

THE ROLE OF THE MUNICIPAL MANAGER BEFORE, DURING AND AFTER THE 2016 LOCAL GOVERNMENT ELECTION.

1. Introduction

The Municipal Manager, as the Head of Administration and the Accounting Officer of the municipality has a major role to play before, during and after the local government election, scheduled to take place on 3 August 2016. Although certain matters are cross-cutting across all three phases, the document is structured to deal with the pre-election period, the election period and the post-election period.

2. Pre-election period

The pre-election period is from the current date until the day of the election, being 3 August 2016. The basis for the role of the Municipal Manager during this period is business as usual, but with additional aspects to be focused on in preparation for the election.

2.1 Ensuring administrative performance

The Municipal Manager, as the head of administration, should ensure that the administration attend to all daily tasks required. Political structures will remain in place until just before the election and where required, the necessary reports must still be submitted to council structures in order for the municipality to fulfil its mandate of service delivery. Where the system of delegations allows officials to finalise matters, this must be continued with.

2.2 Budget and IDP

The municipal manager must ensure that the time frames for the preparation and approval of the budget is continued with, in particular, the Municipal Manager must ensure that a credible public participation process is followed in the approval of the IDP and budget and that such engagements are not used as platforms for campaigning by any political party or its members. The current council must approve both the IDP and the budget for the 2016/2017 financial year.

2.3 Continued meetings of political structures

Although the terms of office of the council has come to an end, councillors remain in office until the results of the elections has been declared by the IEC, and structures

of the council must, therefore, still meet and proceed to consider matters delegated to it, as far as possible up to at least the end of July 2016. The municipal manager must liaise with the relevant political office bearers to ensure that such meetings are arranged and that the required notices are sent out in this regard.

2.4 Arrangements for the elections

The Municipal Manager must assist the IEC in ensuring that all the necessary arrangements are being made to facilitate the elections, including ensuring that water, sanitation and electricity will be available at all voting stations on the election day. Even where the Municipal Manager is not appointed as the Municipal Election Officer the assistance and support of the Municipal Manager is essential.

2.5 Council assets under the control of currently serving councillors

The Municipal Manager must ensure that the administration has a full record of all municipal assets in the possession of or under the control of all serving councillors. Arrangements must be made for Councillors to hand in or return all council assets prior to the election on 3 August 2016. Clear guidance in this regard needs to be provided to councillors after consultation with the Speaker.

2.6 Preparatory work for the first council meeting

The Municipal Manager is responsible to arrange the first council meeting for the newly constituted council. Preparation work can be done even before the election, such as:

- ensuring that the municipality, even prior to the election, is provided with the physical addresses of candidates for the election of ward councillors as well as the addresses of the candidates on the proportional representation lists, to ensure that the municipality will be able to compile a detailed address list of councillors once the results of the election are declared, and to make logistical arrangements for the delivery of agendas to councillors, regardless of whether it is done physically or electronically;
- where there will be an increase in the number of councillors in the municipality or in the event of an incorporation or merger of municipalities, the Municipal Manager, or person appointed as the acting municipal manager in terms of the section 12 notice, must ensure that the venue to be used for the council meeting has adequate space for councillors, officials as well as members of the public attending the first council meeting, and that all required infrastructure such as a sound system and recording devices are available;
- the Municipal Manager needs to ensure that the Standing Orders of the municipality are made available to councillors prior to the first meeting in order for newly elected councillors to understand the processes and rules applicable to council meetings. Where an amalgamation of municipalities took place, and either no or more than one set of rules of order was previously adopted, the Municipal Manager must at the outset of the first council meeting make a proposal on the rules of order to be followed at the first meeting, where after the municipality can adopt rules of order, unless the section 12 notice

- contains a specific provision in this regard, in which event the notice must be given effect to;
- as the date for the first meeting of the newly elected council would probably not have been included in the publication of council meetings to be held during 2016, as required in terms of section 19 of the Local Government: Municipal Systems Act, 2000, the Municipal Manager must ensure that the date of the meeting, once determined, is published in accordance with the provisions of the Local Government: Municipal System Act, 2000;
 - the Municipal Manager must arrange with the IEC to make available a representative for the first meeting of the council in order to manage the election of the political office bearers as well as representatives to the district municipality, in the event of a local municipality.

2.7 Assistance to outgoing councillors

The Municipal Manger must ensure that assistance will be rendered to outgoing councillors. He/she must ensure that councillors receive payment until the date of the declaration of the results of the election and that IRP5s and other documents will be made available to outgoing councillors as soon as possible. Councillors must also be assisted in vacating any office space occupied, to make same available to incoming councillors. For practical reasons, it is proposed that councillors be requested to vacate all offices shortly before the date of the election. Municipal Managers must as far as possible, also assist with providing all the necessary documentation to outgoing councillors in order to facilitate all processes required by the Municipal Councillors Pension Fund and SARS.

2.8 Asset register and list of staff members

In the event of an incorporation, merger or re-alignment of boundaries, the Municipal Manager must ensure that an asset register, as well as a record of all staff members, their positions as well as annual salary and benefits is provided to the successor-in-law, as well as any other relevant records and documents, in order to secure a smooth transition.

2.9 Drafting and facilitating a hand over report to new executive councillors

The Municipal Manger must request and assist the outgoing executive councillors in preparing a hand over reports to the incumbent executive councillors. Such reports will facilitate the smooth transitions between the two councils and will ensure continued service delivery to the community. A separate guideline in this regard is available.

2.10 Day 1 arrangements

Where there will be a merger of municipalities or an incorporation of new areas into an existing municipality, the municipal managers of the affected municipalities must

make day 1 arrangements to ensure continued service delivery and to maintain stability in the area affected. Arrangements can include interim reporting lines, office accommodation, the implementation of the 2016/2017 budget and the preparation of financial statements for the 2015/2016 financial year.

2.11 Traditional Leaders

In a number of municipalities with traditional authorities, the current appointment of traditional leaders attending council meetings is either not up to date or duly implemented. The municipal manager should liaise with the relevant department in the province (COGHSTA, the Department of Traditional Affairs or Arts and Culture) to ensure that such traditional leaders are appointed and then ensure that the relevant traditional leaders are inducted with the councillors to ensure that at the start of the new term the traditional leaders also take up their place in the council meeting.

3. During the election period

3.1 Assist and support the IEC

Regardless of whether the Municipal Manager has been appointed as the Municipal Electoral Officer or not, the Municipal Manager must take all steps necessary to support the IEC in the election process. Staff members appointed as election officers must be allowed to attend to their functions in this regard and the necessary administrative procedures need to be put in place in this regard. The leave policy of the municipality will determine whether special leave will be granted to employees or whether annual leave must be applied for.

3.2 Declaration of results of the election

The Municipal Manager must take all steps necessary to provide assistance to the IEC in the process of the declaration of the results of the election.

3.3 Arranging of and preparation for the first council meeting

The guideline on the first council meeting is part of the documents being prepared and will assist municipal managers in arranging the first council meeting. It is once again impressed on Municipal Managers to ensure that all logistical arrangements are in place for the first council meeting, and the agenda for the first council meeting is prepared. Arrangements must be made with the IEC to be available for the election of political office bearers and representatives on the district council, where applicable. In the event of a restructuring and where no acting municipal manager has been appointed in terms of the section 12 notice, the MEC for Local Government must appoint the person to arrange and chair the first council meeting until the Speaker is elected.

In the event of a metropolitan or local municipality, the meeting must take place within 14 days after the results of the election have been declared, and in the event

of a district municipality, within 14 days after the members to be appointed by local municipalities, have been appointed.

4. Post elections

4.1 Chairing the first council meeting

The Municipal Manager must arrange and chair the first council meeting and preside over the election of the Speaker. Once elected, the Speaker will proceed to chair the meeting, unless the MEC appointed another person for this purpose.

4.2 Support to new councillors and capacitating new councillors

The Municipal Manager must ensure that all incoming councillors are supported in completing all the necessary documentation related to their remuneration and tax affairs. The content and interpretation of the notice on the determination of the upper limits of salaries, allowances and benefits of municipal councillors are explained to incoming councillors.

The Municipal Manager must provide a copy of the Code of Conduct for Municipal Councillors and explain the implications thereof to councillors.

The Municipal Manager should also ensure that all councillors duly complete their declaration of interest forms and hand it in. The rules of order for council meetings should also be provided to the councillors, if possible, prior to the first council meeting.

Office accommodation as well as support and tools of the trade must be provided to the executive and other councillors in accordance with the upper limits notice and the policy of the council.

4.3 Induction of councillors

Although SALGA has developed an induction programme to be rolled out after the election, the Municipal Manager must ensure that a basic induction be done at municipal level, to familiarise councillors with the specific governance structures in the municipality as well as the administrative structure.

4.4 Review of the system of delegations

Section 59(2)(f) of the Local Government: Municipal Systems Act, 2000, determines that the system of delegations of a municipality must be reviewed when a new council is elected or in the case of a district municipality, when it is elected and appointed. Section 65 of the said Act provides that when it is necessary to review the delegations, the municipal manager must submit to the council a report on the existing delegations and recommend changes that the municipal manager deems necessary.

The municipal manager should therefore, as soon as possible after the declaration of the results prepare the necessary report for submission to the council, although it does not necessarily have to serve at the first council meeting, due to the number of matters to be attended to at the said meeting.

4.5 Convening a mayoral lekgotla

As soon as possible after the first council meeting and once all political office bearers in the municipality have been elected, the Municipal Manager must assist the Executive Mayor / Mayor to arrange a mayoral lekgotla. The purpose of the lekgotla will be for the new councillors to identify its priorities and craft its vision for their term of office. Heads of department can at the lekgotla share the vision and key performance areas with portfolio councillors to capacitate councillors serving in such committees, but also to allow portfolio committees to determine its plan of action for their tenure in office.

Hand-over reports prepared by outgoing office bearers must also be provided to the relevant incoming office bearers.

4.6 Facilitating and assisting with the role clarification of Political Office Bearers and the Municipal Manager

Section 53 of the Local Government: Municipal Systems Act, 2000, provides that the municipality must, within the framework of and in accordance with the provisions of the Local Government: Municipal Structures Act, 1998, define the specific role and area of responsibility of each political structure and political office bearer of the municipality as well as the Municipal Manager. It is proposed that the Municipal Manager prepare a draft document for submission to and consideration by the Council. SALGA has prepared a Guideline on the Clarification of the Roles and Responsibilities of Political Office Bearers and the Municipal Manager that can assist in this regard. The said document can be obtained from SALGA.

4.7 Arranging a briefing of municipal staff by the Mayor / Executive Councillors

It is proposed that the Municipal Manager facilitate one or more staff meetings, depending on the structure and geographical composition of the municipality, in order to introduce the Executive Mayor / Mayor / Executive Councillors / Mayoral Committee to officials and for the new leadership to brief municipal staff and to share the vision of the new leadership with officials.

4.8 Arranging ward meetings and facilitating election of ward committees

The terms of office of ward committees are aligned to that of municipal councils and the municipality must, as soon as possible after the results of the elections have been declared, arrange ward meetings in order for the interest groups in the ward to be identified and subsequently for the ward committees to be elected, according to the system applicable in each respective municipality. SALGA has developed a

Code of Conduct for Ward Committee Members and same can be obtained from SALGA.