



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

ROLES AND FUNCTION OF LOCAL GOVERNMENT

20 April 2018

Making progress possible. **Together.**

THERE ARE THREE SPHERES OF GOVERNMENT IN SOUTH AFRICA

Each sphere of government is made up of three parts

- The elected members – who represent the public and approve policies and laws.
- The cabinet or executive committee – who co-ordinate the making of policies and laws and oversee implementation by the government departments.
- The departments and civil servants – who are responsible for doing the work of government.

NATIONAL

- Laws and policies are approved by the National Assembly (parliament) and the National Council of Provinces [NCOP]. The national assembly is made up of members of parliament, elected every five years. The NCOP is made up of representatives of provincial legislatures and local government.
- The president is elected by parliament and appoints a cabinet of ministers. They act as the executive committee of government and each minister is the political head of a government department.
- Each government department is responsible for implementing the laws and policies decided on by parliament or the cabinet. Government departments are headed by a Director General and employ directors [managers] and civil servants [staff] to do the work of government.
- Every department prepares a budget for its work. The budgets are put into one national budget by the Treasury [Department of Finance] and has to be approved by parliament. The Treasury has to balance the income and expenditure of government in the budget and will rarely give departments everything they ask for.
- Provincial or local government may not do anything that is against the laws or policies set down by national government. Provincial government gets most of its money from the national Treasury. Local government also gets grants and some loans through the Treasury.
- The Department of Provincial and Local Government is responsible for national co-ordination of provinces and municipalities.

PROVINCIAL

- There are nine provincial governments
- Some provincial laws are approved by legislatures in each province. The legislature also passes a provincial budget every year. Legislatures are elected in provincial elections that are held with national elections, every five years.
- A premier is elected by the legislature and appoints Members of the Executive Council [MECs] to be the political heads of each provincial department. The MECs and the Premier form the provincial executive council [cabinet].
- Provincial departments employ directors and civil servants to do the work of government.
- Most of the civil servants in the country fall under provincial government – these include teachers and nurses.
- The provincial MEC and Department of Local Government are responsible for co-ordination, monitoring and support of municipalities in each province.

LOCAL

- The whole of South Africa is divided into local municipalities. Each municipality has a council where decisions are made and municipal officials and staff who implement the work of the municipality.
- The council is made up of elected members who approve policies and by-laws for their area. The council has to pass a budget for its municipality each year. They must also decide on development plans and service delivery for their municipal area.
- The work of the council is co-ordinated by a mayor who is elected by council. The mayor is assisted by an executive or mayoral committee, made up of councillors. The mayor together with the executive also oversees the work of the municipal manager and department heads.
- The work of the municipality is done by the municipal administration that is headed by the municipal manager and other officials. S/he is responsible for employing staff and co-ordinating them to implement all programmes approved by council.

INTER-GOVERNMENTAL RELATIONS AND CO-OPERATIVE GOVERNANCE

- Inter-governmental relations is the organisation of the relationships between the three spheres of government. The Constitution states that "the three spheres of government are distinctive, interdependent and interrelated". Local government is a sphere of government in its own right, and is no longer a function or administrative implementing arm of national or provincial government. Although the three spheres of government are *autonomous*, they exist in a unitary South Africa meaning that they have to work together on decision-making, co-ordinate budgets, policies and activities, particularly for those functions that cut across the spheres.
- Co-operative governance means that the three spheres of government should work together (co-operate) to provide citizens with a comprehensive package of services (governance).
- Local government is represented in the National Council of the Provinces and other important institutions like the Financial and Fiscal Commission and the Budget Council. The South African Local Government Association [SALGA] is the official representative of local government.
- SALGA is made up of nine provincial associations. Local municipalities join their provincial association. Executive elections and decisions on policies and programmes happen at provincial or national general meetings.

METROPOLITAN MUNICIPALITIES [CATEGORY A]

- Metropolitan municipalities exist in the six biggest cities in South Africa
- They have more than 500 000 voters and the metropolitan municipality co-ordinates the delivery of services to the whole area
- There are metropolitan municipalities in Johannesburg, Cape Town, Durban, Pretoria, Port Elizabeth and the East Rand
- These municipalities are broken into wards. Half the councillors are elected through a proportional representation ballot, where voters vote for a party
- The other half are elected as ward councillors by the residents in each ward.

LOCAL MUNICIPALITIES [CATEGORY B]

- Areas that fall outside of the six metropolitan municipal areas are divided into local municipalities. There are a total of 231 of these local municipalities and each municipality is broken into wards. The residents in each ward are represented by a ward councillor. [Only people who live in low population areas, like game parks, do not fall under local municipalities. The areas are called District Management Areas and fall directly under the District Municipality.
- Half the councillors are elected through a proportional representation ballot, where voters vote for a party. The other half are elected as ward councillors by the residents in each ward.

DISTRICT MUNICIPALITIES [CATEGORY C]

- District municipalities are made up of a number of local municipalities that fall in one district
- There are usually between 4 - 6 local municipalities that come together in a district council. Some district municipalities also include nature reserves and the areas where few people live - these are called district management areas.
- They fall directly under the district council and have no local council. The district municipality has to co-ordinate development and delivery in the whole district. It has its own administration [staff].

POWERS AND FUNCTIONS OF MUNICIPALITIES

- Electricity delivery
- Water for household use
- Sewage and sanitation
- Storm water systems
- Refuse removal
- Fire fighting services
- Municipal health services
- Decisions around land use
- Municipal roads
- Municipal public transport
- Street trading
- Abattoirs and fresh food markets
- Parks and recreational areas
- Libraries and other facilities
- Local tourism

NATIONAL OR PROVINCIAL GOVERNMENT

National or provincial government can also delegate other responsibilities to municipalities. When municipalities are asked to perform the role of another sphere of government, clear agreements should be made about who will pay the cost. If municipalities are given responsibility for something without being given a budget to do the work, it is called an "un-funded mandate".

MUNICIPAL COUNCILS HAVE THE POWER TO

- Pass by-laws – local laws and regulations about any of the functions they are responsible for. By-laws may not contradict or over-rule any national laws.
- Approve budgets and development plans – every year a municipal budget must be passed that sets down how money will be raised and spent. [See chapter 4]. The council should approve an overall plan for how development should take place in the area. This is called an integrated development plan [IDP] and all projects and planning should happen within the framework of the IDP.
- Impose rates and other taxes – property rates are a form of tax that municipalities can place on the value of properties. It is an important source of income.


CHARGE SERVICE FEES – FOR US OF MUNICIPAL SERVICES LIKE WATER, ELECTRICITY, LIBRARIES, ETC.

- Impose fines – for anyone who breaks municipal by laws or regulations, for example traffic fines, littering or library fines
- Borrow money – the council may agree to take a loan for a development or other project and to use the municipal assets as surety.
- Decisions about most of the above must be made in full council meetings. Many of the minor decisions that municipalities have to take can be delegated to exco, portfolio committees or to officials or other agencies that are contracted to deliver services.
- other agencies deliver services, it is important that the municipal council keeps political power. Councils have to develop systems to ensure that delegated functions are performed properly and within a clear policy framework. Contracts must be drawn up to ensure that agencies stick to agreements.

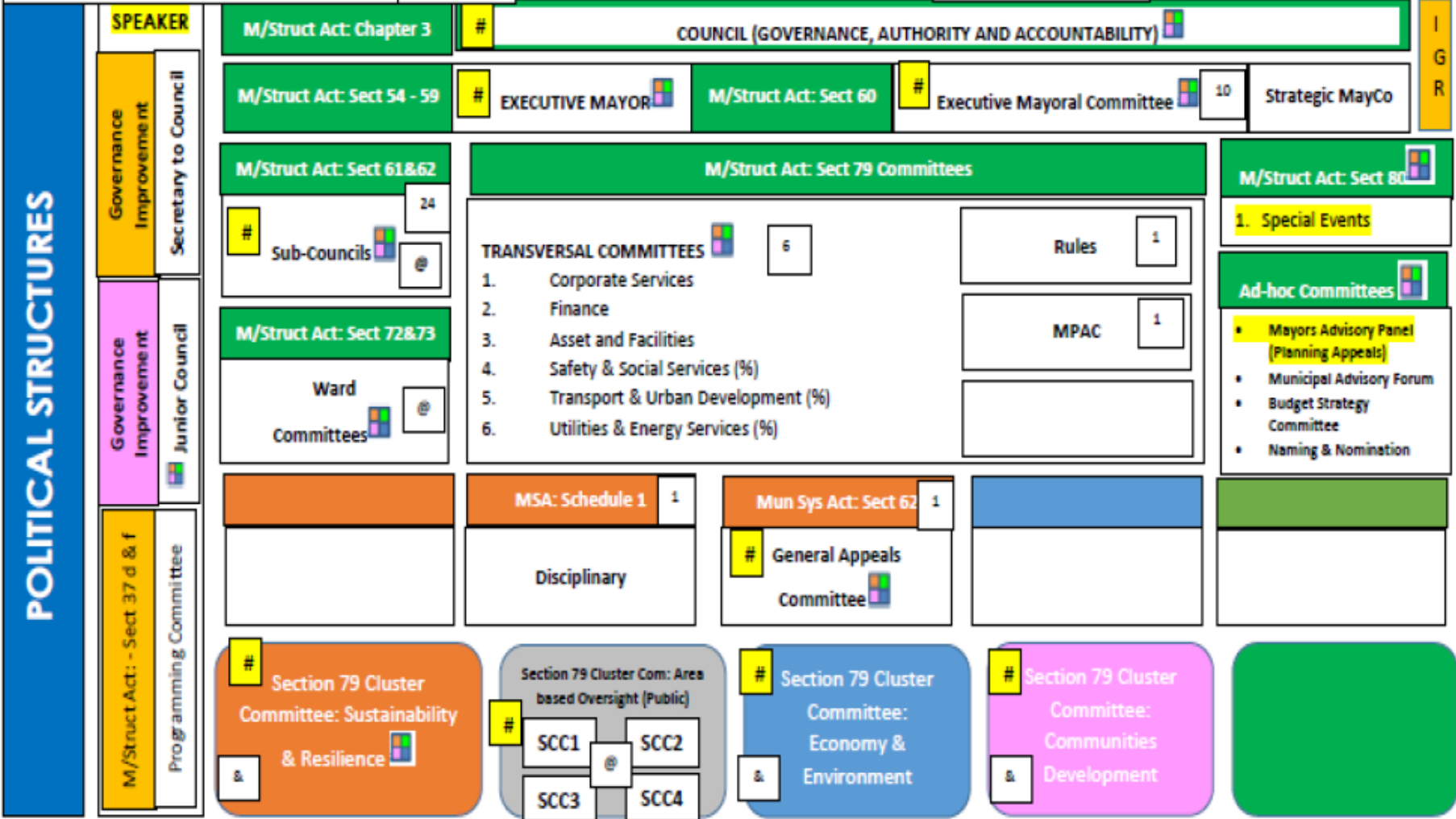
GOVERNANCE STRUCTURES

% = Deputy & Chairperson for larger transversal committees
 "n" = full-time Councillor
 @ = Link to the area-based model

Blue highlight rep. a delegation requirement

= Decision making body
 = Transversal implications

* = Personal involvement / attendance of the City Manager
 ! = Dependency on Area based Model
 & = Scheduled Workshop Session



MACRO FUNCTIONAL STRUCTURE

OFFICE OF THE EXECUTIVE MAYOR
EXECUTIVE DEPUTY MAYOR

OFFICE OF THE CITY MANAGER

DIRECTORATE: AREA-BASED MANAGEMENT

- Area-Based Management
- Subcouncils
- Mayoral Urban Renewal Programmes
- Area Management (Indirect Reporting)
- Public Participation
- Customer Relations
- Local Tourism Development
- Informal Trading

DIRECTORATE OF THE MAYOR

- Organisational Policy & Planning
- Organisational Performance Management
- Communications
- Organisational Effectiveness & Innovation
- Enterprise and Investment
- Probity (Ombudsman, Forensics, Ethics & Integrity, Risk and Audit)
- Private Offices of the Mayor, Deputy Mayor, Chief Whip & Speaker

Decentralized Support: HR, OHS, OPM, SCM, PMO

INFORMAL SETTLEMENTS, WATER & WASTE SERVICES

- Informal Settlements & Backyards
- Water & Sanitation Management
- Solid Waste Management

ENERGY

- Sustainable Energy Markets
- Electricity Generation & Distribution

TRANSPORT & URBAN DEVELOPMENT AUTHORITY

- TDA Business Support
- Transport Planning
- Contract Operations
- Asset Management and Maintenance
- Network Management
- Regulations
- Urban Catalytic Investments
- Business Resource Management
- Built Environment Management
- Urban Integration
- Environmental Management
- Development Management
- New Market Development

SAFETY & SECURITY

- Metropolitan Police Services
- Law Enforcement, Traffic and Coordination
- Disaster Management & Public Emergency Communications Centre (107)
- Fire Services
- Events

SOCIAL SERVICES

- City Health
- Library & Information Services
- Recreation & Parks
- Social Development and Early Childhood Development
- Planning, Development & PMO

FINANCE DIRECTORATE: Budgets ; Treasury; Expenditure; Revenue; Supply Chain Management; Valuations; Grant Funding

DIRECTORATE: ASSETS & FACILITIES MANAGEMENT: Property Management; Home Ownership Transfer, Tenancy Management and Staff Housing; Facilities Management; Fleet Management; Development Implementation & Priority Assets Management; Cape Town Stadium & Sea Point Precincts

CORPORATE SERVICES: Human Resources; Legal Services; Information Systems & Technology; Executive & Council Support; Information & Knowledge Management

AREA 1: SUBCOUNCIL CLUSTER 1

AREA 2: SUBCOUNCIL CLUSTER 2

AREA 3: SUBCOUNCIL CLUSTER 3

AREA 4: SUBCOUNCIL CLUSTER 4



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THE STRUCTURES OF COUNCIL

- A mayor – who heads the council
- An executive or mayoral committee – that meets regularly to co-ordinate the work of council and make recommendations to council
- A speaker [except in very small councils] – who chairs council meetings
- Council meetings – where the full council meets to make decisions
- Committees – where a few councillors meet to discuss specific issues

MAYORS AND EXECUTIVES

MAYORAL EXECUTIVE

- Most local councils in the country have an executive mayor. The executive mayor is elected by the full council
- He or she may appoint a mayoral committee that will assist in making decisions, proposals and plans that have to be approved by council.
- The mayoral committee may not consist of more than 10 people or more than 20% of the sitting councillors
- The council may delegate any executive powers to the executive mayor. An executive mayor is almost like the president at local level and a mayoral committee is almost like the cabinet.
- When a municipality has an executive mayor they should still elect a Speaker to act as the chairperson of council meetings.

COLLECTIVE EXECUTIVE

- A number of councils have a collective executive system. Here the mayor is still elected by the municipal council as a whole but the council also elects the executive committee.
- The members of the executive can be made up from members of different parties. The elections are on a PR ballot and parties will usually get the same percentage of seats on the exec as they have on the council.
- The mayor is the chairperson of the executive committee. The municipal council must delegate powers to the executive committee.
- In a collective executive system a speaker is also elected by the council.

PLENARY EXECUTIVE

- A plenary executive system should only be used in very small municipalities. The municipal council elects a mayor but there is no executive or speaker.
- The mayor chairs the council meetings and the council as a whole makes the decisions and plans. So the plenary of the council acts as the executive.
- The Executive Committee's [exco] main role is to co-ordinate council business and to make sure that things run smoothly. This is very important especially in large municipalities. Most councils do not have long meetings very often and somebody has to prepare properly to make sure that the most important decisions are made by the full council meeting. Council can also delegate some decision-making power to exco.
- Much of the preparation work on policies and programmes happen in the council committees and recommendations then go to the exco. A committee may have looked at issues in isolation – for example looking at building a clinic without taking into account the provision of water and electricity to that clinic. At exco the chairs of different committees can look at proposals together to make sure that they are implementable.
- The exco is an important place where politicians can try to resolve issues or make compromises in private rather than having big fights in full public view.

PLENARY EXECUTIVE

- Most council decisions are made on the basis of exco recommendations. The exco can sometimes make final decisions independently of the full council but these are usually only on routine uncontroversial issues. Where the exco may make decisions on its own these decisions still have to be reported to the full council meeting.
- Exco may not make final decisions on important things like finance or policy. In most cases exco debates an issue and then makes a recommendation to council. Sometimes exco's recommendation will support the recommendations received from a committee and at other times it may oppose a committee recommendation. If Exco is not allowed to make decisions their recommendations must be debated by council where the final decision will be taken.
- When an issue is debated in an exco meeting the exco may call for further explanations from people who can add to the debate. The exco meeting will usually include the committee chair, who should be an exco member, and senior officials in the department involved. Any other committee members may be requested to attend the exco meeting to motivate a proposal.

COUNCIL COMMITTEES

Councillors then get a chance to dedicate time to specific issues and to become experts in those. Committees do not make final decisions since most decisions need approval by council as a whole. There are three different types of committees.

- **Portfolio committees** - These are the most common and usually have the same names as the different departments in council e.g. health committee, planning committee, finance committee
- **Geographically-based committees** - These are set up to deal with issues in a specific area. This system is usually used in large metropolitan municipalities that also have sub-councils
- **Issue-related committees** - These may be set up to deal with a specific issue in a way that involves people from different committees. This helps to stop problems from being treated in isolation.

WARD COMMITTEES

- Ward committees may also be set up in municipalities where the ward committee model is being used. The purpose of a ward committee is
- To get better participation from the community to inform council decisions.
- To make sure that there is more effective communication between the council and the community.
- To assist the ward councillor with consultation and report-backs to the community.
- Ward committees should be elected by the community they serve. A ward committee may not have more than 10 members and women should be well represented. The ward councillor also serves on the ward committee and should act as the chairperson. Ward committees have no formal powers but can advise the ward councillor or make submissions directly to council. It should also participate in drawing up the integrated development plan of the area.

EXECUTIVE POWERS & FUNCTIONS OF CITY COUNCIL

- In South Africa, the Executive Council of a province is the cabinet of the provincial government. The Executive Council consists of the Premier and five to ten other members, who have the title "Member of the Executive Council", commonly abbreviated to "MEC".
- MECs are appointed by the Premier from amongst the members of the provincial legislature; he or she can also dismiss them. The provincial legislature may force the Premier to reconstitute the council by passing a motion of no confidence in the Executive Council excluding the Premier; if the legislature passes a motion of no confidence in the Executive Council including the Premier, then the Premier and the MECs must resign.
- The Premier designates powers and functions to the MECs; conventionally they are assigned portfolios in specific areas of responsibility. They are accountable to the provincial legislature, both individually and as a collective, and must regularly report to the legislature on the performance of their responsibilities.
- The Western Cape, the only province to have adopted its own constitution, chose to call its Executive Council the "Provincial Cabinet", and its MECs "Provincial Ministers".

EXECUTIVE POWERS & FUNCTIONS OF CITY COUNCIL

- The bicameral Parliament of South Africa makes up the legislative branch of the national government. It consists of the National Assembly (the lower house) and the National Council of Provinces (the upper house). The National Assembly consists of 400 members elected by popular vote using a system of party-list proportional representation. Half of the members are elected from parties' provincial lists and the other half from national lists.
- Following the implementation of the new constitution on 3 February 1997 the National Council of Provinces replaced the former Senate with essentially no change in membership and party affiliations, although the new institution's responsibilities have been changed; with the body now having special powers to protect regional interests, including the safeguarding of cultural and linguistic traditions among ethnic minorities. In ordinary legislation, the two chambers have coordinate powers, but all proposals for appropriating revenue or imposing taxes must be introduced in the National Assembly.
- The President is elected by the members of the General Assembly. Upon election the President resigns as an MP and appoints a Cabinet of Ministers from among the members. Ministers however retain their parliamentary seats. The President and the Ministers are responsible to the Parliament, of which they must be elected members. General elections are held at least once every five years. The last general election was held on 7 May 2014.

EXECUTIVE

- The Union Buildings, the seat of the national executive
- The President, Deputy President and the Ministers make up the executive branch of the national government. Ministers are Members of Parliament who are appointed by the President to head the various departments of the national government. The president is elected by parliament from its members. The ministers individually, and the Cabinet collectively, are accountable to Parliament for their actions.

Cabinet of South Africa

- Each minister is responsible for one or more departments, and some ministers have a deputy minister to whom they delegate some responsibility.



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Thank You

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