elizabeth Municipality, became the second city to be established after Cape Town. It came into being when the two separate groups of people co-operated, the San / Khoikhoi, the famous painters and the Nguni
people bringing farming as a new way of life. These groups became assimilated into each other over time, after a far-reaching revolution in their political, economic and social systems, and the resulting people presently occupy most areas of the Province of the Eastern Cape.

Port Elizabeth became urbanised after the discovery by overseas settlers of Algoa Bay, a large inlet of the Indian Ocean in 1797. During the first two decades of the 19th Century, Algoa Bay became the destination for early British emigrants to South Africa. This contributed to the expansion of settlements. The wars between the Xhosa speaking peoples and the British settlers led to political hegemony, which translated into formal apartheid structures with regions such as the homelands of the former Transkei and Ciskei. Ten years later, Port Elizabeth became a municipality and after a railway to Kimberley was connected, became a City (Townsend, 2000:5).

Townsend (2000:6) further argues that it was at this stage that Port Elizabeth became South Africa’s busiest harbour and consumed sixty percent of all foreign trade, with wool taking a large share in exports exchange. In 1926, the motor industry became a major growth factor, demanding more land and labour and spilling over into adjoining areas. Currently, Port Elizabeth forms a large Metropolitan area with the neighbouring towns of Despatch and Uitenhage. According to Townsend (2000:7), Port Elizabeth became the first South African city in 1993 with a fully democratic, non-racial city council and became the Nelson Mandela Metropolitan Municipality after the November 2000 local government elections.

2.3 REASONS FOR THE EXISTENCE OF LOCAL GOVERNMENT

Although most authors argue that the existence of local government is to govern and represent the local community within their jurisdiction, Hammond-Tooke (1977:3-4), provide a three-fold explanation for the existence of local
government. The first concept is that local government exists to serve the needs of specific communities. This refers to social needs, health, safety, housing provision, transportation, business operations and provision of employment. The second concept is the local authority’s accountability to the citizens. Reference here can be made to the responsiveness and answerability of local councillors to their respective constituencies, especially in a democracy, where the electorate gives a mandate to their representatives to govern on their behalf.

Another concept is to provide the means to enable the local authority to achieve the first two major concepts. The organogram or the structure of a local council must at all times allow the council to plan and operate in a manner that will maintain close links with the community.

Hilliard (1995:49-53) explains specific reasons for the foundation, establishment and existence of local government:

**2.3.1 To Provide Essential Services**

One of the reasons why local government exists is to supply the inhabitants with those services which private enterprises are either unwilling or unable to provide. Many of these services provided by local authorities are not delivered on a cost-effective basis. This implies that certain services do not generate profit, such as the maintenance of beaches and recreational parks, but local councils are often obliged to provide them, even at a deficit (Hilliard, 1995:49).

**2.3.2 To Cater for Communal, Uniform Needs and Expectations of Inhabitants**

According to Hilliard (1995:50), most local authorities can standardise the provision of communal needs (such as clean water, sanitation, garbage removal and electricity), by charging the consumer a fixed rate and using a metering
device to calculate consumption. This system is currently in its implementation phase within the NMNM, whereby pre-paid electricity and water devices are being installed in most areas in the metropole. This method is not only utilised to calculate consumption, but also used as a means to eliminate the non-payment of services.

2.3.3 To Satisfy the Unique Needs of Specific Urban Populations

Although urban areas differ physically and demographically, local authorities are usually required to cater for the unique needs of such urban areas. For example, coastal cities will usually have needs that are different from those of inland towns or rural communities. Climatic conditions prevailing in inland areas may differ markedly from coastal areas. Because of these contrasting conditions, building regulations and municipal by-laws may differ substantially from one area to another. Coastal resorts, for instance, usually cater for the tourist trade, which can be perennial, while inland towns may not have seasonal tourist appeal (Hilliard, 1995:51).

2.3.4 Coping with Urbanisation Difficulties

In certain countries, including South Africa, rapid urbanisation has become a major source for concern. It is estimated that by the year 2010, sixty-nine percent of the black population will be urbanised. Local authorities will have to address the difficulties posed by unrestrained urbanisation because of the inability of the other spheres of government to handle issues peculiar to local government. There also appears to be a direct correlation between burgeoning urbanisation and the increasing complexity of local government affairs.

Urban areas usually comprise a cosmopolitan mix of many different types of people, all with varying needs and expectations, characterised by different backgrounds. To manage this challenge, local authorities need to devise coping
mechanisms to reduce indiscriminate informal settlement and uncontrolled urbanisation. This role should not be seen as negative and punitive, but rather as a preventative measure to curb the outbreak of serious diseases and in-house fires (Hilliard, 1995:52).

2.3.5 Extending Democracy to Grassroots Levels

Accountability and democracy are inseparable concepts. At the local government sphere, communities elect their representatives to serve their interests. Should these representatives fail to deliver on their promises and the mandate given to them by these communities, they could lose their positions in the next elections. This is often one of the reasons why local government is termed “home rule”.

Grassroots democracy also ensures that there is a large degree of local autonomy and serves as a suitable training ground to empower ordinary people with political aspirations, which they may otherwise never have gained. Because of the distance between citizens and the higher spheres of government, local government serves the role of bringing government and administration closer to the man in the street. This also serves as a suitable training ground to empower ordinary people with political, negotiating and interpersonal skills (Hilliard, 1995:52).

The Independent Electoral Commission in preparation for the 1995/96 local government elections conducted voter education for all the citizens of the country. To provide democratic and accountable government, the NMMM adopted a system of ward committees. The main objective of these ward committees is to enhance participatory democracy within the jurisdiction of the metropole (Matavire, 2001:2).
2.3.6 Ensuring Responsiveness and Accountability

Because of the gap between communities and the national sphere of government, the establishment of the new system of local government, ensures that municipalities including the NMMM, can respond quickly to the electorate and their needs. It is essential for local authorities to keep abreast of the actual needs of local inhabitants so that they do not govern by surmise, but rather base their governing functions on day-to-day realities. That is why local authorities often strive to maintain cordial relations with and be accessible to their respective communities, so as not to become unsympathetic towards local needs (Hilliard, 1995:53).

A call by the NMMM for the public and community at large to attend all meetings and gatherings promotes the idea of accountability and responsiveness. According to Ntshona (2002:1), the NMMM has engaged itself in the process of accountability by involving the local community and publishing all its programmes in a newly launched bulletin known as the NMMM bulletin.

2.3.7 To Apportion Financial Costs on a User-related Bases

Hilliard (1995:53) argues that when citizens pay income tax, the money is deposited into a central revenue fund. Thereafter, the taxpayer has no control over how the money is spent. There is no quid pro quo relationship between taxes paid and benefits received. In fact, it could happen that the person who pays the most taxes receives the least social welfare benefits. However, at local government level, the situation is somewhat different. In local government the municipality is required to be as financially self-sufficient as possible and to raise its own revenue. Therefore, the inhabitant pays for:

- Units of electricity used.
• Water consumed and sewerage costs.

• Property taxes.

Alternatively, if the consumers are dissatisfied with a municipal service, they may approach the local authority directly through ward committees. They can pursue the matter until they are satisfied that they are receiving the best services for their money (Hilliard, 1995:53).

2.3.8 Enhancing Control at the Local Sphere

Local authorities’ close proximity to communities ensures that citizens can approach the local authority and do not feel discouraged as could be the case if they were to seek assistance from the plethora of central and provincial government institutions. This local control brings about various control approaches including ousting the ruling party (council) in the next elections, especially if they do not deliver as the electorate expected.

The need for metropolitan municipal government and administration is further explained by Craythorne (1997:72). The following are some of the reasons that favour the existence of local government and administration:

• Firstly, in a free and democratic society people should, through democratically elected representatives, be able to exercise the maximum choice about the way their local or civic affairs are managed.

• Secondly, the abolition of democratically elected local authorities would narrow the threshold as the elected local authorities prior to the 1994 era in South Africa resulted in a totalitarian experiment.
Thirdly, since local communities differ in size, distribution, wealth, culture and religion, their needs and expectations will differ, but in a country like South Africa with centrally provided local services, there will be a strong tendency towards uniformity, thus denying local needs.

The fourth aspect refers to the issue of solving the problem that service provision tends to be slow and rigid because bureaucracy affects decision-making in a centralised system of governance, as innovation and flexibility become excluded. For example an official or councillor in a bureaucratic system can run away from being responsible.

The fifth aspect assumes that without local government public accountability will disappear, citizens will become apathetic and a general lack of interest in local matters will set in. Politicians could become unanswerable to the citizens.

Lastly, as a general rule, people tend to value what they have worked for and created. This human need is met only when there is a democratic local self-government. In other words, in a small and closer local self-government, better results in terms of service delivery and accountability may be achieved (Craythorne, 1997:73).

2.4 REASONS FOR THE ESTABLISHMENT OF METROPOLITAN GOVERNMENT

Cameron and Stone (1995:40) provide reasons for the establishment and existence of metropolitan government. Firstly, managing urbanisation and effective growth in large, densely inhabited areas. In other words if this function is left to multiple primary local authorities, it would be handled in an uncoordinated and fragmented way. Secondly, to provide certain public goods and services
which are best organised on a wider scale than segregated local authorities. This refers to certain bulk services such as water and electricity supply and sewage purification works. It is more cost-effective to provide services at a metropolitan level rather than on a fragmented basis. Metropolitan government can ensure a fairer distribution of resources (Cameron and Stone, 1995:41).

In terms of the White Paper on Local Government (1998:79) metropolitan government has been established for three reasons, namely:

- Metropolitan government creates a basis for equitable and socially just metropolitan governance. Numerous studies show that the overall economic prosperity of metropolitan cities is greater where there is less inequity between constituent parts of a metropolitan area. Social justice and equity are not merely desirable ends in themselves, but also make good economic sense.

- Metropolitan government promotes strategic land-use planning, and co-coordinated public investment in physical and social infrastructure. The citywide jurisdiction of metropolitan governments enables more integrated development planning that is able to respond to, and influence, metropolitan-wide spatial, social and economic trends, and helps to minimise negative externalities.

- Metropolitan areas are often assessed as single entities for purposes of determining their investment attraction or potential. Metropolitan government is able to market the city as a whole, and direct investment to be in line with the integrated development plan.
2.5 LOCAL GOVERNMENT IN THE PRIOR AND POST 1994 ERA

The experiences of local government under both the National Party and African National Congress (ANC) government have influenced various local authorities including the Nelson Mandela Metropolitan Municipality. According to Craythorne (1997:1-2) the colonisation of South Africa, that commenced in 1652 with the arrival of the Dutch Settlers, brought a system of landdrosten and heemraaden, who jointly had judicial, police, civil and military functions. After 1806, the influence of the British resulted in the adoption of the Municipal Corporations Act 18 of 1835, which introduced the concept of the Mayor, municipal council, and the town clerk and council committees.

When the National Party came into power in 1948, there was a strong movement, which favoured the establishment of group areas for the different racial groups. The movement started with removing Coloureds and Indians from the municipal voters roll forcing them to limit their aspirations to consultative, management and local affairs committees. Craythorne (1997:9) further states that for many years white councillors cherished the idea of what became known as local autonomy.

Furthermore, legislation became prescriptive and many local decisions were reserved at a higher level of government without any reasons being given. Reference here can be made to a Coloured community in Korsten in Port Elizabeth, which named a certain road, Mandela Road. Reaction from Central government resulted in amendment of the Cape Municipal Ordinance 20 of 1974, giving the Administrator power to decide over municipal matters.

According to Ismail et al (1997:45), the National Party government managed to develop one of the most highly centralised and fragmented political and administrative systems in the world. Therefore, its policies perpetuated
differentiation of structures and systems according to race or population groups. The end results were the establishment of White Local Authorities, the Indian and Coloured Management Committees, Local Affairs Committees, and the Black Local Authorities.

Ismail et al (in Tsatsire, 2001:14-17) states that the apartheid local government had many distinct features, which includes amongst others, the strict control of urbanisation along racial lines; refusing to acknowledge increases in the urban population, partly as a result of “illegal” black migration; the racially segregated settlements with racially divided local authorities; and gross racial disparities of access to services and housing.

According to Reddy (in Tsatsire, 2001:15), blacks were at that stage not allowed to own property. Their presence in urban areas was dependent on their contribution to the urban economy. Those black people, who were unemployed, were not allowed to stay in such areas. Despite these restrictions, it became clear to the apartheid government that the number of black urban dwellers was growing and their existence in white areas could no longer be ignored.

2.5.1 Coloured and Indian Communities

A similar situation such as racially segregated settlements, but with limited rights and flexibility also applied to the Coloured and Indian communities under the National Party Government. Ismail et al (1997:49) observes that in the Transvaal (today known as Gauteng) and the Orange Free State (Free State Province), municipal voting powers were reserved for Whites only, whereas in the Cape and Natal, Coloureds and Indians appeared on the common voters roll as Whites. According to Ismail et al (in Tsatsire, 2001:18), the Niemand Committee appointed to investigate the development of local government for urban coloureds, made the following suggestions and recommendations:
• The creation of consultative committees that consisted of nominated members with advisory powers only and functioned under the guidance of the white local authority within their geographically situated areas.

• The establishment of management committees entrusted with advisory powers, with some members being elected, and others nominated. In addition to this, the “parent” white local authority could delegate certain powers.

• The granting of fully-fledged municipal status, equivalent to that of white local authorities. Before this could happen, special committees had to investigate and give a recommendation determining whether a special management committee should become a local authority. However, certain essential prerequisites, such as sufficient revenue, trained staff, minimal area size and the geographically consolidated capacity had to be fulfilled before such a step could be taken.

From 1962, there were very few Coloured and Indian urban areas that progressed to a fully-fledged local authority. They remained administratively weak and politically controversial. This is because of the lack of revenue, management expertise and a weak political base. According to Reddy (1996:55) local government and development during this period, with the exception of white local authorities, was one of oppression, illegitimacy, inefficiency and fragmented institutions.

2.6 LOCAL INITIATIVES FOR THE TRANSITION PERIOD

The impact of the winds of change emanating from the environmental factors has influenced the so-called apartheid fragmented and unequal development of local government. This has resulted in an urgent and great need to restructure the unevenness of power structures within and between various forms of local,
regional and metropolitan governments. According to Sandi (1996:37-40), these initiatives came about when community structures, churches and political parties realised that the existence of ethnic autonomous local government was contrary to the goals of the liberation movement, which fought for a united democratic South Africa.

On the other hand, the prolonged rent boycott in many parts of this country including the NMMM, meant that the former black local councils had very little income and this resulted in the resignation of Black Councillors across the country. In rural areas and townships, community associations have taken over the functions of local government. These developments have, therefore, been a victory for the Mass Democratic Movement (MDM). It is this movement that forces government to realise that in order for local authorities to work properly they need to be recognised by the community. The only option and response by government has been to engage in negotiations with community organisations towards the restructuring of local government (Sandi, 1996:40).

Reddy (1996:55-56) further argues that the introduction of the Free Settlement Areas Act 65 of 1988 by the apartheid government acknowledged for the first time, the infiltration of blacks into the towns and cities. This legislation created a limited open space where people could live regardless of race. Furthermore, the above-mentioned Act also made provision for mixed or non-racial local government. In the same year (1988), the African National Congress (ANC) and United Democratic Front (UDF) rejected the report released by Prof C Thornhill (A South African Public Administration professor), about investigating the proposed new system of local government dispensation in South Africa. Instead the two parties proposed several key principles for the restructuring of local government, which include, the following:

- A definite, legitimate and fully constituted system of local government, to be created in the context of a unitary and democratic South Africa, in
which a constituent assembly or other democratically legislative body confers the powers on it.

- Local authorities should be delimited, taking into account the principles of non-racism and the redistribution of resources.

- These interim structures should strive to overcome some of the limitations imposed by the apartheid and homelands system. Changes should reflect as closely as possible the structure of a future democratic system.

- Metropolitan government structures should be created for the large cities and towns (Category A municipality), whereas unified local authorities must be created for small towns and other areas (District Municipality).

- Elections for local government structures must be held on the basis of universal suffrage, as the ratepayer voting system discriminates against the poor and entrenches their powerlessness.

- The need for local autonomy on certain community issues must be balanced with the need to overcome the inequalities of the apartheid era (Reddy, 1996:56).

Reddy (in Tsatsire, 2001:22-23) states that the transition from apartheid to a democratic, non-racial, non-sexist South Africa was largely managed by the Multi-Party Negotiating Forum (MPNF). This marked the first step towards establishing a democratic local government system. This process has resulted in the establishment of two negotiating forums namely, the Convention for a Democratic South Africa (CODESA) and Local Government Negotiating Forum (LGNF). These forums accomplished the establishment of both the Interim Constitution of the Republic of South Africa Act 200 of 1993 and the Local Government
Transition Act 209 of 1993 as amended by the Local Government Transition, Second Amendment Act 97 of 1996. These two pieces of legislation paved the way for the establishment of democratic structures on all three spheres of government.

The argument by Bekker (1996:101-102) provides that through change, local government has become far more complex than it has been in the past. That means, local government cannot merely continue to administer the rendering of traditional local services.

The Reconstruction and Development Programme (RDP) demanded that change should have a broader role to ensure socio-economic development at the local sphere. With reference to the political local government transformation, local political parties had to use their vested power and authority to induce fundamental changes. It must also be borne in mind that the implementation of the 1993 Interim Constitution and the principles of the RDP require the transformation of all spheres of government. This also requires vertical (that is between spheres of government) and horizontal (within spheres and local authorities) cooperation.

According to Mufamadi (2000:2), the transformation process has been made successful through the establishment of three phases, namely, the pre-interim, the interim and the final phase, as regulated by the Local Government Transition Act 209 of 1993. To give legal effect to this process the White Paper on Local Government, 1998, was passed and promulgated in March 1998, and provided for the establishment and development of the framework for the new system of local government.

The White Paper on Local Government, 1998, aims at establishing a municipal system that will play an increasing role in service delivery, eradicating poverty

Sandi (1996:40) writes that all the above-mentioned pieces of legislation are a result of an agreement that was reached between non-established role players led by the South African National Civics Organisation (SANCO) and Government establishment role players within the NMMM. The agreement was based on a compromise Bill that intended to address white fears of inheriting the debts of black neighbours and black needs for services. To give effect to the above-mentioned statement, section 1 of chapter 1 of the Labour Relations Act 66 of 1995 stipulates that the purpose of this Act is to advance economic development, social justice, labour peace and the democratisation of the workplace by fulfilling the primary objects of this Act, which are:

- To give effect to and regulate the fundamental rights conferred by section 27 of the 1996 Constitution,
- To give effect to obligations incurred by the Republic as a member state of the International Labour Organisation and,
- To provide framework within which employees and their trade unions, employees and employers’ organisations can collectively determine wages, terms and conditions of employment and other matters of mutual interest (Sandi, 1996:40).

2.7 CHALLENGES FACING THE “NEW” LOCAL GOVERNMENT AND THE NELSON MANDELA METROPOLITAN MUNICIPALITY

The implementation of each policy strategy will always be affected by both internal and external environmental factors. In other words opportunities and
threats are some of the challenges in any initiative. Moosa (1996:5-6) states that to build the new South African local government, the greatest consideration should be given to the development of a proper and sustainable system. He then provides a brief description of some of the challenges and problems facing this new local government system, which include, the following:

2.7.1 Local Involvement

South African local government and the NMMM cannot afford an unresponsive and apathetic electorate, which leaves local authorities to do as they think best, instead of delivering in terms of the wishes of their residents. Community involvement in local governance makes the citizens feel that they are the owners of the projects performed by their local authorities. This in turn makes them support and promote those projects, beyond the minor duty of paying for the services they receive (Moosa, 1996:5).

2.7.2 Nation Building

According to Moosa (1996:6), building a new, united nation is a process which is most important at local government level, especially in a country like South Africa, with citizens that are coming from communities which were divided along racial lines, and characterized by different services. The new system of local government needs to, first bridge the gap provided by the historic legacy, before considering the basic necessities of daily life. Therefore, the only moral route to follow is that the communities must be united in their conviction. Such a conviction amongst the residents will ensure that an intended ideal is reached.

2.7.3 Financial Viability

To keep local authorities in operation and have the citizens paying for services, so that more and better services are provided is another challenge, which needs
to be assured in terms of local government financial viability. The myth that the new system can run out of finances and go the same route as the previous, black local authorities must be avoided at all costs. Involving all parties and community structures can achieve this.

Adequate funds to meet these commitments are prerequisites to the success of local authorities. Therefore, the transfer of financial resources between the three spheres of government is a worldwide feature. This has to be maintained until economic viability at the local level is reached. Through this a continued provision and upgrading of services will always be accompanied by community willingness to pay (Moosa, 1996:5).

2.7.4 Affirmative Action

The concepts of empowerment, development, advancement and integration are to a greater extent, regarded as part of programmes developed for the process of transforming local government. A great challenge facing local government as explained by Moosa (1996:6), is to bring about transformation and still retain the existing knowledge, experience, standards and professionalism, which will be in the best interest of the community. Therefore, the proposed programme for the implementation of empowerment through Affirmative Action is to relate to and reflect, all the population groups and their individual abilities within the municipality’s jurisdiction. Implementing this, new blood has to be integrated through mentoring and internship programmes.

2.7.5 Crime and Violence

The new South Africa is still experiencing high rates of crime and violence due to the legacy of apartheid and the struggle fought by political parties. It cannot be denied that poverty and deprivation are often the seeds of criminal behaviour. Therefore, a concerted effort is required to make this country a safe and law-
abiding society. Local government should embark on an effort of involving all community structures in the creation of an atmosphere that is conducive to economic growth and community development. The common understanding and feeling in this country is that tourism has now become an accepted international, fast-growing industry. The Nelson Mandela Metropolitan Municipality is no exception to this approach as it features some of the potential characteristics of becoming a tourist destination. With the highest rate of crime in this country these promising opportunities can be washed away.

An inclusive approach to address the crime issue will bring a positive response (Moosa, 1996:6). According to Ntshona (2002:2), the NMMM has already committed itself in the discussion for the creation of the Metro Municipal Police Service. The Council will also work towards establishing a Metro Safety and Security Committee, which will co-ordinate crime prevention.

2.8 RELATIONSHIP BETWEEN LOCAL AUTHORITIES AND CITIZENS

The first democratic elections that involved all population groups have paved the way to consolidate the process of amalgamating former racially segregated local authorities into a nominated transitional council. That was one of the requirements to bring government closer to people, as an elected local government ensures the embodiment of real representation. In other words, the process of local governance ensures accessibility, accountability and responsiveness, and in itself represents closeness to the public.

There are a variety of ways to foster and develop interaction between public representation and the citizens. The process ranges from public meetings, political structures, to formal and informal non-political associations. An observant citizenry, who subscribe to and promote the idea of close contact with the role players, should provide South Africa with the best opportunity to achieve a participatory democracy (Van Themaat, 1996:10).
According to Bekker (1996:55-56), all local governments consist of a representative body that is elected by the people themselves, known as the Council. This means that democracy in local government entails the following elements:

- An elected representative accompanied by a universal right of appeal against administrative and political decisions and actions.

- A universal right to submit requests, complaints and suggestions to governing and administrative bodies.

- The right of citizens to expect some form of employment.

- An awareness and acceptance of the fact that the right to appeal, complain and suggest must be subjected to proper consideration and arbitration with respect to the common wheel and the availability of resources.

The above-mentioned elements presuppose some form of citizen involvement at the local government sphere. This also leads to the conclusion that there is no government system that can claim the designation “democracy” in which citizen participation is non-existent. Indeed one of the most important reasons for citizen participation is to advance and strengthen the democratic system. Strange (in Bekker, 1996:75-76) discusses some aspects of the importance of the relationship between local government and citizen participation, including the following:

2.8.1 Reduction of Psychological Suffering and Apathy

The involvement of citizen participation in local activities reduces psychological suffering and overcomes the apathy of ordinary citizens. On the other hand, this
participation increases the citizens’ ability and competence to influence government in its planning and decision-making. The establishment of ward committees in the Nelson Mandela Metropolitan Municipality provides a clear direction of what citizen participation entails (Bekker, 1996:75).

2.8.2 Positive Application of Citizen Powers

Bekker (1996:75) states that citizen participation can serve as a means of converting dependency into independence. In other words, this process will convert the poor from passive consumers into producers of services. By repressing citizen participation, government authorities may deprive themselves of a vast source of manpower. At local government level, the effective delivery of services may be enhanced by the involvement of citizens.

2.8.3 Convert Opponents and Disseminate Information

The process of citizen participation can influence citizen’s behaviour positively and provide a technique whereby opponents can be co-opted into a positive contribution to programmes, which traditionally have been depleted with conflict. This involves the broadening of the power base of the management committee system and the formation of integrated local authorities. This is also essential for optimal goal achievement and sound relationship (Bekker, 1996:76).

2.9 TRANSFORMATION PROCESS AT LOCAL LEVEL

The democratic dispensation of local government in South Africa has found local government in the throes of a transformation process, which was realised during the December 2000 democratic municipal elections. Tsatsire (2001:22-23) stresses that the Multi-Party Negotiating Council (MPNC) largely managed the transition from apartheid to a democratic, non-racial South Africa. This clearly
indicates, that local government needed a transitional arrangement to be simultaneous with national issues.

After an intensive eighteen-month period of consultation and research, the published White Paper on Local Government, 1998, spells out the framework and programme for radically transforming the existing local government system relating to the needs and services of the community. The above-mentioned White Paper, 1998, also sets up a platform to promote the principles of the Bill of Rights as stipulated in the 1996 Constitution. The programme focuses on a new developmental system, that is committed to work with citizens to create sustainable human settlements in a holistic approach (Hilliard, 1993:2).

The White Paper on Local government (1998:16) provides three approaches that can assist municipalities to become more developmental. These approaches are: the Integrated Development Plan (IDP); performance management; and budgeting. The IDP places more emphasis on prioritisation and integration of municipal planning and the strengthening of links between development and institutional planning.

Section D of the White Paper on Local Government, 1998, stresses the establishment and retention of metropolitan government systems in metropolitan areas. The motivation behind the metropolitan system is that the metropolitan government provides a basis of socially just and equitable governance; it enables strategic land use planning and coordinated public investment. It also provides for the development of a citywide framework for economic and social development.

2.9.1 Constitutional Issues Promoting Local Government Transformation

The implementation of local government transformation needs a legal framework to mandate the implementers. This process led to the replacement of many, and

New developmental legislative prescriptions have formed an integrated package of uniform legislation that is applicable to all municipalities. The first step in implementing the process was to re-demarcate the boundaries of municipalities. In order to do that the Local Government: Municipal Demarcation Act 27 of 1998 was promulgated. The main purpose of this Act was to rationalise and reduce the number of municipalities from eight hundred and forty-three (843) to two hundred and eighty-four (284) with six metropolitan municipalities including the NMMM. Section 24 (a), (b), (c) and (d) of the Local Government: Municipal Demarcation Act 27 of 1998 stipulates and provides some of these objectives. The Act was also promulgated to create areas that would enable municipalities to fulfill their Constitutional obligations, including:

- The provision of democratic and accountable government for the local community and to have effective governance.
- The provision of services to the communities in an equitable and sustainable manner, through integrated development.
- The promotion of social and economic development as well as enhancement of a viable tax base.
- The promotion of a safe and healthy environment.

From the above explanation, the White Paper on Local Government (1998:77) indicates that there is no international model that can be transposed into the South African context from both the developed and developing world. Rather
South African municipal institutions will need to be judged against their ability to meet the needs of local communities. Furthermore, Zybrands (2000:4) argues that the Municipal Demarcation Act 27 of 1998 has led to the establishment of the Municipal Structures Act 117 of 1998, which prescribes the criteria for the Demarcation Board to determine whether an area should be categorised as a category A, B or C municipality.

2.10 SUMMARY

This chapter briefly discussed the historic background and the reasons for the existence of local government and the Nelson Mandela Metropolitan Municipality in particular. Particular emphasis was placed on the importance and role of local government.

The challenges that face the new democratic local system of governance and the Executive Mayoral System in the NMMM has been reviewed. To promote accountability as part of good governance and to enhance service delivery, the chapter explored the impact of the relationship between local authorities and the citizens within the NMMM. This phase revealed the establishment of the Ward Committee system in the NMMM as the first democratic Metropolitan Council in South Africa. The chapter also gave a brief review of the political transformation of local government including the NMMM.

In the following chapter a search for an Executive Mayoral System within Local government (American versus South African perspective) will be described in terms of literature study.
CHAPTER 3
EXECUTIVE MAYORAL SYSTEM WITHIN LOCAL GOVERNMENT
(AMERICAN VERSUS SOUTH AFRICAN PERSPECTIVE)

3.1 INTRODUCTION

The establishment of an Executive Mayoral System involves a number of issues. On the one hand the ideology and the policy of the party in power plays an important role in determining the form and type of delegation and decentralisation necessary for good governance. The management style and the fiscal position of a nation, and the Nelson Mandela Metropolitan Municipality in particular, will also pave the way towards sustaining the Executive Mayoral Committee System and its effectiveness.

For the purpose of this research, the primary focus will be on giving a brief explanation of the principles of democratic local government. Secondly, an American Executive Mayoral System will serve as reference for the local governance example with a strong mayor in an Executive Mayoral System. In comparison with the American Executive Mayoral System the strengths of the newly established Nelson Mandela Metropolitan Municipality will also be reviewed. This comparative analysis will provide a presupposition for the strengths and weaknesses of the Executive Mayoral System as these systems operate under both federal and unitary systems of governance.

3.2 DEMOCRATIC PRINCIPLES OF LOCAL GOVERNMENT

Reddy (1991:17) provides arguments that favour decentralisation and democratisation of local government. The first argument is based on the assumption that the demand for local public services varies from place to place. Only decentralised and localised provision of services will adjust to the multifaceted demands. The second is efficiency, which argues that locally financed and produced services will cost less. The last point is based on
institutional planning. Coordination at local government level is necessary and local public services cannot and will not be treated independently. Local government can coordinate these services much more easily than the national sphere of government.

There are both national and international democratic principles that are accepted as basic pillars for good governance. Gildenhuys and Knipe (2000:114–125) provide principles that should serve as fundamental guidelines for the daily activities of the council and public officials especially in their relationships with members of the public whom they serve. These include inter alia:

- Public needs can best be articulated and implemented in a democratic political system. This requires an open systems approach with direct and indirect representative political participation to bring government and administration as close to the people as possible.

- The essential principle of representative democracy is the responsibility and accountability of elected politicians to the public, rather than direct participation of all citizens in the policy-making and decision-making process.

- To comply with democratic principles it is necessary to have a system that is in constant harmony and equilibrium with its environment. A system that is outwardly directed towards identifying and satisfying the needs of the community. An open system in this case strives for external efficiency and effectiveness. In other words, it strives to satisfy public needs optimally rather than concentrating only on the internal efficiency and effectiveness of the administration.
• The social fabric of society is an important part of political and economic interaction. Social principles, therefore, play an important part in securing and promoting good governance.

• Non-racism is a paramount social principle in a diverse ethnic society and is supplemented by principles such as nationalism, patriotism, inclusiveness, civic pride, civic responsibility and civic obedience.

• Economic principles within a moral society include economic freedom, private property ownership, free production processes, deregulation and stimulation of small business.

• The responsiveness of public institutions to individual problems, needs and values, as well as those of specific groups, should be increased and secured. To do this political and administrative decentralisation to the smallest autonomous government institution possible is necessary (Gildenhuys and Knipe, 2000:125).

Fox and Wissink (1990:87–88) provide additional principles and values of local government generally. These include amongst others:

• Local government and municipal officials must always find the most equitable ways when allocating public resources and use the most effective and efficient application of these resources to satisfy public needs.

• The application of resources must satisfy, to the optimum extent, the collective needs of the local individuals. Therefore, the sole purpose of local government is to serve the individuals of their communities. In democratic theory, local government exists for the sake of the individuals and not the other way round.
• The third principle, based on the tenets of participatory democracy, is direct participation in decision-making by citizens. This may be achieved through town meetings in small communities and in the case of larger communities, through membership and meetings of ratepayers, social and political associations. From the tenets of participatory democracy, one may deduce the value of responsibility. Councillors must be sensitive to public problems and needs, feel responsible for satisfying these needs and solving problems, and realise their accountability to the public. Regular elections play a major role in this regard.

• The last principle refers to social equity, which demands the support of the well-known tenets of true democracy. The aim is to create conditions under which each individual may achieve his/her greatest welfare and prosperity. This means that when steps and actions are taken to satisfy the needs of the citizens, caution will have to be exercised to ensure that the interests of one group are not unfairly prejudiced or those of another are not unjustly favoured (Fox and Wissink, 1990:88).

The above-mentioned principles are based on the concept of representative democracy, which has been undergoing a process of gradual modification, due to the continuing socio-economic changes associated with the further industrialisation and urban growth of the twentieth century. The following section will review experiences of other countries such as the United States of America.


3.3 AMERICAN EXECUTIVE MAYORAL SYSTEM

The best way to describe the variety and classify different types of local authorities is to categorise them firstly, according to their geographical base and secondly, according to their functional base. For example, the geographical regionalisation pattern at the local level amongst countries varies widely. The whole of England and Wales for instance has been sub-divided into local government units consisting of urban conurbations and mixed urban and rural areas. In terms of their functional base, local authorities can be classified into two main categories, viz the multi-purpose and general-purpose local authorities (Fox and Wissink, 1990:90).

For the purpose of this research, the local authorities and their Executive Mayoral Committee Systems of the United States of America (USA) will be used as an example of a federal system, although they are not absolutely autonomous. But unlike their French counterparts, the higher authority at the administrative level does not stringently and rigorously control them.

According to Fox and Wissink (1990:96), a local authority in the United States of America (USA), from a constitutional point of view, is merely Municipal Corporation, created by the states (the USA provinces) and not by the central government. As creatures of their states, local governments can exercise only those governmental powers expressly granted to them. Therefore, the greatest degree of autonomy granted to local authorities by state home rule provisions and home rule charters, is the power to decide on and make changes within the organisation of their government.

In other words, urban local authorities are creatures of their respective state government and as a consequence, there is a significant difference, throughout the country in their constitutional relation to their creators. Their basic source of
authority is their charter. Most local authorities are incorporated through one of the following methods:

- Specific charter
- General law
- Optional charter and
- Home rule

Approximately seventy-five percent of the large cities in the USA presently have a home rule charter, framed and adopted by a city community through local action without reference to the legislature.

The charter serves as an organic law, specifying in varying degrees of detail and depending on the city, the form, composition and specific powers and duties as well as at times, the procedures to be followed by its various decision making bodies and officials. It also indicates the method of selection of the different city decision makers, the kinds of matters to which the city’s authority extends and various limits on that authority (Fox and Wissink, 1990:98).

According to Gildenhuyse et al. (1991:130), the United States of America is a good example of a federal system. Local authorities in the USA are not absolutely autonomous, but higher authority at the administrative level do not directly controls them. Under this system, it is a general and undisputed proposition of law that a municipal corporation possesses and can exercise certain powers; firstly, those granted in express words; secondly, those necessarily or fairly implied in or incidental to the powers expressly granted. Lastly, those essential to the accomplishment of the declared objects and purposes of the corporation. Therefore, the powers vested in executive mayors do not have much impact on how the decisions are taken.
Debates around the political administrative dichotomy have been central to debates about governance and administration in America. Until the twentieth century, all the states and most cities had a separation of legislative and executive powers. This was in line with the Woodrow Wilson’s doctrine that political and administrative functions be clearly separated. This is refers to a merit-appointed professional civil service to implement policies set up by the executive. At a later stage, the system was changed so that the upper echelons of the civil service became political appointees, leaving local government with two dominant forms of political architecture (www.hologram.org.za). These local political architectures are:

- The Mayor-Council Model

The mayor-council model has a clear separation of powers between the Executive Mayor and the council. The executive powers are statutorily vested in the office of the Mayor and do not dependent on delegation from the Council. Therefore, the Mayor is directly elected by citizens (www.hologram.org.za).

According to Frederickson (1999:20), the Mayor in this model is directly responsible for the administration, but may appoint a chief administrator in his/her office to manage this function. There is, therefore, a weak separation of political and administrative functions, as a politician (the Mayor) is effectively head of the administration and as such is able to take decisions regarding issues, such as the organisation of the administration, working procedures and personnel. As a result the administration is highly politicised, but council is required to exercise oversight to ensure that the Mayor does not direct the administration to partisan ends.
• The Council-Manager Model

The council-manager model is characterised by unity of powers, where the council acts as both executive and legislature. The council appoints committees and delegates powers for policy formulation to these committees. Committees may either or have delegated authority to make recommendations to the full Council. The Council appoints a City Manager as Head of the Administration. City Manager’s appointment is guided by criteria such as qualifications and experience and is in effect a politicised merit appointment. His/her role is to administer the affairs of the city, appoint and dismiss all departmental heads, operate a strict merit system for hiring and promoting, manage all bids and contracts without favour and prepare annual budgets for council consideration (Frederickson, 1999:22).

Frederickson (1999:23) further argues that all policy decision-making powers under the Council-Manager Model are vested in the council and administered by the City Manager. However, it is more common for administrators to play a strong role in policy development, while retaining relative autonomy over daily management. In extreme cases policy is largely defined by the City Manager, with the Council merely approving or legitimating the policy and granting the City Manager complete discretion over its implementation.

3.3.1 The Multiple Committee System

In contemporary American local government, specialisation of committees within a local authority is the common phenomenon. With a multiple committee system some committees specialise in matters within one particular geographical area, while others specialise in service activities or some management aspect of local government, such as health, utilities or finance and personnel.
In many cases the multiple committee system contains committees, which to a certain degree, correspond to the departmentalisation of local authorities. This system is in a position to co-ordinate all the activities of local government and to develop a leading role within the council’s programmes (Fox and Wissink, 1990:108)

According to Gildenhuys and Knipe (2000:258), councils with a multiple committee system must have a criterion for allocating work among them. This is always the case in English local government with its so-called statutory committees.

3.3.2 The American Elected Chief Executive Officer

The position of the chief executive officer in the USA is essentially and pre-eminently the focal point in a local government structure. He/she is equally as much involved in the political process as in the administrative process, and he/she must balance himself/herself between these two processes. The chief executive officer may be an officer elected directly by the public or by the council from among its members. He/she may also be an officer appointed by the council or by a higher authority. Among the elected chief executive officers, some may be termed weak mayors and some may be termed strong mayors. The so-called weak mayor is the well-known former mayoral system found in South Africa and in some states of the USA, especially in the executive mayoral committee systems, the executive mayor is elected by the citizens by popular vote (Gildenhuys et al, 1991:137).

According to Gildenhuys et al (1991:138), the strong mayor of the USA, as a direct representative of the public, has the following powers:

- To appoint an overall ‘executive budget’, indicating the proposed amounts to be spent during the following year by each department, with the veto
being binding unless overridden by extraordinary council majority (for example, two-thirds).

• To submit to the council legislative and policy proposals, initiate and veto ordinances or item veto; being overridable only by extraordinary council majority vote.

• To transfer funds between categories within different departments, or even between departments, over the course of the year after the budget has been adopted.

• To reorganise and shift functions between departments, agencies and staff units as well as serving a four year term of office for an indefinitely renewable period (Gildenhuys et al., 1991:138).

Gildenhuys and Knipe (2000:261) state that the strong mayor of the USA, as chief executive officer, is in a very powerful position vis-à-vis his/her council. But he/she is not free from checks and controls by the councils. Therefore, a variation of the American strong mayor is found in Germany where the council elects the Mayor called the Burger meister, who also serves as chairperson of the council. The German strong mayor is the public representative of the community and is responsible for the day-to-day administration, prepares matters for council decisions and carries them out; has the right and the duty to contest decisions made by the council, especially when they are in contravention of the law. The German Mayor is also responsible for the execution of whatever tasks may be delegated to him/her by the central government.

In France, each council elects its mayor, who controls most of the powers of the council. All Mayors, although elected, are officers of the state for certain functions, and may simultaneously serve as members of parliament. The French Mayor in a large city such as Paris is, and has always been, influential, important
and independent, even when not a member of parliament or a political ally of the 
central government. Certain French Mayors deal directly with the ministers in 
Paris for funding and support, and ministers deal directly with mayors to save 
time and duplication of action, thus by-passing the prefects (Gildenhuys and 

Therefore, the French Mayor is unquestionably in a unique executive position, 
and is regarded as a special type of strong mayor (Gildenhuys and Knipe, 
2000:262). The South African government and local authorities in particular 
vavour and support the exercise of the Executive Mayoral System, but the 
autonomy, which municipalities enjoy, is not free. The Constitutional 
interdependence of the governmental spheres and the financial constraints 
placed on the municipalities determines such freedom to a certain degree.

3.4 SOUTH AFRICAN METROPOLITAN AREAS WITH EXECUTIVE 
MAYORS

The structure of metropolitan local government that is in place faces challenges 
such as spatially segregated communities who depend on each other and 
interact together. In common with other areas, metropolitan areas face the 
challenges of massive poverty and the urgent need for economic development of 
the entire community and the area. All metropolitan areas, including the Nelson 
Mandela Metropolitan Municipality are governed by a category (A) municipality 
that has exclusive and sole authority in its area of jurisdiction.

Basically, deduction can be made that all metropolitan areas are governed by 
one, strong structure that is responsive for, and to the entire spectrum of 
communities that make up a metropolitan area. Furthermore, metropolitan 
municipalities are able to set up structures called sub-councils and in the case of 
the NMMM, ward committees (Holcomb, 2000:14-15).
Holcomb (2000:15) further states that the aims for the establishment of the Nelson Mandela Metropolitan Municipality are: to create a humane and effective integration of local communities and cities. Secondly, to meet the need for effective and meaningful local representation for all communities in the metropolitan area.

Therefore, the role of sub-councils and ward committees in the Executive Mayoral System can make the new system highly decentralised. In this case, the Executive Mayoral System has the power to decide what duties and functions should be delegated to a particular sub council or ward committee. Lastly, the new system facilitates a better system of service delivery by giving each metropolitan area/ municipality more power to carry out their constitutional obligations. The Nelson Mandela Metropolitan Municipality in particular is using more effective partnerships with agencies in the form of Integrated Development Planning as required by law.

Gildenhuys et al (1991:139) argues that the influence of the British system of government led to the establishment of an authentic weak mayor during the apartheid regime in South Africa. During that time the executive function of the South African Mayor was to preside as chairperson over council meetings. Although occupying a position of dignity and civic prestige, he/she had no executive authority, nor did he/she control the administration. Another duty generally associated with the South African weak mayor was that of a ceremonial head or “first citizen” of the local jurisdiction. He/she usually welcomed and entertained prominent visitors. As a ceremonial head, he/she was a personified symbol of the local government.
The Local Government Transition (Second Amendment) Act 97 of 1996 provides an important bridging provision and regulation for local government, particularly in relation to financial responsibility, co-operative government and on the preparation of integrated development planning between municipalities in metropolitan areas.

Reddy (1991:210) outlines particular needs and circumstances that South African municipal institutions must cater for. The two key reasons for the retention and establishment of the metropolitan government system have been advanced, namely that metropolitan government provides a basis for socially just and equitable metropolitan governance, for land planning and coordinated public investment and secondly, for development of a citywide framework for economic and social development within the metropolitan area.

According to Kabemba and Schmitz (2001:3), the proposal of a political system for the establishment of the Reconstruction and Development Programme (RDP) and the Growth employment and redistribution (GEAR) strategy calls for local government transformation to favour the poor.

The above-mentioned strategies can be done by offering subsidies for services to the poor, thus creating programmes that directly link profitable growth or investment with the social responsibility to uplift the community. In order to do this, every municipality should delegate its executive powers to either or a person (Mayor or chairperson of council). It is proposed that each municipality should be able to decide which of the following forms of mayoral system will be suitable for its implementation:

- An Executive Mayor to which the council delegates its executive powers.
An executive committee elected by the council with the Mayor as chairperson.

The Nelson Mandela Metropolitan Municipality has selected an Executive Mayoral System in their jurisdiction (Reddy, 1991:210).

After the democratic local government elections in 1995/1996, the new political leadership found that the system of municipal governance which they inherited from the pre-1994 democratic elections to be bureaucratic and slow. In some municipalities appointed officials were accustomed to making all the most important decisions, and politicians were treated as people who are required to approve decisions without adequate debate.

In order to fulfill the 1996 Constitutional mandate and to provide developmental local government, municipal councils need to be organised to provide strong political leadership for the effective policy implementation and accountability to the communities they serve. The Executive Mayoral Committee System in some of the South African local authorities and the Nelson Mandela Metropolitan Municipality has been retained and established (Local Government: Municipal Structures Act 117 of 1998).

The Executive Mayoral System allows for the exercise of executive authority through an Executive Mayor. Therefore, the executive committee and Executive Mayor have similar roles and responsibilities (www.local.gov.za). Section 49 of the Municipal Structures Act 117 of 1998 stipules the minimum powers and duties which must be performed by an Executive Mayor. These roles are divided into three concepts, namely:
3.4.1 Identifying Needs

The Executive Mayor is responsible for ensuring that the resources at the disposal of the municipality are used in a way that best meets the variety of needs of local citizens. Amongst other responsibilities, the Executive Mayor must:

- Identify the variety of needs that exist in the municipality.
- Review and evaluate those needs in order of priority.
- Develop strategies, programmes and services to address priority needs. When formulating strategies, applicable national and provincial development plans must be taken into consideration and be recommended to the municipal council.
- Recommend the best methods, including partnerships and other approaches, to deliver those strategies, programmes and services for the maximum benefit of the community, (www.local.gov.za). In terms of section 56 (1) of the Local Government: Municipal Structures Act 117 of 1998, 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 delegated powers.

3.4.2 Monitoring

An Executive Mayor must monitor whether strategies are working successfully, and if resources are being used efficiently. This can be done by identifying and developing criteria in terms of which, progress in the implementation of the
strategies, programmes and services that can be evaluated (www.local.gov.za). The Executive Mayor should develop key performance indicators (KPIs), against which the performance of a programme can be measured and assessed. Evaluating progress against the KPIs, will improve:

- The economy, efficiency and effectiveness of the municipality.
- The efficiency of credit control, revenue and debt collection services.
- The implementation of the municipality’s by-laws.
- The monitoring of the management of the municipality’s administration in accordance with the directions of the municipal council.
- The overseeing of the provision of services to communities in the municipality in a sustainable manner (www.local.gov.za).

3.4.3 Reporting and Accountability

It is important that the Executive Mayor remains accountable to the municipal council, and that all local citizens and community groups are able to participate in the development and monitoring of municipal programmes. The Executive Mayor must also:

- Annually report on the involvement of communities and community organisations in the affairs of the municipality.
• Ensure that regard is given to all public views and report on the effect of consultation in the decisions of the council.

• Report to the municipal council on all decisions taken.

• Perform and exercise such duties and powers (ceremonial role) as delegated by the municipal council (www.local.gov.za).

3.5 COMMUNITY PARTICIPATION UNDER THE EXECUTIVE MAYORAL SYSTEM

It is common practice for municipal councils to establish committees to deal with specific clusters of powers and functions. The establishment of committees allows councillors to undertake true in-depth debates on specific issues. The municipal council may appoint committees to assist the Executive Mayor. In the process, the Executive Mayor may also appoint a councillor to chair each committee.

It is important that the chairperson of each committee is a member of the mayoral committee so that committee proceedings are integrated into the overall work of the council. The Executive Mayor may delegate any powers and duties to such a committee, but the mayor remains responsible for the exercise of all powers and duties delegated to these committees (www.local.gov.za).

3.6 EXECUTIVE MAYORAL SYSTEM OF THE NELSON MANDELA METROPOLITAN MUNICIPALITY

The Executive Mayoral System is new in South Africa. It is similar in many ways to the national “presidential system:” in which the president delegates responsibilities to a cabinet. Perhaps the key strength of this system is that it gives the metropolitan council a public face.
Metropolitan residents may find it easier to relate to an individual (the Executive Mayor) than to a “faceless” committee structure. The Executive Mayoral System will also allow for more decisive and rapid decision-making, which may be needed in a metropolitan area. A metropolitan council, like the Nelson Mandela Metro, consisting of 108 councillors must elect a chairperson of council, called the speaker. Because metropolitan councils are large and deal with complex policy issues, they must also elect an Executive Mayor and delegate executive powers to him / her, (Holcomb, 2000:14).

According to Nortjie (2001:20), the promulgation of the Local Government: Municipal Structures Act 117 of 1998 provides for the election of an Executive Mayor for South African metropolitan areas and cities including the Nelson Mandela Metropolitan Municipality. The above-mentioned Act also provides for the appointment of a committee (mayoral committee) and this body will assume functions like the executive and management committees.

Therefore, the said structure will be advisory in nature and it in turn may be advised and informed by lower level statutory and non-statutory structures. Holcomb (2000:15) further states that if allowed by the MEC (member of executive council) for local government, the metropolitan council may also elect a Deputy Executive Mayor, who will perform the duties of the Executive Mayor if he / she is absent or not available.

3.6.1 Mayoral Executive Committee System

The Executive Mayoral System allows for the exercise of executive authority through an Executive Mayor, whereby the executive leadership of the municipality is vested in this individual. A mayoral committee may assist the Executive Mayor. This usually happens if a municipal council has more than nine members, which means a mayoral committee can be established. The
committee consists of councillors appointed by the Executive Mayor to serve on the mayoral committee (www.local.gov.za).

The Executive Mayoral System differs from the collective executive systems in two important ways:
In the Executive Mayoral System, the municipal council delegates executive power and duties to an individual councilor (the Executive Mayor). This is different from the collective executive system, in which the municipal council delegates executive powers to the whole executive committee. Although the Executive Mayor may delegate responsibilities to members of the mayoral committee, he / she remains accountable to the municipal council for all the powers and duties allocated to him or her. Under the Executive Mayoral System, the Executive Mayor appoints the mayoral committee. In the collective executive system, the municipal council on a proportional basis, elects the executive committee (www.local.gov.za).

3.6.2 Ward Participatory System

In terms of section 152(1)(e) of the Constitution of the Republic of South Africa Act 108 of 1996, all municipalities must encourage the involvement of communities and community organisations in the matters of local government. In doing so, the municipality will be able to play a valuable role in providing services efficiently and fairly throughout its jurisdiction. In order to ensure that citizens are able to participate in the municipal decision making process, the Executive Mayoral System can be combined with either the ward participatory or sub-council participatory system of government (www.local.gov.za).
The external newsletter for Municipal Consumers of the NMMM, April 2001 emphasises that, it is the responsibility of the ward committee to encourage residents in the area to become actively involved in local government issues through eliciting their needs and requirements. This will also provide feedback to residents and generally act as the communication channel between residents and the council. The provisions of the Local Government: Municipal Structures Act 117 of 1998 have paved the way for the NMMM to establish ward committees in each of its 54 wards.

A ward committee consists of 10 members of the community from that ward. In terms of section 72 (3) of the Local Government: Municipal Structures Act 117 of 1998 the role of the ward committees is to enhance participatory democracy in local government.

Ntshona (2002:2) argues that governance in the new South Africa is rooted in the principle of participatory democracy, whereby ward committees have to be established by all municipal councils to ensure the application of this democratic principle. The Nelson Mandela Metropolitan Municipality is the first municipality in South Africa to establish such ward committees. This is evidence of the council’s conviction and commitment to actual joint decision-making within the NMMM.

Therefore, the formal sitting of the ward committee collective, The People’s Assembly took place in May 2002. These ward committees are expected to translate into action the declaration of the council’s commitment that was unveiled on 18 January 2002 by the NMMM Executive Mayor in his state of the Metro address. All citizens were encouraged to become more active participants in the governance of the Metropole and the principles of transparency, democracy and the pursuit of good governance.
Sections 32 (1) 73 (4) and 74 (a) of the Local Government: Municipal Structures Act 117 of 1998 provides delegated powers of the ward committees. These are:

- A metropolitan municipality may delegate appropriate powers to ward committees for the purpose of administrative and operational efficiency as well as to provide adequate checks and balances.

- A metropolitan municipality may make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

- A ward committee may make recommendations on any matter affecting its ward, through the ward councilor, to the metro or local council, the executive mayor or the relevant metropolitan subcouncil.

3.7 SUMMARY

The reasons for the existence of local government and its structures are as service providers for basic services to satisfy diverse community needs. The transformation process of all local authorities in most developed countries like the United State of America and developing nations, like South Africa has led to the establishment of new strategies in local governance. Metropolitan areas have been targeted to support and promote transformation and service delivery. This has been done through the establishment of an Executive Mayoral System and the NMMM is no exception to this idea.

The operation of these programmes and systems is determined by the changing environment, such as the political philosophy of the party in power, the financial status of the existing local authority. The lessons learnt from this
are that both elements of federalism and a unitary system determine the strategy to be followed by each category and type of mayoral system in order to meet the demands of the community. From the above discussion, it can be deduced that legislative provisions that are stipulated in various laws guide the exercise of powers vested in Executive Mayors in each nation.

For example, the implementation of the White Paper on Local Government, 1998, for all South African municipalities, has supported the establishment of the NMMM and other metropolitan municipalities. Legislation facilitating this process include, the Local Government: Municipal Demarcation Act 27 of 1998; the Local Government: Municipal Structures Act 117 of 1998 and the Local Government: Municipal Systems Act 32 of 2000. It can, therefore, be stated that the success or failure of the Executive Mayoral System depends on the changing and existing environments for both unitary and federal states.

In the following chapter an assessment of the advantages and disadvantages of the Executive Mayoral System, including legislative prescriptions pertaining to the metropolitan municipalities and the Nelson Mandela Metropolitan Municipality, will be discussed.
CHAPTER 4
AN ASSESMENT OF THE ADVANTAGES AND DISADVANTAGES OF AN EXECUTIVE MAYORAL SYSTEM

4.1 INTRODUCTION

This chapter will review specific strengths and weaknesses in the adoption and implementation of different models of transitional municipalities, prescribed under the Local Government Transition Act 209 of 1993. The main focus will be the need for a system of metropolitan government that ensures that metropolitan councils and the Nelson Mandela Metropolitan Municipality in particular, have sufficient powers to fulfill their constitutional obligation. This is based on the establishment of ward committees in the Nelson Mandela Metropolitan Municipality, which allow for maximum administrative flexibility within the metropolitan community, expressed through the establishment of these decentralised entities.

This chapter will also focus on the extent to which the NMMM can achieve three key mechanisms for a metropolitan government system as stipulated in the White Paper on Local Government 1998 (Government Gazette No 18739). These provisions include:

- Provision of a basis for socially just and equitable metropolitan governance.
- Systems to enable and promote strategic land-use planning and coordination of public investment.
- The development of a citywide framework for economic and social development within the NMMM. Therefore, these mechanisms are the means to achieve and sustain the Constitutional obligation of local

4.2 OBJECTIVES OF LOCAL GOVERNMENT

In terms of the 1996 Constitution, local governments are required to set up a developmental framework in their respective areas of jurisdiction. Municipalities are accordingly expected to represent their communities in a democratic and accountable manner and developmental frameworks will vary from municipality to municipality in order to reflect the diverse political forces in each respective area. This is also applicable to the NMMM (http://www.local.gov.za).

Although national government plays an important role in leading and directing the course of change, local government is perceived to be the agent of change and the vehicle for development. Legislative prescriptions devolve a variety of new competencies and developmental functions from the national and provincial spheres to local government in an attempt to bring government closer to communities.

Local governments are now not only inundated with the daily demands of the inhabitants of their constituencies, but also burdened by the new mandate of additional responsibilities and functions (Taylor, 2001:149). In addition to providing many of the traditional municipal services, Taylor (2001:150) states that municipalities must now lead, manage and plan for development. Political functionaries are required to make decisions with regard to the core functions of local government. Pillay (2000:208) provides an overview of each objective:
4.2.1 Providing Democratic and Accountable Government for Local Communities

In terms of section 152 (1) of the 1996 Constitution, accountability is the first stipulated objective of local government. Therefore, the Public Protector and the Auditor-General are empowered to ensure government’s accountability in the realisation of basic human rights and all financial records. These have been made public in terms of sections 182, 184 and 188 (3) of the 1996 Constitution. In achieving this ideal, a municipal council should report back regularly to its electorate. This is where the aspect of accountability becomes imperative, that is, to ensure accountable local government. Furthermore, a municipality must not only provide its community with regular feedback, feedback must also be given timeously. In this regard, section 5 (1) of the Local Government: Municipal Systems Act 32 of 2000 imposes specific duties on local authorities to disseminate information to their respective communities. Ntshona in the NMMM Bulletin (2002:1) claims that the metropolitan municipality has reaffirmed its commitment to the principles of transparency.

In his state of the metropole address in January 2002, the Executive Mayor of the NMMM, officially declared 2002 as the year of Abahlali (year of the residents). This declaration calls upon residents to receive this message as an appeal to the council’s collective conscience to become equal partners. Matavire (2001:2) argues that the main objective of the ward committee system is to enhance participatory democracy in local government; to act as a link between council and its committees; to contribute towards the improvement of the quality of life of all residents and to provide the mechanisms for public participation in local government.

Friedman (1998: 5) further states that a strong representative local government in metropolitan areas can offer citizens a vehicle to influence decisions and can
improve living standards. This will open the way for more democratic and responsive local government.

4.2.2 Ensuring the Provision of Services to Communities in a Sustainable Manner

According to Taylor (2001:153), sustainable service provision implies local authorities must be service-rendering institutions. This implies that the services should continue in the future and not be easily abandoned. A service is only sustainable if it is affordable and addresses a real need. It can be argued that developing long-term operating budgets will enhance sustainability. Two important key points to consider in this regard are an affordable capital programme, based on careful modeling of investment scenarios and the provision of working capital, or bad debt provision, to compensate for non-payment and other losses incurred by local authorities (http://www.local.gov.za).

One of the achievements of the NMMM in the provision of sustainable services is the establishment of district Health Systems for the delivery of quality primary health care. To ensure healthier communities metropolitan clinics and systems are established to intensify citizen participation in health programmes (Ntshona, 2001: 2)

4.2.3 Promoting Social and Economic Development

The White Paper on Local Government (1998:38) stipulates that the powers and functions of local government should be exercised in a way that has a maximum impact on the social development of communities, in particular meeting the basic needs of the poor and the growth of the local economy. In many instances, municipalities are responsible for the price and quality of water, electricity and roads, and they control the use and development of land. They set the agenda for local politics and the manner in which they operate gives strong signals to
other residents and to prospective immigrants or investors. Therefore, the above functions give local government a strong influence over local economics. Municipalities need to have a clear vision for the local economy, and work in partnership with local businesses to maximise job creation and investment (White Paper on Local Government, 1998: 38).

In terms of chapter one of the Local Government: Municipal Systems Act 32 of 2000, social development through functions such as arts and culture, and the provision of recreational facilities should be encouraged by the third sphere of government. Section 152 of Act 108 of 1996 stipulates that local authorities have the constitutional obligation to provide child care facilities and may provide grants to associations for this purpose. The empowerment of marginalised and disadvantaged groups is an imperative contribution to social development.

Pillay (in Taylor, 2001:156) states that in future urban local government will be obliged to stimulate its local economy and create employment opportunities. Economic development can only take place if a municipality has adopted its own Local Economic Development (LED) plan. The concept of developmental local government—a local extension of the Constitution imperative for broadening the social and economic development functions of municipalities—is path breaking. It means that municipalities are much more than mere buyers and sellers of services such as water, sanitation, refuse collection and electricity. Municipalities now should focus on integrating the activities of different service providers to ensure a sustainable and holistic package of development for local residents (http://www.local.gov.za).

According to Ntshona (2003: 3) the establishment of the revised Nelson Mandela Metropolitan Sport Policy has identified various sports as priority to be supported by the council. These include soccer, rugby, netball, boxing, athletics, cricket, ballroom dancing, marshal arts and water sports. The launch of the Metropolitan
Artists Association on 10 December 2002 heralded the metropole’s commitment to the promotion and development of artistic talent, job creation and tourism. The overwhelming success of the December 2001 music festival was also due to the local artists whose contribution cannot be underestimated.

4.2.4 Promoting a Safe and Healthy Environment

Pillay (2000:157) argues that “safe” from a health point of view could imply that the spread of contagious diseases can be prevented to ensure a healthy life. It could also refer to matters such as environmental pollution, which could include noise, water, and air pollution. “Safe” could also refer to the combating of crime. One of the major challenges will be to reach a balance between economic development (which implies industrialisation and its negative impact on the environment) and the promotion of a safe and healthy environment.

In terms of chapter one of the Local Government: Municipal Systems Act 32 of 2000, “environmentally sustainable” in relation to the performance of a municipal service, means the performance of the service in a manner that is likely to ensure that:

- The risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances.
- The potential benefit to the environment and to health and safety are maximised to the extent reasonably possible under the circumstances.
- Legislation intended to protect the environment and human health and safety is complied with.

In achieving the implementation of the above mentioned clause of Act 32 of 2000, the NMMM has reserved areas of land for Abakhwetha (an important
milestone in the history of African people in the Metropolitan area, which has accorded the rite of passage its rightful place and status); has established the Nelson Mandela Metropolitan Municipality AIDS council to spearhead campaigns against HIV/AIDS; has successfully achieved an ongoing anti-litter campaign which has placed the metropole amongst the cleanest cities in the country and has developed a smoking control policy which is in line with the Tobacco Act 83 of 1993 and Tobacco Products Control Amendment Act 12 of 1999 (Ntshona, 2002:4).

4.3. LEGISLATIVE AND CONTEXTUAL REVIEW OF THE EXECUTIVE MAYORAL SYSTEM

The past decade has witnessed the development of metropolitan governance on a remarkable scale. Simply in terms of budgets, internationally administered metropolitan areas are very complex and rapidly growing, and this includes South Africa. The first and most striking point to note is the sheer magnitude of the sizable local government budgets particularly when compared with provincial budgets (Municipal Demarcation Board, 1998:12).

In support of the Executive Mayoral System within metropolitan governance, Sutcliff (1998:6) points out key important aspects:

- The issue of scale is important, as it is a measure of the fact that metropolitan areas represent significant and complex economic and financial entities.

- A second index of the overall scale and effectiveness of local government budgets is to examine the proportion devoted to capital expenditure. Again comparing metropolitan budgets to those of the provinces and even national government, the investment in infrastructure in these areas
represents a significant proportion of the overall government capital expenditure.

- A third important index emphasising the importance of metropolitan areas is that they fund the vast majority of their budgets out of trading services, rates and own revenue.

- Whilst intergovernmental transfers are important, the metropolitan areas have to operate on a global scale. It is no accident that after President Mbeki and a relative handful of other politicians, metropolitan mayors are probably the most sought out politicians when it comes to international investors.

- Finally, in financial terms, the rate of growth of these large urban conurbations clearly outstrips provincial governments. Importantly, these governments have shown a degree of stability in their relative proportions of expenditure allocated to capital and recurrent costs on the one hand and salaries on the other.

A legislative analysis in terms of Section 53 of Act 117 of 1998 (in Smith, 2001:1) determines that every municipality must define the specific role and area of responsibility of each political structure and political office bearer of the municipality. According to Smith (2001:2) the South African Local Government Association (SALGA) took a resolution to prepare a guide to assist municipalities in complying with the requirement as stipulated by Section 53 of the above-mentioned Act. The guide highlights and explains the possible content of the terms of the reference that a municipality may adopt to comply with the Municipal Structures Act 117 of 1998. Section 31(2) of the Local Government: Municipal Structures Act 117 of 1998 stipulates the statutory powers of the Mayor in a collective executive system in the following manner:
• Prepare a draft annual budget at least four months before the start of the financial year.

• Allow the public access to the draft budget by making it available and inviting the public to submit comments and representations to the municipality.

• Table an adjustment in the municipal council as and when necessary.

• Table financial statements and reports received from the Municipal Manager in the council at the first council meeting after receiving them.

Under the Executive Mayoral System, the Executive Mayor has strong and statutory powers and duties, as stipulated in the Local Government: Municipal Structure Act 117 of 1998. Section 56, subsection 3 of Act 117 of 1998 lists the following statutory functions of an Executive Mayor who must:

• Perform the ceremonial roles determined by the council.

• Report to the municipal council on all decisions that are to or that have been taken.

• Manage the drafting of the municipality’s Integrated Development Plan (IDP) and manage the development of the municipality’s performance management systems. He or she must submit the proposed system to the council.

• Oversee and monitor the implementation and enforcement of the municipality’s credit control and debt collection policy and by-laws as well
as the performance of the Municipal Manager in the implementation of the programmes.

- When necessary, evaluate or review the municipality’s credit control and debt collection policy and by-laws, to improve the efficiency of existing credit control and debt collection mechanisms, processes and procedures, (sections 56, 60, 39 and 99 of Act 117 of 1998 and Act 32 of 2000).

The Executive Mayor can delegate any of his or her powers to the respective members of the mayoral committee. He or she is entitled to receive reports from committees of the municipal council. When there is no specific committee established to investigate and make recommendation on local matters, the He/she will receive reports from the administration. Therefore, the Executive Mayor is the councillor responsible for the financial matters in terms of the Municipal Financial Management Bill, (http://www.communitylawcentre.org.za).

In essence, the White Paper on Local Government, 1998 cautions local government that it must no longer assume the old-style of bureaucratic delivery or the new-style of simplistic privatisation. Instead, the White Paper on Local Government, 1998, calls for strategic analysis of the costs and benefits to the citizens of each option, given the unique conditions in each sector.

This is not surprising given the severe fiscal constraints within which local government must operate. The White Paper on Local Government, 1998, requires that metropolitan areas must have metropolitan governments and all powers and functions must be lodged at that level. They can be decentralised to ward committees or even structures, but the metropolitan level is the point of departure.

Metropolitan government is provided with significant powers, allowing it to organise itself administratively and politically. For example, each metropolitan
council will be able to decide on the extent of administrative decentralisation required for each function. At the same time, metropolitan governments will be able to choose how to organise themselves politically, through either advisory ward committees or metropolitan substructures. The approach adopted will allow for real local empowerment, recognising, however, that metropolitan governance must operate as a single sphere in order to ensure equitable and socially just governance, strategic land use planning, a citywide framework for economic and social development, and enhanced economic competitiveness (http://www.local.gov.za).

4.4 DEVELOPMENTAL LOCAL GOVERNMENT

In terms of section C of the White Paper on Local Government (1998:23) developmental local government is the central strategy to enhance the growth and development of local communities. The White Paper on Local Government, 1998, recommends that municipal integrated development plans should become the vehicle through which all governmental plans are coordinated, irrespective of whether or not they are functions of national government or provincial government. Furthermore, the key requirements of developmental local government include: maximising social development and economic growth: integrating and coordinating all developmental plans, and democratising the development process.

Section C of the White Paper on Local Government (1998:24), further proposes four interlinked approaches to assist municipalities to effectively play a developmental role. These approaches are:

- Integrated planning, budgeting and management.
- Managing the growth of local settlements.
- Mobilising capacity for effective service delivery.
- Linking growth and development.
The South African Local Government Association (SALGA) has indicated that there appears to be a lack of common understanding both within and outside local government of what developmental local government means in practice. McIntosh (2002:14) argues that being developmental means that local authorities need to shift from a focus on infrastructural services to incorporate social and economic development. This implies a shift from an emphasis on service delivery towards assessing the impact of service delivery outputs on the quality of life of communities.

This approach, therefore, involves an understanding of socio-economic trends as well as the impact of interventions made within the municipal area by other parties. This further necessitates coordination between the activities of the municipality and those of other interest groups, including other spheres of government, donor agencies, the private sector and organised civil society. Developmental local government is not, however, only about what one does as a local authority, but also about how one goes about doing it. Developing local government and democracy goes beyond simply representing community interests within the local council, but it also involves promoting the involvement of citizens and community groups in the design and delivery of municipal programmes (McIntosh, 2002:16).

4.5 SUSTAINABLE DEVELOPMENT OF METROPOLITAN AREAS AND LOCAL COMMUNITIES

The challenge facing both international and South African metropolitan governments is to help improve the quality of life of their local communities for present and future generations with the natural resources at their disposal. Three elements are required to achieve sustainable local communities and to improve their quality of life, namely, a healthy environment, a prosperous economy and social equity. It is a multi and integrated process that requires a new perspective
to understand the complex relationships between the economy, society and the environment. Such an approach challenges metropolitan governments to become more capable of creating prosperity and ensuring health and security for all citizens in a way that is beneficial, self-reliant and ongoing (Odendal, 2003:43).

In achieving these challenges many attempts have been made to create awareness in the world about the need to improve the quality of human life and to create a healthy environment (Odendal, 2003:45). The following are examples of these attempts:

- During 1968 the United Nations Educational Scientific and Cultural Organization (UNESCO) initiated an event to discuss ecologically sustainable development. The mission was to assess the development aid and to reflect on issues such as urbanisation and malnutrition.

- The World Summit on Sustainable Development that was held in 2002 in Johannesburg offered an opportunity to re-energise communities throughout the world to pursue sustainable development and to fulfil the principles set by the Rio de Janeiro Conference and agenda 21. A few of the most important of the key outcomes of the World Summit were:
  
  - The reaffirmation that sustainable development should be a central element of the international agenda and that poverty and environmental protection should be fought globally.
  
  - The reaffirmation of governments to commit themselves towards the implementation of sustainable objectives.
• That support be provided and special attention be paid to Africa and the New Partnership for Africa’s Development (NEPAD) in an effort to address the development needs of Africa.

• Metropolitan municipalities have a key role to play in the implementation of the principles of sustainable development because they are the governments closest to the community and strategically better able to address and promote sustainable local communities (http://www.johannesburgsummit.org).

According to Walmseley and Botten (1994:14), approximately 7,5 million people are functionally illiterate. Education is central to the achievement of sustainable communities because it mobilises human resources. Metropolitan governments with their Executive Mayoral System, therefore, need to focus on environmental education based on both local community knowledge and professional knowledge. Environmental educational programmes by a range of social partners such as trade unions, churches, community based and non-governmental organisations, will be considered and special attention will be given to education and information campaigns to inform poorer communities about environmental health risks.

Solid waste generation, both municipal and industrial, is increasing. Special attention by the local government sphere is required to ensure that appropriate recycling and re-use is ensured. Solid waste land-fill sites are recognised as a particular problem that requires special environmental legislation and practical guidelines to ensure effective environmental management (Development Bank of Southern Africa, 2000:83).

Ababio and Makgoba (2002:5-6) argue that the Executive Mayoral System allows for the exercise of executive authority through an Executive Mayor. The Executive Mayor is also the mirror of the municipality and a great deal is
expected from the individual entrusted to this office. Honesty, respect, loyalty and caring are important components in the role of the Executive Mayor. This new system, therefore, will avoid unnecessary and unwanted misunderstandings between role-players and other stakeholders. Through periodic performance review and annual reports, every metropolitan municipality will be monitored for good service delivery and developmental governance. Consequently, this process will help ensure that efficiency, effectiveness and accountability are realised in the administration and management of local government resources.

4.6 ADVANTAGES OF MUNICIPAL METROPOLITAN GOVERNMENT UNDER THE EXECUTIVE MAYORAL SYSTEM

Officials in a metropolitan municipality appear to support the location of functions that are traditionally located in the administration of the mayor’s office. In this case the governance units should be established in the Executive Mayor’s office (http://www.hologram.org.za). The advantages of having an Executive Mayoral System with governance units are:

- To co-ordinate the political decision–making process. This involves structuring the decision flow process, keeping track of where policy is in the system, and monitoring the implementation of policy decisions. The idea is to shift the centre of gravity to the mayor’s office, by relocating strategic functions, which are traditionally housed in a corporate unit or with the town secretary to the Mayor’s office (http://www.hologram.org.za).

- To provide policy advice. The idea is to ensure that the Mayor is fully appraised on the implications of policy decisions. Locating this function in the Mayor’s office will enable integration at the policy level.

- To act as a monitoring unit.
  The election of an individual person as an executive leader (the Executive
The Executive Mayor has several advantages:

- The key advantage is that it puts a face to local government. Currently many people do not know who is responsible for governing the area where they live. They experience local government as a “faceless” part of the community.

- An Executive Mayor gives a human face to local government. This makes it easier for ordinary people to relate to the leadership of their local area. It also makes it clear where “the buck stops”. In other words the councillor who accounts for the performance of the municipality is well known to residents.

- The Executive Mayoral System also provides for decisive leadership and rapid and responsive decision-making. This will be particularly useful in larger and complex municipalities.

- Many large international cities, such as London, are moving towards an Executive Mayoral System. Large cities are often home to a diversity of strong local, national and global interest groups. Therefore, a charismatic Executive Mayor can play an important role in inspiring business confidence and building beneficial relationships between the municipal council and different interest groups (http://www.local.gov.za).

In the United States of America, the strong mayor form of government centralises the administrative powers in the hands of the Executive Mayor who is popularly elected, while reducing the relative importance of the council. In this form, the Mayor has the authority to prepare and control the administration of the budget, appoint and remove departmental heads, preside over council meetings and shape the council agenda (http://webhost.bridgew.edu).
The strong Mayor may also have a veto power over the council. Both the actual and potential use of the veto can significantly enhance a Mayor’s ability to influence council’s actions in a particular way. Increasingly, Mayors are also opting to appoint a professionally qualified administrator to work as their subordinate.

The chief administrative officer is expected to focus on the details of the day-to-day administration, freeing the mayor to concentrate on policy matters and agenda setting. The supporters of a strong Mayor government argue that a strong Mayor provides leadership to a community while being held responsible to the citizens for his or her actions. A strong Mayor may also be better able to exercise political power in bigger cities to bring together large and diverse interest groups (http://webhost.bridgew.edu).

4.7 AMALGAMATION/INCORPORATION OF SMALLER MUNICIPALITIES TO FORM LARGE METROPOLES

An important aspect to keep in mind in terms of American metropolitan governance is that the governing body elected by the citizens after the amalgamation or incorporation of local authorities and small municipalities into or units determines the scope of services that a large city actually provides. The minimum requirement for amalgamation or incorporation is that the community must have at least twenty citizens with at least fifty citizens to be qualified voters in a two square mile area. Generally, there are no specific reasons for amalgamation, but if a community is ready to embark on a programme of providing municipal type services to itself and establish a city government, amalgamation is a means of working together to provide services for the benefit of the entire community (Manager, 1998:3).

There are also various reasons and advantages for the amalgamation or incorporation of local authorities and small municipalities into one large unit
Key advantages of and reasons for amalgamation are as follows:

- **Self-determination.** An incorporated city may adopt such rules and regulations as it determines are in the best interest of the city. There are advantages to run your own show, such as the community electing its own government. The key is that the local community selecting its own people to make the rules and run the municipal programmes.

- **To establish standards.** For safety purposes it is necessary to have standards. An incorporated city can establish safety codes, such as building and electricity codes, so that there is less danger of a person or property being damaged by another.

- **To cope with conflicting uses of property, control zoning and mobile homes.** An amalgamated city may establish land use regulations to prevent one person’s indiscriminate use of property from damaging another property or injuring others. The Nelson Mandela Metropolitan Municipality is no exception. Reference can be made here to the reserved areas of land for Abakhwetha by the NMMM (Ntshona, 2002:2).

- **To establish own levels of taxation.** The locally elected city council determines the level of taxation for the city.

- **To keep government closer to the people.** This is a key advantage as most sectors and institutions believe that the people are best served by the level of government that is closest to them (http://www.orca.state.tx.us).
4.8 CHALLENGES AND DISADVANTAGES OF AN EXECUTIVE MAYORAL SYSTEM

South African metropolitan municipalities should have an understanding and appreciation of the challenges facing local communities so that they are able to contribute constructively towards a process whereby the lives of local communities are enhanced and sustained without depleting the natural resources. The challenges in South Africa are in many instances similar to those elsewhere in the world (Development Bank of South Africa, 2000:85).

Furthermore, the challenges facing South African metropolitan municipalities include social challenges (poverty, health and education); economic challenges (local economic development and globalisation) and environmental challenges (urbanisation, lack of natural resources and pollution) (Development Bank of South Africa, 2000: 85).

According to Parnell et al (2002:288) most challenges facing metropolitan municipalities are generic implementation problems. These challenges cannot be approached separately. They include:

- Lack of experienced political office bearers and administrative officials who are often uncommitted to the positions to which they have been assigned. In other words there is a strong perception amongst opposition parties and citizens that in certain instances, metropolitan municipalities are faced with inexperienced and often uncommitted political office bearers and managers. This could have a negative impact on people-centred development.

- Prevailing political ideologies and organisational cultures often protect vested interests and as a result personnel become disloyal and obstruct organisational, management and policy changes.
• Restrictions placed on municipalities in their endeavours to build capacity for sustainable development because of a serious lack of funding from their own resources as well as from the other spheres of government.

• General conditions in the environment, such as regulatory practices. A centralised system and national political imperatives could also have an impact on metropolitan municipalities and their contributions towards the development of sustainable communities.

Furthermore, the following issues could also impact negatively on the metropolitan’s consultation process (http://www.melissa.org). These include:

• A lack of understanding amongst stakeholders (community) and decision-makers (officials and political office bearers) about sustainable developmental issues. In 1994, the Durban Metropolitan Area (DMA) initiated its Local Agenda 21 programme. During this process the DMA did not prioritise the need to build capacity and create an understanding in key stakeholder groups.

• Limited human and financial resources often require metropolitan governments to prioritise the issues for action and implementation. At a later stage, the DMA realised, however, that capacity building, as part of the people centred development, was a key issue that required a strategic response (http://www.melissa.org).

• The challenge for metropolitan municipalities to promote longer-term human security and sustainability values among local communities and to address basic human needs, such as the need for shelter, food, safe and sufficient water supplies, sanitation, health care, transport, employment and education.
Addressing these basic needs is not a simple task because most of these needs are interrelated, for example, unemployment leads to poverty and poverty-stricken people do not have the income to meet their basic needs. This situation often leads to unstable communities (http://www.3.iclei.org/local-strategies).

4.8.1 The Political Administrative Interface - Current Practice in South Africa

Chapter 8 of the Local Government: Municipal Structures Act 117 of 1998 enables municipalities to establish a range of new mechanisms through which to organise the delivery of services. These include multi-jurisdictional service districts, metropolitan areas, internal and external municipal business units, contracts with community organisations and traditional owned business entities. There are also contextual issues during the process of establishing and implementing new mechanisms.

Mosdel (2003:6) explains these contextual issues in the following manner:

- **Lack of trust** - the issue that is most frequently cited as a problem is a lack of trust between councillors and officials. Many current municipal officials were appointed prior to the first local government elections. However, it should be noted that relationships between councillors and newly appointed senior officials are not always characterised by higher levels of trust than relationships with “old” officials. In addition, the lack of trust between councillors and officials is not unique to South Africa and historical circumstances do not provide a full explanation of the problem.

- **Ongoing organisational change** - this process in local government contributes to an environment in which trust is scarce. Municipalities,
including the NMMM, have gone through numerous changes in recent years, and many are currently in the middle of an organisational change process. The change, however, disrupts the organisation in which some staff members lose previously held positions of power. There is competition over new opportunities for advancement and resentment over specific structural changes or staff appointments (Thomas and Melkers, 2000:51).

On the other hand structuring positive relationships between councillors and officials is complicated in this context, as councillors are often seen as the initiators of change, which jeopardises particular organisational interests. Individual officials are often viewed as points of resistance, or embodiments of the approaches, structures and working practices “of the past” which the change seeks to eliminate (Mosdel, 2003:7).

- **Capacity constraints** - the capacity of both councillors and officials has been raised as an issue of concern in various meetings. Councillors felt that, where administrative capacity was weak, they did not receive adequate briefings and technical support and sometimes had to involve themselves in issues which officials “should be able to address on their own”. Officials on the other hand felt that, where councillor capacity was weak, council did not provide adequate strategic direction, “wasted time” on agenda items which should be dealt with quickly, and did not properly engage with items having major consequences for the governance of the area.

Organisational capacity also surfaced as a constraint to good relations between councillors and officials. Officials from municipalities with corporatised structures are concerned that accountability could be weakened because the municipality lacks capacity to monitor compliance with service agreements (http://www.hologram.org.za).
4.8.2 Criticism of the Legal Framework for the Executive Mayoral System

Some commentators argue and feel that the legislative framework for the Executive Mayoral System is dysfunctional. Some confuse the Executive Mayoral System with the American mayoral system. They feel that in an Executive Mayoral System, the Executive Mayor should have decision-making powers over a range of managerial and operational issues. However, because of restrictions placed on the Executive Mayor by legislation, if they become involved in these issues they are perceived as interfering (Wooldridge and Gotz, 2003:4).

The research indicates that there is certain confusion over the differences between the South African Executive Mayoral System and the municipal systems with an Executive Mayor in other countries. There are also points of conflict between Municipal Managers and Executive Mayors. In many instances, a conflict over the question of advice to the Executive Mayor may arise between a Municipal Manager and the Executive Mayor’s political advisor.

The Municipal Manager may feel that he/she is always legally obliged to provide advice to the Mayor, as legislation specifies “advising the political structures and political office bearers of the municipality of the municipality” as one of his/her responsibilities (Wooldridge and Gotz, 2003:6).

On the other hand, the Mayor’s political advisor could feel that it is his/her exclusive responsibility to give the Mayor advice. The difference of opinion hinges on the question of what advice the Mayor requires. The Municipal Manager reserves his/her advice to internal political issues and matters of external stakeholder liaison and consultation. The advice on matters of municipal administration should come from the Municipal Manager. The Executive Mayor’s advisor feels that he/she should advise the mayor on all issues (http://www.hologram.org.za).
According to Svara (1999:44), although the 1996 South African Constitution vests all municipal powers in the council, there is also no statutory division between legislative and executive powers in South African metropolitan governance. This is because in the South African Executive Mayoral System, the Executive Mayor is not directly elected and is not the head of administration. Furthermore, although the legislation in South Africa allows for an Executive Mayoral System, the system does not resemble the American Mayor-Council model.

4.9 SUMMARY

The transformation of local government through negotiations, has led to the establishment of the Local Government Transition Act 209 of 1993. The process involved demarcated municipal boundaries, which are intended to make a substantial difference to ensuring that municipalities are financially viable, creditworthy and have the necessary capacity to provide services in an equitable and sustainable manner. The NMMM has experienced this process in establishing the Executive Mayoral System.


The process of transformation has been a formidable one and the demarcation process in particular brought about a complete change in the local government landscape of the country. This chapter also reviewed the requirements of the
1996 Constitution, which requires all municipalities to set up a developmental framework in their respective jurisdictions. Chapter 7 of the 1996 Constitution provides the local government objectives, which places specific responsibilities on municipalities.

This chapter also explained the development of sustainable metropolitan areas, an ambitious project that requires metropolitan municipalities to focus on the improvement of life of both present and future communities. It also explains the objectives of amalgamation of small cities to form large metropolitan areas, and the challenges and practical implications in the implementation of metropolitan programmes.

In the chapter that follows focus will be on the explanation of recommendations and conclusions of the preceding chapters.
CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1 CONCLUSIVE SUMMARY

South African cities, towns and rural areas have in the past been characterized by segregation. Communities have deliberately been placed a long distance apart. Levels of service ranges from the best in wealthy suburbs to the worst slum conditions in some townships and rural areas. Many were governed separately, and many people have been unable to call the national government and local authorities to account. Many people especially historically disadvantaged refused to pay rent and they considered the local government to be illegitimate and the services inadequate.

Under these circumstances it takes strong local leadership to transform performance into the reality of a healthy, united community, with a common vision, working together to eliminate poverty for all. Developing and promoting policies which will have positive impact on local areas, require considerable determination on the part of councillors and officials. The first step then is to establish clearly the vision, which will guide the economic developmental role of the municipality. The NMMM has not been exempted from this process.

The qualitative researched evidence, which has been undertaken in this mini-dissertation, provides that even under the difficult circumstances of an on-going administrative process, the NMMM is prepared to assume control and ownership of its developmental planning function.

This research has shown that the Metropole will be able to manage consultative planning in an effective implementation oriented manner. The introduction of the IDP concept has gained broad support and credibility within the jurisdiction of municipalities and the NMMM in particular. Furthermore, this concept has
promising potential to arrive at better service delivery through a more democratic and inclusive decision-making process.

The emphasis of the preceding chapters has been on the investigation of the executive mayoral system, with reference to the NMMM. This places more responsibility on the Executive Mayor than other systems, vesting him/her with more powers to take charge. More importantly, the research investigated how the Executive Mayoral system in the NMMM will attempt to improve the living conditions of the communities and implement IDP programmes. Reference has been made to the American municipal governance system, where the Executive Mayoral System evolved and managed successfully. The ideal behind this system is to restrict the bureaucracy as much as possible, but financial difficulties experienced by NMMM limit economic autonomy and promote intergovernmental grants. In addition, non-payment of services worsens the situation.

5.2 SUMMARY OF CHAPTERS

5.2.1 Chapter 1

Chapter 1 presented the transformation background of local government, including and up to the December 2000 local government elections and the establishment of the NMMM with an Executive Mayoral System. The legislative framework has been explained, as well as the contribution of IDP to improving living conditions and service delivery. Specific key questions and the significance of the research have been raised and explained. The research methodology and boundaries of the study were explained.

5.2.2 Chapter 2

A theoretical investigation into the origins and reasons for the existence of local government in South Africa was undertaken in this chapter to further establish the origins of metropolitan government and the NMMM in particular.
The pre and post apartheid era experiences were explained. Initiatives and challenges facing new local governance were reviewed thoroughly.

5.2.3 Chapter 3

Chapter 3 focused on the establishment of the Executive Mayoral System and gave an explanation of the democratic principles of local government in favour of decentralisation and democratisation of local governance. Furthermore, a descriptive comparative analysis was undertaken of the strengths and weaknesses of both the Executive Mayoral System with a strong mayor system in both the American system and the newly established NMMM.

5.2.4 Chapter 4

Chapter 4 reviewed an assessment of the advantages and disadvantages of the executive mayoral system, briefly highlighting and explaining the objectives of local government. Both legislative and contextual requirements of the Executive Mayoral System for the development of sustainable metropolitan governance have been explained.

5.2.5 Chapter 5

Chapter 5, which is the final chapter of the mini-dissertation, contains a conclusive summary and proposes recommendations to address concerns and questions originally posed in the research. The recommendations are proposed against the background of financial and human resources capacity constraints in local government and the NMMM in particular, within the newly established metropolitan governance structure. In addition to their traditional functions, local authorities are also required to be agents for local economic development within their areas of jurisdiction. This requires that all role players in local authorities be equipped with relevant knowledge and skills to enhance effective and efficient decision-making.
5.3 RECOMMENDATIONS

The recommendations are based on the aspects and arguments raised and discussed from the above-interrelated chapters. These include: motivation for the study, local government (pre and past), Executive Mayoral System (American versus SA perspective) and the pros and cons experienced by the implementation of the Executive Mayoral System. The following recommendations, are proposed:

5.3.1 The Need to Undertake an Extensive Research Study

It is recommended that a further research study be conducted to establish the impact of the establishment and implementation of the Executive Mayoral System in local government, and how it is affecting the NMMM. The establishment of the NMMM in December 2000 and the appointment of the Executive Mayoral Committee was designed to breathe new life and bring new faces into a local government system which a largely indifferent electorate saw as being tired and remote.

Furthermore, one of the central themes of the White Paper on Local Government, 1998, is to rebuild local democracy. The study is needed to determine whether this has occurred and consider the impact. The requirements of the White Paper also bring local stakeholders closer to the business of local government and assists ward councillors to deal with community issues more effectively. Communities will have to rely on their ward councillor to argue for their rightful budget allocations at the Metro level. The Executive Mayoral System with more powers vested in an Executive Mayor, has more committed and dedicated full-time councillors to assist the Mayor.
5.3.2 Executive Mayoral System as a Vehicle to Promote Economic Development in the Nelson Mandela Metropolitan Municipality

The name Nelson Mandela Metropolitan Municipality being attached to one of the nationally and internationally recognised sons of Africa will be able to influence economic development in the region and the metropolitan area in particular. This can be a marketing strategy to encourage national and international donors to come and invest in South Africa and the NMMM in particular.

The proposed establishment of the Madiba Bay Safari World is one of the key components for local economic development through marine and coastal recreation. Furthermore, the development and construction of the Coega IDZ also promises to bring more business opportunities into the area. All these developments will need a charismatic leader with executive powers. In other words, this requires that the Executive Mayor be in the forefront of creating conducive conditions and campaign for investment.

It is further recommended that in terms of the White Paper on Local Government (1998:18) the training in the NMMM should concentrate on innovative methods and procedures to improve local economic development requirements. In other words the NMMM, with its Executive Mayoral System, can succeed through proper training in achieving the following results:

- The Executive Mayor can integrate and coordinate alignment between the public sector and private sector. This implies that public-private partnerships will promote efficiency in service delivery.
- The Executive Mayor can demonstrate and provide community leadership with vision.
- The Executive Mayor can empower previously marginalised and excluded groups within the community.
The establishment of a deep-see water port at Coega will promote a viable and stable tax base through export gains, as the automobile industry will increase its exportation market. This will contribute to promoting local economic development.

It is further recommended that the NMMM establish a clear policy framework that assures all stakeholders that Municipal Service Partnerships are a valid and accessible vehicle for councils to consider how best they can provide efficient and effective municipal services. In this regard, the involvement of labour unions is very important.

5.3.3 Capacity-Building

It is recommended that the Executive Mayor and his Mayoral Committee including ward councillors in the NMMM must be capacitated to deal and cope with the intent of the new system of local government and citizen expectations. While the transformation of local government and the NMMM in particular is a joint responsibility of all role players, the NMMM needs to take immediate and concrete steps to address training needs.

Capacity building could result in sending certain staff for training in other institutions to plough back acquired skills in the Metropole. The NMMM should consider arranging a number of so-called “twinning arrangements” with other municipalities to share qualified technical staff for training, where such staff could be seconded for learning purposes for a period of time.

The NMMM can have bilateral talks and links with other municipalities abroad, which have a longer experience of the same system (Executive Mayoral System). The Mayoral Committee and the Executive Mayor should attend seminars and international conferences. This could be in the form of using countries like the USA as a case study in terms of capacity building. For example, the NMMM’s Tourism Industry has embarked on a programme that is looking at marine protected areas and coastal recreational issues.
In terms of section 2 of the Skills Development Act 97 of 1998, the purpose of the Act is to improve productivity in the workplace and also competitiveness of employees. The Act also improves the delivery of social services and promotes self-employment. Local authorities have an important role to play in this regard.

Furthermore, the purpose of establishing the White Paper on Transforming Public Service Delivery (Batho Pele White Paper) of 1997 (Gazette No 18340) is to provide a policy framework and a practical implementation strategy for the transformation of public service delivery. This is based on the perception that public services are not a privilege in a civilised and democratic society, but a legitimate expectation. This emanates from chapter 10 of the 1996 Constitution of the Republic of South Africa. The NMMM with its Executive Mayoral System, is therefore not an exception to this prescription.

This underlines that local economic development is crucial for municipalities. In terms of the White Paper on Local Government, 1998, local authorities are best placed to promote the economic development of their communities because this sphere exerts considerable influence over the social well-being of local communities. The 1996 Constitution also makes it mandatory for municipalities to promote local economic development (LED).

It is suggested that for the creation of an enabling and conducive environment, the NMMM should provide an effective institutional framework to ensure that MSPs achieve “value for money” and serve as catalyst and focal point for capacity enhancement activities.

This mandate implies that the NMMM is now responsible for ensuring that its communities live under conducive conditions for job creation. To achieve this, the Metropole has to attract investment and stimulate economic growth through innovative means of exploiting existing opportunities, such as harbour, motor manufacturing and tourism industries. This will ensure that LED is an important vehicle to:
Create jobs and new employment opportunities.

Increase income levels and enable people to pay for services.

Broaden the local authority tax and revenue base.

Enable a municipality to provide more and better services and facilities.

Concentrate on human resources potential and opportunities for development.

Build new institutions for sustainable economic development.

Promote links between developed and underdeveloped areas.

The NMMM can promote LED as a LED coordinator, facilitator, stimulator and entrepreneur or developer.

The NMMM as Coordinator of LED

According to Department of Provincial and Local Government, an IDP draws together the developmental objectives, priorities, strategies and programmes of a municipality. Therefore one of the Metropole’s priorities is the provision of shelter.

The NMMM as LED Facilitator

To improve areas for investment opportunities could include flexible use of municipal planning and zoning procedures and lower property rates. In 2000 the Volkswagen Company in Germany increased its investment by five billion rands at the Uitenhage plant in the NMMM. This not only improves areas of investment but it also increases chances of exportation.
The NMMM as LED Stimulator

Creation of new or expanded business can be encouraged through provision of industrial or manufacturing industries with lower rents and services charges. The Minister of Finance spearheaded this approach in his 1998/99-budget speech when he announced that there would be a five percent decrease on all company taxes. More companies should be encouraged to come and invest in South Africa, bearing in mind that these companies would operate within municipal jurisdiction of the NMMM. This implies that more opportunities would benefit the citizens who live within the Metropole’s jurisdiction. The establishment of Coega in the Metropole has also stimulated more business opportunities.

The NMMM as Entrepreneur / Developer

The role of entrepreneur or developer is an important role. Large investments are required and the municipality can assume substantial responsibility for the establishment or operation of an enterprise. Ntsika Enterprises committed and engaged itself by forging a business partnership with the NMMM in 2001. Small Business Overdue (SBOs) is also hosting annual events in the metropole. This certainly implies that the NMMM has opened its door for public-private partnerships to play a major role in meeting the needs of the new mandate for local government.

In the new political dispensation, South African local authorities still have capacity constraints in dealing with problems of infrastructure backlogs, unemployment, social disintegration and disparities in terms of access to basic services. It is, therefore, recommended that effective governance and service delivery, particularly at the local or municipal level, will depend on the strength of its human resources through sound capacity building initiatives.

This lack of capacity building has been identified in the White Paper on Municipal Services Partnership (WPMSP), 2000 (notice no 1689 of 2000). In terms of the WPMSP, 2000, the linkage between capacity building and resources is essential
in achieving sustainable improvement in municipal service delivery. Whether municipal services are delivered directly by councils or through MSP arrangements, councils require functional capacity to:

- Determine appropriate service levels.
- Prepare an IDP.
- Plan for service delivery on a sector-by-sector basis of marshalling management, human and financial resources to ensure service delivery, determine tariffs and promote effective and efficient tariff collection.
- Monitor performance so that service delivery goals and standards are achieved, managed and stakeholder consultation conducted.
- Co-ordinate service delivery activity with other spheres of government.
- Adjust service delivery activities.

Therefore, the skills needed to enhance municipal capacity will require:

- Governance skills to identify community needs, setting priorities, exercising political leadership and decision-making.
- Facilitation skills for identifying stakeholders and eliciting their views, consensus-building, resolving conflicts, developing and implementing consultative processes, communicating with stakeholders.
- Management and administrative skills for planning, preparing and reviewing financial analyses, budgeting accounting ensuring legal and regulatory compliance.
It is also recommended that in terms of the WPMSP, 2000 that information dissemination be assumed as the responsibility of the NMMM and Executive Mayor. This can be done through SALGA within which additional funding will be required for the on-going management of conferences, workshops, meetings, newsletters and web pages. The Executive Mayor must be an agent/ambassador for metropolitan governance within the municipal area in consultation directly with donors about support in terms of funding.

Furthermore, the above statement would mean that through local IDPs, residents can interact directly with strategies their councils are developing and make input into key decisions affecting their lives and local areas.

5.3.4 Transparent and Accessible Local Government

The restructuring of metropolitan areas in terms of developmental local government refers to the commitment between citizens and groups within the community to find sustainable ways of meeting their social, economic and material needs and to improve the quality of their lives.

It is, therefore, suggested that the approach needs an understanding of socio-economic trends as well as the impact of interventions made within the municipal area by other parties. This involves coordination between the activities of municipalities and interest groups. This will promote the ability of local leaders to deliver to the majority of urban residents. This is also closely linked to their ability to increase efficiency with limited internal resources and capacity.

The Executive Mayoral System model will be able to mobilise external resources, which will benefit the citizens and improve the lives of the poor. People on the ground want better services and responsive government that listens to them and deals with their complaints.

It is recommended that the political strategy of having ward committees and councillors will bring local stakeholders of the NMMM closer to the business of
local government, and assist ward councillors to deal with community issues more effectively. In metropolitan areas, residents can rely on their ward councillors to argue for their rightful budget allocations. Residents can also measure the performance of their councils, by comparing their area with other parts of the country on a yearly basis and sometimes on a quarterly basis, taking into consideration both internal and external environmental factors.

Measures to make municipal finances more transparent are also recommended. These include better accounting practices, proper reporting on municipal finances and more people-centred friendly budgets. The objective is not only to give residents a better insight into what their money is spent on, but also to enable investors to more easily appraise risk factors when dealing with municipalities.

It is further recommended that more workshops need to be conducted for the citizens of the Nelson Mandela Metropolitan Municipality. This will capacitate community members in terms of knowing more about their rights particularly the right of access to information. In spite of role of the media, most people, especially those from the previously disadvantaged communities, do not know what is expected from them in order to promote accountability and transparency amongst their councillors and the mayor.

5.3.5 Short-Term Solutions

The decision to embark on the amalgamation of local authorities in metropolitan areas to provide for a single tax base is a sound idea, but the tax base remains insufficient to fund inherited developmental backlogs. Furthermore, the ability of local leaders to deliver to the majority of urban residents is closely linked to their ability to increase efficiency in the use of internal resources, capacity and to mobilise external resources for the benefit of the community.

It is against the amalgamation background that the NMMM has embarked on the process of political and administrative restructuring in choosing how to transform
itself. Because of this exercise, the NMMM will continue to depend on other spheres of government for intergovernmental grants and intergovernmental relations for funding purposes. It is therefore recommended that the current system of the working relations between politics and administration be retained. This is based on two concerns:

- The desire to ensure that partisan political concerns do not compromise the management of administration (that is, to ensure that the Executive Mayor / councillors do not exert pressure on officials to act in the interests of particular constituencies).

- The desire to ensure that policy formulation is controlled by elected councillors who are mandated by local constituencies to represent their interests.

It is further recommended that the municipal manager can make a valuable contribution to policy development and there is no reason why his participation in the policy process should be problematic. All stakeholders can support this approach provided that the municipal manager respects channels prescribed for decision-making and accountability. This process needs to be followed and exercised because the field of administration is the field of business and it requires to be removed from the domain of politics. This implies that the Municipal Manager must continue to advise the Executive Mayor and execute the legislative decisions of the council.

The challenge facing the NMMM is to cultivate a relationship of mutual trust between councillors and senior officials, including the Municipal Manager. In order for the NMMM to meet its developmental mandates, it is recommended that training initiatives be implemented to address the problem of an apparent lack of trust between councillors and senior officials.
5.3.6 Long-Term Solutions

As a long-term solution, it is recommended that the NMMM explores the political–administrative interface in the metropolitan area, with a view to identifying good practice and lessons on how to manage the interface more effectively. This is based on the notion that the relations between political and administrative functions within the Executive Mayoral System of governance are complex. The complexity ranges across various factors which impact on the daily operations of local government and the NMMM in particular, such as the balance of power between legislative and executive structures / municipal institutional arrangement and political cultures.

The process should explore two possibilities, namely:

- To appoint the Mayor as the Chief Executive Officer who will be accountable to national government.

- To continue with the existing structure of having the Executive Mayor and Municipal Manager as an advisor to the Mayor on all aspects of administrative programmes.

On the second aspect, a conflict over the question of advice to the Executive Mayor can arise between a Municipal Manager and the Executive Mayor's political advisors. This is because a Municipal Manager may have a feeling that he/she is legally obliged to provide advice to the Mayor. The same can be said of the Mayor's political advisors. The difference of opinion, therefore, hinges on the question of what advice the Mayor requires. Capacity building programmes, such as SALGA’s councillor training programmes, should pay particular attention to clarify questions around these processes.

To sustain the whole process, community participation should be cultivated as a priority by the NMMM. It is recommended that the establishment of ward
committees by the NMMM in terms of section 73 of Act 117 of 1998, should play an important role in enhancing community participation as required in terms of the new mandate.

5.4 CONCLUSION

This mini-dissertation investigated the impact of the new developmental and local government mandate in relation to the establishment of the executive mayoral system by the Nelson Mandela Metropolitan Municipality. Local authorities have a key role to play in building social capital and finding local solutions for increased sustainability. Municipalities must be responsive and committed to working in open partnerships with business, labour unions and community-based organisations. The NMMM can also do this by creating conditions favourable to development through various methods. These include promoting political leadership that is able to bring together networks of local interests that co-operate to realise a shared vision.

The NMMM should actively seek to empower the most marginalised groups in the metropolitan area. This would be in keeping in the spirit of the mandate of developmental local government. From the discussion in the previous chapters, it can be deduced that the challenge of making the IDP a forum for identifying better solutions through well-structured debates on the unresolved problems, is still a challenge for most of the new municipalities. There is no easy escape from the challenge of strategic planning, especially if the needs of the people are to be satisfied with limited available resources.

While strategic planning is a tool for developmental local government, it is not a recipe, which can be applied from one day to the other after a training course. This requires getting away from bureaucratic procedures of providing predetermined standard solutions. It requires a certain degree of autonomy including control of financial and human resources and an attitude of developmental attitude or mindset to search for better options and making choices. This should also promote changes in intergovernmental resource distribution and alignment procedures to make them more relevant and attractive for municipalities to better solutions, through strategic planning.
BIBLIOGRAPHY


http://www.3iclei.org/local-strategies

http://www.hologram.org.za


Pillay, P. 2000. *Impact of Urbanisation on municipal services delivery with particular emphasis on the provision of water in the Durban metropolitan area*. Unpublished thesis for the degree of Doctor of Administration, in the Faculty of Commerce and Administration, University of Durban-Westville.


Svara, J.H. 1999. The shifting boundary between Elected Officials and City Managers in Large Council-Manager Cities. **Public Administrative review.** Volume 59, number 1. Pages 44.

Taylor, D.J. 2001. (unpublished thesis) Evaluating the New Local Government mandate in the Nelson Mandela Metropolitan Municipality with Reference to the Role Performed by Councillors. An unpublished thesis presented to the Faculty of Social Sciences and Humanities at the University of...
Durban-Westville in fulfilment of the requirements for the Degree Doctor Philosophiae.


