

**LOCAL GOVERNMENT  
NEGOTIATING FORUM**

**AGENDA**

**30 JUNE 1993**

**CIVIC CENTRE, BRAAMFONTEIN  
JOHANNESBURG**

**EMBARGO: NOT FOR PUBLICATION BEFORE 30 JUNE 1993**

**AGENDA FOR THE SECOND MEETING OF THE LOCAL GOVERNMENT  
NEGOTIATING FORUM ON 30 JUNE 1993 AT 9:30 IN THE COUNCIL  
CHAMBERS, JOHANNESBURG CIVIC CENTRE**

1. REGISTRATION
2. WELCOME BY CO-CHAIRPERSONS, MESSRS MAKDA AND TSENOLI
3. RESOLUTIONS OF THE MANAGEMENT COMMITTEE (p. 2)
4. REPORTS FROM THE MANAGEMENT COMMITTEE
  - 4.1 MEMBERSHIP (p. 15)
  - 4.2 TRANSITIONAL LOCAL GOVERNMENT STRUCTURES (p. 18)
  - 4.3 LOCAL GOVERNMENT TRAINING BOARD AND PRINCIPLES FOR TRAINING (p. 40)
  - 4.4 REORGANIZATION OF LOCAL GOVERNMENT ADMINISTRATIONS (p. 48)
5. DATE FOR NEXT MEETING
6. PRESS CONFERENCE



**RESOLUTIONS OF THE MANAGEMENT COMMITTEE OF THE LGNF**

Attached hereto resolutions of meetings held on:

- 30 March 1993;
- 27 April 1993;
- 18 May 1993; and
- 21 June 1993.

It is recommended that notice be taken.



RESOLUTIONS OF A MEETING OF THE MANAGEMENT COMMITTEE OF THE  
LGNF HELD ON 30 MARCH 1993

1. Cognisance was taken of the reports from Working Group I (Annexure A) and Working Group II (Annexure B).
2. Management Committee meetings should take place at least one week following Working Group meetings, in order to afford sufficient time for the compilation of reports.
3. Working Groups should be informed of the deadlines determined by the Management Committee.
4. Members of the different Working Groups, will in future report back to the Management Committee from their respective Working Groups. It was proposed that members of the two delegations be identified for this purpose.
5. Feedback from the Management Committee to the LGNF will be dealt with by members of the Management Committee, who are also members of the three Working Groups.
6. Referring to the terms of reference of the Working Groups, it was resolved that a two page objective should be compiled by the Working Group for each brief.
7. Due to the timetable of the Forum the Management Committee and its Working Groups, it was decided that each document compiled by the Secretariat and the Working Group must be dated.
8. After Mr Dirk Strydom reported on the additional funds required for secretariat services, it was resolved that the report be referred back to the Secretariat for further investigation in conjunction with the Johannesburg City Council and the two Co-Chairpersons. More specific recommendations must be drafted for consideration by the Management Committee on 27 April 1993.

9. As far as regional co-ordination is concerned, the Secretariat reported that, due to the time factor, it was not possible to compile a report. This issue is referred to Working Group 1 for submitting a report to the next meeting of the Management Committee.
10. It was suggested that the draft guidelines and criteria for the consideration of membership of the LGNF be referred to Working Group I for further investigation and submission to the Management Committee at the next meeting.
11. It was decided that paragraph two of the draft criteria for membership (attached) be included in paragraph one, at the end of the first sentence and that paragraph three be deleted.

As far as paragraph four of the draft criteria for membership is concerned, it was decided that successful applicants would only enjoy observer status in the LGNF.

12. The relationship between the LGNF and the proposed Sub-council for Regional and Local Government of the TEC should be determined in the compiling of a communication strategy for the Forum.
13. It was confirmed that Working Groups should submit their reports via the Management Committee to the LGNF.
15. The Department of Local Government and National Housing must submit recommendations on a communication strategy for the LGNF.
16. It was resolved that meetings of the LGNF not be opened with prayer. The Co-Chairpersons will, however, allow a minute of silence during which members can do a silent prayer if they wish to do so.
17. The dates of the next two meetings of the Management Committee were confirmed for 15 April 1993 at 9:30 and 27 April 1993 at 9:30. The scheduled meeting for 11 May 1993 was postponed to 17 May 1993 at 9:30 and it was also resolved that the LGNF will convene on 18 May at 10:00. The Management

Committee will also meet at 9h30 on 25 May, 7 June, 21 June, 5 July and 19 July 1993, with a LGNF meeting to be held at 10:00 on 30 June 1993.



**RESOLUTIONS OF A MEETING OF THE MANAGEMENT COMMITTEE OF THE LGNF  
ON 27 APRIL 1993**

1. The nomination of Mr David du Preez to the statutory side of the secretariat, was approved until the end of June 1993, whereafter he will be replaced by Miss Linda Kruger. Cognisance was taken of 3 additional personnel made available by the Department to assist the secretariat.
2. After a lengthy discussion on Minister Delpont's speech on 22 April 1993 in Parliament, Mr Makda was requested to communicate to Minister Delpont the feelings of the Management Committee. The Committee is not happy with the Speech. The Minister should project a positive image of the Forum in future.
3. Working Group I will meet at 9:30 on 3 May 1993 in Committee Room D.
4. Working Group 2 will meet on 3 May at 13:30 in Committee Room D.
5. Working Group 3 will possibly meet on 4 May 1993. The date will be confirmed with the members of the Working Group.
6. The planned meeting of the Forum on 18 May 1993 will go ahead.
7. A steering committee of the Management Committee consisting of Messrs Sadie and Cornelissen from the statutory side and Messrs Mayekiso and Motshekega from the non-statutory side, will meet on 11 May 1993 at 9:30 to prepare reports on the working groups for submission to the Forum on 18 May 1993.
8. The steering committee will also consider a report from Working Group I on draft criteria for membership of the Forum.
9. The Management Committee will meet on 17 May 1993 to finalise a paper on the draft criteria for membership of the Forum, and table it as an addendum to the Forum on 18 May.



10. Working Group I must submit a report on regional co-ordination to the steering committee on 11 May 1993 to be tabled to the Forum on 18 May 1993.
11. The Budget as presented by Mr Dirk Strydom was approved.
12. It was resolved that:
  - (a) Johan Oosthuizen's report be distributed;
  - (b) the Secretariat prepare comprehensive recommendations on a total communication strategy for the Forum and its structures;
  - (c) the Secretariat communicate with the electronic media about participating in talk shows to inform people on the Forum;
  - (d) Working Groups should be informed by the Secretariat of progress, by other Working Groups;
  - (e) Working Groups cannot communicate outside the Forum; and
  - (f) members of the Management Committee must forward comments on a communication strategy to the Secretariat, by not later than 5 May.
13. Working Group II must formulate a term of reference for Civil Protection, to be tabled for approval at the Forum on 18 May 1993.
14. Working Groups should make proposals regarding information obtained.
15. Messrs Boet van der Merwe and Andrew Borraine will represent the LGNF at the National Electricity Forum.
16. There should be co-ordination between the different Forums. The Secretariat must prepare a report on the different existing forums, i.e. who is represented in the Forums, its terms of reference, their structures, and a recommendation on how to obtain co-ordination between the Forums.

17. Deputy Minister Makda will release a press statement on the meeting on behalf of the Co-chairpersons.
18. Cognicanse was taken of the request of the Johannesburg Metropolitan Action Group, to address the Forum on the issue of metropolitan government. The request must be referred to Working Group I. It is envisaged that the relevant working group would be calling for papers in due course, at which stage they can make their submissions.
19. Advisors will not be admitted to attend meetings of the Management Committee. However, experts might be co-opted to advise the Management Committee from time to time.

RESOLUTIONS OF A MEETING OF THE MANAGEMENT COMMITTEE OF  
THE LGNF HELD ON 18 MAY 1993

1. The resolutions of the meeting of the Management Committee on 27 April 1993 were approved.
2. The Co-chairperson, Mr Makda, reported back on his meeting with Minister Delpont, following a decision by the Management Committee that he should communicate the Committee's views on the Minister's speech in Parliament on 22 April 1993. The Minister has taken note of the views expressed by this Forum.
3. The meeting of the Management Committee on 7 June 1993 was cancelled. The next meeting will take place on 21 June 1993.
4. The parties agreed in principle on a communication strategy as presented by Mr Oosthuizen, but reserved the right to return with comments or amendments. Mr Johan Oosthuizen was given approval to proceed with the implementation of the strategy and must report regularly to the members of the Management Committee on the progress made.
5. In addition to the Co-chairpersons of the Management Committee, the following members will act as spokespersons for the Forum:

**Non-statutory delegation:**

- \* Salie Manie
- \* Thozamile Botha
- \* Moses Mayekiso

**Statutory delegation:**

- \* Boet van der Merwe
- \* Andre Cornelissen



6. The Management Committee expressed concern on the lack of progress made by Working Group I. They must submit a report on progress to the Management Committee by 4 June 1993. The "Bosberaad" of 22 - 24 June has been cancelled.
7. The Secretariat will address a letter to the Multi-party Negotiating Forum in order to structure and formalize the relationship between the LGNF and that Forum.
8. The report submitted by Working Group 2 will be discussed at the next meeting of the Management Committee on 21 June 1993.
9. Working Group 3 will finalise their report and table it on 21 June 1992. Both Working Groups 2 and 3 will clarify their documents with their principals.
10. Any documents produced by a Working Group should be finalised with regard to particular terms of reference.
11. The Management Committee of the LGNF accepted an invitation to meet with the Management Committee of the National Electricity Forum. Mr Andrew Boraine will arrange the meeting for 22 June 1993.
12. The Secretariat will address a letter to the Ciskei Government in response to a fax received from them, requesting inclusion on the Forum's mailing list. Johan Oosthuizen will liaise directly with them on a regionally co-ordinated basis.
13. The Management Committee took note of the following:
  - 13.1 The Co-chairpersons of the Forum, the Management Committee and the respective Working Groups should accept responsibility as regards their delegations in order to adhere to the number of members. Members and advisors attending meetings should be identified at the commencement of each meeting.



- 13.2 The Advisors and specialists have no speaking rights at meetings of the Working Groups and Management Committee.
  - 13.3 Members must adhere to the scheduled commencing times of meetings.
  - 13.4 The names of alternate members must be submitted in writing to the Secretariat at least 72 hours before a meeting.
  - 13.5 Written apologies from members who cannot attend meetings should reach the Secretariat at least 48 hours in advance of a meeting.
14. The statutory side expressed their concern about reports in "Business Day" quoting a SANCO-spokesperson speaking on behalf of the Forum. Statements such as these are not acceptable. Only the persons appointed by the Management Committee, are to act as spokespersons for the Forum's activities.

RESOLUTIONS OF A MEETING OF THE MANAGEMENT COMMITTEE OF  
THE LGNF HELD ON 21 JUNE 1993

1. The following members of the Management Committee were unable to attend the meeting:
  - 1.1 Members absent with apologies:
    - \* D. Mofokeng
    - \* R. Mdakane
  - 1.2 Members absent without apologies:
    - \* I. Sengoara
    - \* L. Tsenoli
2. The resolutions of the meeting of the Management Committee on 18 May 1993 were approved as amended.
3. The LGNF will not pay for a member's travel and subsistence expenses if he/she doesn't stay for the whole duration of the meeting.
4. The Secretariat is instructed to arrange for a delegation from the Management Committee to meet with the Planning Committee of the MPNF.
5. Written proposals on local government received by the Secretariat, from organisations not represented on the LGNF, shall be referred to the Management Committee.
6. The Management Committee decided to accept the report of Working Group 1 on membership of the Forum, as amended, and will send it as a report of the Management Committee to the Plenary on 30 June 1993. The report on Regional Co-ordination is carried over.

7. Working Group 1's "Framework for restructuring Local Government during the interim and pre-interim periods" has to be amended, and will be tabled at the Plenary as an official report.
8. A Management Committee meeting was scheduled for Friday 25 June 1993 at 15:00 to prepare documents to be tabled at the Plenary.
9. Cognisance was taken that Working Group 1 will have a "Bosberaad" in Johannesburg on 23 and 24 June 1993 to finalise their report.
10. The report tabled at the meeting of the Management Committee by the Demarcation Board was referred to Working Group 1. Working Group 1 is also requested to prepare proposals on a Local Government Boundaries Commission, to be tabled on 25 June 1993.
11. The two reports of Working Group 2 on 18 May 1993 and 14 June 1993, were discussed and will be further discussed on 25 June 1993.
12. A resolution dealing with the urgent financial crises and the issue of payments, must be formulated by Working Group 1 on 23 and 24 June 1993 to be submitted to the Plenary for adoption.
13. Working Group 3's joint proposal on training boards was accepted and will be put to the Plenary for adoption.
14. John Mawbey should prepare a resolution on resolution no. 13 above, and on the amalgamation / reorganization of local government, for Friday 25 June 1993, for adoption by the Plenary.
15. The secretariat must set a new date for a meeting with the National Electrification Forum.
16. The secretariat must prepare a report on co-ordination between the different Forums.

17. The communications report was noted.

18. The outstanding items under general on the agenda, are carried over to 25 June 1993. These items deal with the Secretariat, the proposed amendment to the original agreement and press reports.

19. SANCO must submit lists of working group members of the non-statutory delegation.



**REPORT OF THE MANAGEMENT COMMITTEE OF THE LGNF**

**MEMBERSHIP AND PARTICIPATION IN THE LGNF**

**INTRODUCTION:**

The Management Committee of the **LGNF** considered various proposals and options and consequently proposes that the following be adopted officially by the **LGNF**:

**1. RELATIONSHIP WITH THE MULTI-PARTY NEGOTIATING FORUM**

The Management Committee considered that the Multi Party Negotiating Forum (MPNF) should participate in the **LGNF** process. It noted that the MPNF has already commenced discussions on issues related to local government. It resolved to make representations to the appropriate structures of the MPNF, on the following:

- a) Local government issues in general;
- b) To motivate its proposal that the Sub-Council on Regional and Local Government to be formed, should become a member of the **LGNF** and participate in its structures;
- c) The MPNF should agree that the decisions of its Sub-Council on Regional and Local Government should be taken with the concurrence of the **LGNF**.

It is important to include political parties and organisations within the **LGNF** process. Therefore the Management Committee should arrange for the Sub-Council on Regional and Local Government of the proposed TEC, to participate at all levels of the **LGNF**.

## 2. MEMBERSHIP:

2.1 The power to accept or reject membership to the Forum is hereby delegated to the Management Committee. It will inform the LGNF of all applications which were approved or refused.

2.2 The Management Committee will consider every application on its own merits. Requests will be considered on the basis of the following:

- \* The applicant should be an organisation which is national in character; and
- \* the applicant should be a local government stakeholder or motivate its particular interest in local government.

Each applicant should subscribe to the mission statement of the LGNF and submit the following in writing:

- (i) Its constitution
- (ii) A list of office bearers
- (iii) Details of membership
- (iv) Relevant extracts from minutes of its last AGM

2.3 Applicants should indicate and motivate whether they wish to be regarded as part of the statutory delegation or of the non-statutory delegation.

2.4 When considering applications, due cognisance should be taken of the logistical and financial capacity of the LGNF.

### 3. OBSERVER STATUS:

3.1 Also in the discretion of the Management Committee, is the granting of observer status with participatory rights. Such observers should be represented by a maximum of two persons in the **LGNF** plenary meetings. They:

- \* will have the same speaking rights as members, to participate in **LGNF** plenary meetings, except in the process of decision-making;
- \* may be invited to participate in structures of the **LGNF** on such conditions as may be stipulated; and
- \* shall be responsible for their own subsistence and travel expenses.

3.2 It is the responsibility of the Management Committee to establish liaison with other relevant negotiating forums. It will address invitations to such forums to delegate no more than two representatives per forum to attend plenary meetings of the **LGNF** as observers.

### 4. OTHER PARTICIPATION:

4.1 As a general rule, the public and media will be welcome to attend all plenary meetings of the **LGNF**. Media liaison remains the function of the Co-Chairpersons of the **LGNF**.

4.2 The **LGNF** may receive or request relevant written proposals from organisations and individuals not represented on the **LGNF**.



## LOCAL GOVERNMENT NEGOTIATING FORUM

## MANAGEMENT COMMITTEE

## TRANSITIONAL LOCAL GOVERNMENT STRUCTURES

Attached hereto for noting is a Progress Report dated June 30 together with its annexures, viz:

- A. Statutory Delegation's proposed objectives;
- B. Non-Statutory Delegations's proposed objectives;
- C. Demarcation Boards; draft
- D. Forum guidelines: draft

Management Committee recommends the following motions for adoption by the Plenary Session:

1. Phasing:

- That the process of transition towards fully democratic non-racial local government should take place in phases, as follows:

1.1 **PRE-INTERIM PHASE:** from the present until elections have been held for interim/transitional structures. This logically has two distinct stages, viz.

- A. from the present until transitional legislation is in place (perhaps by the end of september, 1993) and changes are effected in terms thereof at the local and metropolitan levels; and
- B. from commencement of such arrangements until interim local and metropolitan structures are elected.



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- 1.2 The **INTERIM** Phase, to commence with local and metropolitan elections for a body or bodies which would (subject to national/regional guidelines) then act as council/s.
- 1.3 The **FINAL** Phase, which would commence with the implementation of the final constitutional model at local level.

## 2. **Legislation:**

- That a Local Government **Transitional Measures Act** be drafted to repeal the **Interim Measures Act, 1991, the Black Local Authorities Act, 1982 and other discriminatory legislation affecting local government, and to make suitable provisions in their stead and**

that a drafting committee to be appointed by the Management Committee should proceed with preparation of detailed proposals for a draft of such legislation.

## 3. **Appointed Structures for the pre-Interim**

- 3.1 That the concept of appointed transitional local councils (TLC's) and transitional metropolitan councils (TMC's) be accepted, linked to:
  - elections to be held for interim local government structures within a stipulated time after national elections;
  - nominations for these pre-interim council structures to be made by forums to be constituted in each local/metropolitan area.

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- appointed councils to be nominated on a 50/50 basis between the statutory and non-statutory components.
- 3.2 that as a general principle transitional councils will be appointed to unite politically those areas where local government has been divided into separate racially-determined units;
- 3.3 that for a metropolitan area there will be an appointed TMC, <sup>and either</sup> ~~into~~ TLC's or metropolitan sub-structures for units within it, and for all other local government areas TLC's would be appointed;
- 3.4 that objectives for the pre-interim and interim phase are to be incorporated in a "package" to include provisions for delivery of services and payment therefor and the necessary administrative and financial arrangements.

#### 4. Differentiation

- that there must be appropriate differentiation between various complex situations, e.g. metropolitan, non-metropolitan and rural areas; and
- that enabling legislation should allow for local <sup>adaptations, without prejudice to</sup> initiatives ~~within~~ the national framework.

#### 5. Demarcation Boards

- that in accordance with national guidelines a Demarcation Board should be constituted for each Province/region to conduct investigations and report back to the Provincial/regional authority <sup>in consultation with RMC</sup> on the demarcation of metropolitan and local government areas for the purposes of elections and also for confirmation of forum areas in cases of dispute.

6. Finance and services

- that in the light of the above resolutions the questions of <sup>ARRRAN</sup> areas, finances, tariffs, provision of services and payment therefor are referred back to the Management Committee with instructions to submit recommendations for consideration at the next meeting of the Forum.



1993-6-30

**LOCAL GOVERNMENT NEGOTIATING FORUM (LGNF)  
MANAGEMENT COMMITTEE REPORT  
ON  
TRANSITIONAL LOCAL GOVERNMENT STRUCTURES**

Working Group No. 1 posed itself a series of questions, the answers to which indicate a framework for recommendations for restructuring local government during the pre-interim and interim periods.

**1. IN TERMS OF LOCAL GOVERNMENT RESTRUCTURING, WHAT DO WE WANT TO ACHIEVE DURING THE PRE-INTERIM PERIOD, i.e. IN THE PERIOD PRIOR TO ANY ELECTIONS FOR INTERIM LOCAL GOVERNMENT?**

1.1 The following **definitions** relate to local government processes:

1.1.1 **PRE-INTERIM PHASE:** from the present until elections have been held for interim/ transitional structures. This logically has two distinct stages, viz.

A. from the present until transitional legislation is in place (perhaps by the end of September, 1993) and changes are effected in terms thereof at the local and metropolitan levels; and

B. from commencement of such arrangements until interim local and metropolitan structures are elected.

1.1.2 The **INTERIM** Phase, to commence with local and metropolitan elections for a body or bodies which would (subject to national /regional guidelines) then act as council/s.

1.1.3 The **FINAL** Phase, which would commence with the implementation of the final constitutional model at local level.

This phasing is consistent with that being negotiated at national level, but is not likely to coincide exactly.

1.2 While the process of local government transition is to some extent dependent on (and will need to be co-ordinated with) national multi-party negotiations, delays in such negotiations should not prevent the introduction of pre-interim measures at local government level.

1.3 Pre-interim arrangements can only be concluded once there is clarity on the interim.

1.4 Provided that negotiations proceed reasonably smoothly, the following **TIMETABLE** might be possible at national level:

**1993**

July: Establishment of Transitional Executive Councils, Subcouncils and Electoral Commission.

Sept./Oct.: Transitional national constitution and local government measures enacted.

1994

April: National elections for constituent assembly/ transitional parliament.

May: Commencement of interim government and of drafting new final constitution.

Proposals emanating from the LGNF are subject to concurrence at national level.

1.5 Bearing in mind the need to establish qualifications for local voters' rolls, properly structured elections for the interim period at local level would have to take place at a determinable time after those at national level.

1.6 Objectives for the pre-interim and interim phases, are to be incorporated in a "package", in the context of political and structural reform:

The set of objectives proposed by the Statutory Delegation is contained in Annexure A and that of the Non-Statutory Delegation in Annexure B. There are many points of agreement, but some material differences must still be addressed.

1.7 Time is needed during the pre-interim to work out various complex issues. National legislative guidelines for local government should include provision for appropriate options to suit local circumstances, e.g. the materially different situations prevailing in Natal.

## **2. WHICH OPTIONS FOR THE RESTRUCTURING OF LOCAL GOVERNMENT POLITICAL STRUCTURES COULD BE APPLIED DURING THE PRE-INTERIM PERIOD?**

The following options were considered.

A. Dis-establish local government structures (i.e. governing councils) and replace with appointed councils.

B. Maintain existing local government political structures in place (without amalgamation) and appoint interim councils with specific and/or overriding powers alongside existing councils.

C. Maintain existing local government structures in place (possibly with amalgamation) and appoint interim councils with advisory functions alongside existing councils.

D. No restructuring of political authorities during the pre-interim period.

E. Own systems for each political group, with some form of sub-regional co-operation between them.

2.1 After due consideration **OPTION A**, replacement of existing deliberative bodies (i.e. the councillors) by appointed transitional local councils (TLCs) and transitional metropolitan councils (TMCs) is supported by all members of the Task Team except the representative of the Transvaal Municipal Association.



**2.2 Requirements** for acceptance and application of this option include:

2.2.1 introduction of new systems for the pre-interim and interim only after they have had the explicit endorsement of the appropriate national forum;

2.2.2 agreement regarding the electoral process, voter qualifications and the future interim election (see para 4 below);

2.2.3 agreement to apply the principles of an interim government of national unity to local government;

2.2.4 *In addition, the Statutory Delegation requires*

a) *agreement on treatment of such local government issues for the interim as wards*  
*- possible ward councils, and*  
*- metropolitan government;*

b) *a declaration of intent:*

*- to end violence, civil disobedience and intimidation (including such actions against serving councillors); and*  
*- to actively promote regular payments of municipal services charges.*

2.2.5 *The Non-Statutory Delegation wishes to broaden the declaration of intent as indicated in Annexure B.*

2.3 TLCs/ TMCs should operate with powers, duties and functions in accordance with existing laws, to be supplemented where necessary by transitional legislation.

**2.4 Appointment of TLCs/TMCs.**

2.4.1 Nominations of persons for appointment as Councillors are to be made in local/ metropolitan forums in which all major local stakeholders should be represented.

2.4.2 Appointed Councils should be nominated on a 50/50 basis

- because this would facilitate participation by sectors of society which have in the past been outside the process; and

- because continuity of knowledge and experience would thereby be facilitated.

2.4.3 At least half of the nominees should be acceptable to the statutory component, and at least half to the non-statutory component.



It is recommended that on these two components, statutory and non-statutory, completing their lists of candidates, a representative committee from each component should meet and will attempt to reach consensus on the names proposed.

2.4.4 As a general principle councils would be appointed for urban areas where local government has been divided into separate racially-determined units. In a non-metropolitan area a TLC would be appointed for a defined area. For a metropolitan area there would be an appointed TMC, with TLCs or metropolitan substructures for units within it.

*2.4.5 The Statutory Delegation suggests that calculations should start from the existing number of councillors and coloured and Indian management and local affairs committee members, to whom should be added the equivalent number of non-statutory nominees. This might result in Councils which would be too large and/or expensive, in which case adjustments could be made by local forums according to local needs. If agreement cannot be reached within a reasonable time the matter should be referred for decision to the Provincial/regional authority, which could apply suitable national norms.*

*The Non-Statutory Delegation suggest that the numbers of the appointed councillors should not exceed the total number of seats previously available.*

2.4.6 An appointed councillor should be qualified as a voter in the forum area concerned.

2.4.7 Nominations made by consensus in a properly constituted local forum shall be confirmed and appointed as a matter of course by the appropriate Provincial or regional authority. If consensus cannot be reached, then appointments shall be made by such authority after consultation with a regional monitoring committee for local government.

2.4.8 Metropolitan boundaries need to be determined. In appropriate cases services councils could be subsumed into the TMCs.

2.4.9 In non-metropolitan areas services councils could continue with the present activities until a new system has been negotiated.

2.5 Operations and decision-making:

A nominated Council should be, in every sense, a full Council under applicable legislation.

2.5.1 Following established practice it should elect a mayor from among its members. He or she would preside at Council meetings, but should not have a casting vote.

*2.5.2 The Statutory Group proposes that a two-thirds majority should be required for all Council resolutions during the pre-interim. The Non-Statutory Group prefers 50%*

plus one.

**3. WHAT ARE THE IMPLICATIONS FOR CHANGES TO LOCAL GOVERNMENT BOUNDARIES IN TERMS OF OPTION A?**

3.1 Formal local government boundaries would remain unchanged for administrative purposes during the pre-interim.

3.2 In some cases the demarcation of interim boundaries might be a complex process. This should be addressed by a local government boundary delimitation board to be established. Demarcation should be handled regionally rather than nationally, but in compliance with criteria laid down nationally.

3.3 For metropolitan areas, interior boundaries will also need to be considered by the demarcation commission.

Notes:

a. Draft proposals on demarcation are contained in *Annexure C*

- b. Further attention must be given to legislation to cover
  - the nature of smaller units inside metropolitan boundaries.
  - respective powers and functions of authorities in different metropolitan tiers: strong, weak or megacity;
  - the implications of possibly pre-empting final models at local/regional level.

3.4 The situation in rural districts requires attention.

**4. WHAT ARE THE LINKS BETWEEN THE SUGGESTED OPTION AND**  
**- LOCAL PROCESSES INCLUDING LOCAL NEGOTIATING FORUMS AND**  
**GUIDELINES THEREFOR AND**  
**- ELECTIONS FOR INTERIM LOCAL GOVERNMENT STRUCTURES?**

**4.1 Links with local processes, including local/metropolitan negotiating forums and guidelines therefor**

National guidelines are needed for the establishment and operation of local forums as a means to ensure inclusive local involvement in the process of local government transition.

A first discussion draft of proposed guidelines is contained in **Annexure D** hereto. Draft standard rules of order for meetings are also being prepared.

**4.2 Links with elections for interim local government structures**

4.2.1 Firm arrangements should be made during phase A of the pre-interim period for elections which should take place as soon as possible after national elections.

The necessary framework should be put in place forthwith, before the pre-interim councils are appointed.

4.2.2 Qualifications for the general roll should be enrolment on the national voters' roll, over 18 years of age, resident in the area for at least 6 months. No-one should be



excluded on grounds of race, ethnicity or gender.

*Note: the concept of residence requires further examination.*

4.2.3 *There is no agreement yet on whether or not an additional vote should be provided in some form for property owners or ratepayers.*

4.2.4 Local authorities will compile voters' rolls from information contained in the national voters' roll, with residential qualification. The onus should be on individuals to ensure that they are registered as voters, with assistance from political parties and civics. Local / metropolitan voters' rolls should be compiled both alphabetically and according to street address for ratification.

4.2.5 There should be independent electoral commissions.

4.2.6 A single nationwide election date is required for all the interim elections nationwide.

4.2.7 Attention needs to be given to the electoral system for the interim elections.

Depending on particular circumstances, a combination of proportional representation and ward elections is preferred.

**Ward delimitation will be required.**

*Notes:*

a) *The actual integration of municipal departmental structures could take a considerable time.*

b) *Studies of the electoral process produced by the Johannesburg City Council and the United Municipal Executive indicate that a period of at least 12 months will have to elapse after the national elections, in order to prepare for municipal elections. These studies are to be examined with a view to finding ways of streamlining and expediting the process without sacrificing legitimacy.*

c) *Actions required under the Transvaal Ordinance would include the following:*

*\* Legislation to delete racial provisions from Provincial election ordinances: September, 1993.*

*\* Compilation of provisional voters' lists from the population register, encouragement of people to register.*

*\* Closing date for registrations (presumably April 1994) after the national voter registration drive has been completed.*

*1994*

*\* May : finalisation of voters' lists*

*\* June: Printing voters' lists*

*\* July: revision court hearing*

*\* Ward delimitation must be undertaken sometime during this process.*

*\* A notice advising the date of election and the date of candidate nomination must*



be published not more than 49 and not less than 35 days before the date of the election.

**5. DURING THE PRE-INTERIM PERIOD, WHAT ARE THE OPTIONS FOR THE RE-ORGANISATION OF LOCAL GOVERNMENT SERVICES IN PRINCIPLE AND IN PRACTICE IN ORDER TO ACHIEVE THE STATED GOALS?**

5.1 Pre-interim and interim local government structures need to address the crisis of services provision, the breakdown of administration and the non-viability of many existing local government structures.

5.2 1993/94 budgets have already been drawn up. Working Group 2 is to give attention to various revenue-sharing mechanism proposals. Supplementary budgets could be drawn up, budgeted resources could be re-deployed.

5.3 Attention needs to be given to

- resumption of services charge payments;
- planning for 1994/95 budgets;
- debts and arrears;
- redeployment of staff.

**6. LEGISLATION TO BE PASSED FOR RESTRUCTURING DURING THE PRE-INTERIM PERIOD.**

The approach during the transition should be a holistic one which addresses all elements of the problem.

6.1 Provision should be made for devices to promote a government of local unity during the interim period following elections, along the lines of concepts to be adopted at central government level.

6.2 *The Statutory Delegation proposes that a special two thirds majority must apply at least in cases such as the following:*

6.2.1 *budgets and imposition of rates, levies and service charges*

6.2.2 *external loans*

6.2.3 *expropriation*

6.2.4 *matters affecting rights to land, and possibly*

6.2.5 *certain specific standards of public conduct.*

*This concept requires further examination. The two-thirds majority rule is designed to restrict actions taken by interim councils on a short list of important issues. This could be a handicap but on the other hand it has been found to have advantages in promoting responsible bipartisan local government.*





**LOCAL GOVERNMENT NEGOTIATING FORUM: WORKING GROUP I  
ANNEXURE A  
to the Progress Report dated June 24, 1993**

**STATUTORY GROUP'S "PACKAGE" PROPOSALS**

Objectives for the pre-interim and interim phases should include the following, to be incorporated in a "package", in the context of political and structural reform.

**A1 avoiding the collapse of services and operations in black local authority areas;**

**A2 ending violence, intimidation and vandalism, from whatever source;**

**A3 promoting community participation in responsible administrative and financial decision-making at local government level;**

**A4 seeking to improve the quality, quantity and maintenance of essential services in disadvantaged areas, inter alia through greater assistance from better equipped and financed administrations and services councils;**

**A5 agreeing on proposals for:**

- satisfactory transitional legislation to replace the Interim Measures Act 1991, and secs. 28 and 29 of the Provincial and Local Authorities Affairs Amendment Act, 1992; and

- guidelines for appropriate local and regional options to cater for diversity.

**A6 ending all boycotts and committing residents to pay for services received (despite the fact that those services will for the foreseeable future remain deficient in various respects), with due regard to affordability; and achieving material improvements in such payments;**

**A7 establishing criteria for parties' responsibility and on permissible counter-actions if payment boycotts and disruptive actions are promoted or sustained;**

**A8 enabling services council levies and other funding to be used to supplement the income base of local authorities and for infrastructural and environmental improvements;**

**A9 making proper provision for genuine cases of need and indigence;**

**A10 establishing guidelines and mechanisms for demarcation of boundaries;**

**A11 facilitating responsible financial, physical, institutional, economic and social planning for the future at local, metropolitan and sub-regional levels;**

**A12 obtaining agreement in the Multiparty Negotiating Forum on the following for the interim phase:**



- a. entrenchment of local government as an autonomous form and tier of democratic, non-racial and non-sexist local government, equipped with the necessary powers, duties and functions to enable it to fulfil its role;
- b. protection of existing sources of revenue;
- c. voter qualifications; and
- d. subject to the entrenchment of local autonomy abovementioned, empowerment of Provincial/ Regional Councils to make ordinances relating to local government affairs.

**A .13 and generally fostering co-operation, mutual tolerance, understanding of the finite nature of resources and of dependence on business and community confidence for progress.**

LGNF: Management Committee Report, June 30, 1993  
Annexure B: Objectives of non-statutory delegation

## SERVICES, TARIFFS AND PAYMENTS DURING THE INTERIM PERIOD

The immediate aim of new interim measures should be to ensure that municipal services are properly provided during the interim period. In addition, all residents should pay for the services.

In order to address these two related issues, six specific problem areas need to be addressed:

### 5.1 LEGITIMACY

One of the first questions that residents ask when discussing the issue of service payments is: 'To what structure should these payments be made?' This is a **legitimacy** question. Experience in local negotiations shows that it is clearly impossible to resolve the payments issue as long as payments have to be made to the discredited BLAs. Interim local government structures, that are more widely acceptable, need to be put in place as part of the solution to the services and the payments problem.

### 5.2 ARREARS

Due to structural shortfalls in revenue, as well as a number of years of non-payment, BLAs have accumulated many different debts. Black residents are not prepared to repay BLAs shortfalls, as they have opposed the BLA system from the beginning. Furthermore, BLA debts are not just an issue for residents of black townships, but concern all local government structures, as well as central government. The writing off of arrears is a key issue for all parties to resolve in order to move towards better service delivery and resumption of payments.

### 5.3 QUANTITY AND QUALITY OF SERVICES

A common complaint from residents in many areas is that the services for which they are being charged are non-existent, or are in a very poor condition. Local government during the interim period need to aim towards the provision of a minimum standard of services for all South Africans, within the context of affordable service charges. To achieve this, a programme of **measurable improvements** in the quantity and quality of services needs to be introduced. This programme needs to produce clear results that are visible to all residents.

### 5.4 MAINTENANCE OF SERVICES

Services need to be properly maintained. The time of response to blockages and breakdowns needs to be improved, both for the sake of residents, and for the infrastructure itself. Existing BLA administrations are not in a position to maintain services to a sufficient



standard, and agency agreements with neighbouring local authorities have only provided short-term relief to the problem. This problem needs to be addressed through the introduction of new transitional administrative arrangements.

## 5.5 AFFORDABILITY

There are two parts to this problem.

Firstly, as long as tariffs for services are calculated on the basis of segregated and financially-unviable budgets (as is the current case with BLAs), the general criteria of affordability will be very difficult to achieve. This is because for certain services to achieve full cost recovery, such as electricity and water, revenue from industrial and commercial areas has to be included. For other services such as solid waste disposal and maintenance of roads and storm-water drains, which usually run at a loss, revenue needs to be obtained from surpluses elsewhere in the budget. Therefore, interim financial measures that address this problem need to be introduced.

Secondly, while there are many residents who can afford to pay for services, there are an equally large number who are unable to afford the cost of even minimum levels of services. This is due to a range of reasons, e.g., high levels of unemployment, low wages, the general economic recession and low levels of social security.

Interim tariff mechanisms, including internal subsidisation and other measures need to be put in place in order to address the issue of affordability for the very poor.

## 5.6 PUBLIC EDUCATION

Many families who have not been paying charges for services have become accustomed to use their disposable income in other ways. A system of public education, that outlines and promotes a set of negotiated interim political, financial and administrative measures, and assists families with a re-budgeting process, needs to be put in place. Public education should be aimed not only at residents in black townships, but at all South Africans, to prepare everyone for the necessary changes that are needed.

The above criteria have been put forward in a serious attempt to resolve the problems of services and payments during the interim period. They are based on practical experiences of civics and other organisations of some of the shortcomings of locally negotiated agreements over the past three years. Interim measures need to deal with the **structural** problems of local government in a far-reaching manner. The so-called 'culture of non-payment' is a symptom of these structural problems that needs to be addressed.



**LGNF Management Committee Report: June 30, 1993**  
**Annexure C: Regional Demarcation Boards**

**Note: this is a provisional report, which the Management Committee has referred for further consideration.**

**Proposal to establish Regional Demarcation Boards**

**1. Composition of Demarcation Boards**

Upon proclamation of the Local Government Transitional Measures Act, the provincial/ regional authority, in consultation with the regional monitoring committee, shall appoint a Demarcation Board.

The chairperson of the Board shall be a legal functionary. The other members shall have knowledge of rural, town and regional planning, development, economics, municipal finance, services and administration, and other disciplines as need may indicate.

In structuring the membership of the Board, the principle of balanced, representative, non-racial and gender inclusiveness shall apply.

The Board may appoint committees for specific investigations, as and when necessary.

**2. Terms of reference**

On appointment, each Board shall be required to conduct investigations and report back to the provincial/ regional authority in relation to the following time frames for local government constitutional development:

**2.1 Prior to the appointment of negotiation forums and pre-interim local government structures:**

2.1.1 To demarcate boundaries for Transitional Local Councils (TLCs) in local government areas where there is no agreement on demarcation in a local forum;

2.1.2 To demarcate boundaries for Transitional Metropolitan Councils (TMCs) in metropolitan areas where there is no agreement on demarcation in a metropolitan forum;

**2.2 Prior to elections for interim local government:**

2.2.1 To demarcate boundaries of local authorities for purposes of elections;

2.2.2 To demarcate metropolitan boundaries;

2.2.3 To demarcate rural authority areas;

2.3 To deal with other demarcation issues.

3. Criteria for demarcation of local and metropolitan boundaries

3.1 Metropolitan/ urban

An economic functional area may, inter alia, be determined by the following:

- a. commercial/ industrial linkages within the area
- b. daily commuting patterns within the area
- c. services provision
- d. RSC boundaries

3.2 Rural

Rural economic functional areas may, inter alia, be determined by the following:

- a. commercial/ industrial/ agricultural linkages within the area
- b. movement of goods, services and people within the area
- c. services provision
- d. RSC, magisterial and natural physical boundaries

In restructuring of local government boundaries, consideration needs to be given to financial viability and economic coherency. It is accepted however that demarcation of boundaries alone will not achieve viability and coherency.

4. Delimitation of voting wards

The provincial/ regional authority shall, in consultation with the regional monitoring committee, appoint a Delimitation Board.

5. Participation of local stakeholders

The demarcation and delimitation process should be open, and any local stakeholder or interested person should be able to make representations.



**DISCUSSION DRAFT** - to be amplified

**LOCAL GOVERNMENT NEGOTIATING FORUM  
MANAGEMENT COMMITTEE**

**GUIDELINES FOR LOCAL FORUMS**

**1. Objective:** as a means of securing wider representation of the community in local government during the pre-interim period, to establish forums (and to recognise suitable existing forums) in all localities during the pre-interim period for the purposes of

- nominating suitable persons for appointment to serve on transitional local and metropolitan councils (TLCs and TMCs); and
- generally exploring and proposing short, medium and long term practical solutions to the problems of local government and finance in the areas concerned.

A forum could be temporary in nature, e.g. it could exist merely to negotiate pre-interim constitutional matters and to nominate councillors for appointment; or it could continue as a study or advisory group on such matters as physical and social development

**2. Areas concerned:** historically and economically bound urban areas, ranging from stand-alone towns with their satellites to complex metropolises.

**3. Preparatory work to be done in anticipation of legislation:**

It would be advisable to endeavour to establish areas for forums (but not for demarcation of actual local government boundaries) in advance of the enactment of legislation.

3.1 Each Provincial Administration should prepare a list identifying

- any forums which might presently exist, their composition, and whether or not they have been constituted under the Interim Measures Act, 1991; and
- any areas in which agreements have been concluded under the said Act.

3.2 The Major Cities Association should prepare lists of the areas of local bodies and of areas adjacent thereto, for consideration in identifying metropolitan forum areas; and shall identify the areas and membership of the Central Witwatersrand Metropolitan Chamber and the Port Elizabeth Forum and any other forums already operating therein.

3.3 The said lists shall be referred to the Local Government Negotiating Forum



for consideration and comment.

#### **4. Membership and observer status:**

4.1 Each forum shall be inclusive and representative, but the process should continue despite the refusal or neglect of any stakeholder to participate.

4.2 There shall be two categories of participants in a forum, viz.

- members, and
- bodies with observer status, which shall be entitled to attend and to participate fully in forum meetings, but shall not be entitled to vote.

4.3 membership shall be available within the community concerned to

- local government bodies , and
- organisations which represent substantial sectors of the wider community, such as civic associations, residents associations and the local structures of political parties

4.4 Each applicant for membership should submit in writing its :

- constitution,
- list of officebearers, and
- relevant extracts from the minutes of its last annual general meeting
- and
- details of membership.

4.5 Observer status shall be offered to Chambers of Commerce and Sakekamers, supplier bodies such as Eskom and Water Boards, and to other significant stakeholders in the local community such as umbrella bodies for sporting and cultural organisations.

4.6 Decisions should be taken by consensus among the member bodies, each of which shall have one vote. Bodies with observer status shall not be entitled to vote.

#### **5. Establishment of forums:**

5.1 In many cases the boundaries for proposed forums should be fairly self-evident.

5.2 Transitional legislation should provide for

- a less formal system of demarcation for controversial cases;
- establishment of forums in areas to be prescribed by the Provincial or regional authority ("the said authority") in consultation with the appropriate regional structures; and
- standard forms of constitution and rules of order to apply unless comprehensive and satisfactory forms have previously been adopted by an existing forum.

5.3 Within 60 days after commencement of the transitional legislation an inaugural meeting shall be held within each area concerned.

5.3.1 The inaugural meeting shall be convened by a person to be appointed for that purpose by the said authority, in accordance with procedures to be prescribed.

5.3.2 The said meeting shall elect its own chairman, failing which the person referred to in 5.3.1 shall continue in the chair.

5.3.3. The said authority may require one of the local authorities in the area concerned to provide secretarial services for the forum until it makes other acceptable arrangements.

5.3.4 At the inaugural meeting the credentials of various stakeholders for membership and for observer status shall be submitted for consideration and acceptance, and adoption of the standard constitution and rules of order shall be confirmed.

5.3.5 In relation only to nomination of persons for appointment as councillors, applicants for membership shall be required to establish whether they are to be regarded as part of

- the statutory component, comprising sitting councillors and members of Indian and coloured management committees and local area committees, together with political parties and other organisations which contested the most recent local government elections in the area concerned; or of
- the non-statutory component, comprising representatives of society which have in the past been outside the electoral process; or
- who fall into neither category .

5.3.6 Within 30 days after establishment of the forum it will be expected

- a) to confirm the area concerned (or to request that the matter be referred by the regional body to the demarcation board;) and
- b) to nominate qualified persons for appointment to a TLC or TMC , as the case may be.

At least half of the nominees should be acceptable to the statutory component, and at least half to the non-statutory component. It is recommended that on these two components completing their lists of candidates, representative committees from each component should meet and attempt to reach consensus on the names proposed.

It is expected that nominations from the statutory component should



not disturb the pre-existing proportionate representation of parties in the local government area.

**6. Default provisions:**

6.1 If a properly representative forum is not established within 90 days after the commencement of the transitional legislation meeting then the said authority may (in consultation as aforesaid) appoint a facilitator who shall

- be required to identify community leaders;
- consult with local government bodies and community leaders with a view to promoting negotiations on local government level;
- make a further attempt to convene an inaugural meeting, and report thereon;
- make recommendations to the said authority on further action to be taken.

6.2 If a properly representative forum is duly established, but it fails to reach proper agreement on the matters referred to herein, then the said authority may (in consultation as aforementioned) confirm the area concerned, and nominate suitably qualified persons for appointment to a TLC or TMC, as the case may be.

6.3 (Add similar provision re action to be taken when a member deliberately frustrates proper proceedings).



ddp/trainbo.ard

## LOCAL GOVERNMENT TRAINING BOARDS

### THE MANAGEMENT COMMITTEE OF THE LGNF RECOMMENDS:

1. That it be resolved that the attached draft agreement on the Local Government Training Boards be adopted as an agreement of the LGNF.
2. That the principle of only one Training Board in the Local Government Undertaking be endorsed.
3. That as an interim measure, the Minister of Local Government exercise his powers in terms of the Local Government Training Act (Act 41 of 1985) to re-constitute the Training Board for Local Government Bodies on the basis detailed in the attached draft agreement.
4. That the constitution of the Apprenticeship Training Board for Local Authorities be amended in order for its composition to be re-constituted in the same manner as that of the re-constituted Training Board for Local Government Bodies.

## LOCAL GOVERNMENT TRAINING PRINCIPLES

That the attached document on Local Government Training Principles reflecting the substantial agreement reached on said principles, be noted and referred back to Working Group 3 for adjustment and final ratification as an agreement of the LGNF, at its next meeting.

REPORT OF THE MANAGEMENT COMMITTEE OF THE LGNF

LOCAL GOVERNMENT TRAINING PRINCIPLES

1. GENERAL

- 1.1 Appropriate skill based training and development is the foundation of an effective and accountable local government service.
- 1.2 Training, education and skill development for all employees should be viewed as part of human resources management and an investment in the future.
- 1.3 Employers and employees and their respective representatives should jointly determine education, training and development policy for the local government sector.
- 1.4 Education, training and development needs must be prioritised.
- 1.5 Training must be task orientated.
- 1.6 Education, training and development programmes and results must be evaluated.
- 1.7 The education, training and development initiative and structures created as a result of the training initiative should be local government orientated.
- 1.8 Local authorities have a responsibility to contribute to the uplifting standards of education and training, including literacy and numeracy to raise employee skills.

1.9 Education, trianing and development must be continually updated to meet the needs of changing communities and developing economy.

1.10 Education and trianing should be modular and competency based and flexible combinations of modules should be possible.

**2. DUTIES OF EMPLOYERS**

2.1 The employer has a duty to train and continue to train employees with a view to developing the employee to realise his/her full potential within the objectives of the organisation.

2.2 The employer is a democratically elected representative of the community. The employer acting on behalf of the community, stipulates what services are to be rendered and what posts are required to facilitate the rendering of such services.

2.3 The employer, through its management, is responsible for executing education, training and development policy and programmes.

2.4 Employers must of necessity act collectively, so as to maximise the utilisation of management level expertise to promote and manage the education, training and development initiative.

**3. FINANCES FOR TRAINING**

3.1 The financing of education, training and development should be the collective responsibility of the employer, but external financial resources should also be made available.



- 3.2 Sufficient resources must be budgeted for by every local authority to meet the reasonable education, training and development requirements of employees and employers alike.
- 3.3 Since the central government has a vested interest in the proper functioning of local government, the primary source of external funding must be provided by the central state, but the central state's role should be confined to that of facilitator rather than as a initiator of education, training and development required.
- 3.4 Provincial/regional government has an obligation and duty to assist in the process of education, training and development.

**4. RIGHTS AND DUTIES OF EMPLOYEES**

- 4.1 The employee, as a worker, has the right to be trained and to continue to be trained to realise his/her full potential.
- 4.2 Employees have a responsibility to use and participate in the education and training so provided in the furtherance of the objectives of their employers and their careers.
- 4.3 All employees have the right to paid time off at their normal rates of pay for accredited education and training courses and for agreed study purposes in accordance with an agreed policy.
- 4.4 Employees that will or may become redundant have a right to training and retraining to equip them for alternative employment.
- 4.5 The role of trade unions is crucial to the participatory process.

**5. TRAINING STRUCTURES**

5.1 There should be a single education and training board for the local government sector to ensure a coherent and co-ordinated approach to education, training and development in all local authorities.

5.2 Employers and employees should enjoy equal representation on the education and training board.

5.3 Trade union representation on education and training boards should be proportional to trade union membership.

5.4 An education and training strategy which emphasises the development role of local government administration must be determined by the Board.

5.5 There must be clear links and bridges between formal education, the local government education, training and development system and other education and training systems.

5.6 The local government education and training board has a role to play in:

5.6.1 raising community awareness of the role, functions, structures and procedures of local government;

5.6.2 capacity building;

5.6.3 community development; and

5.6.4 in facilitating constructive relations between local authorities and the communities they serve.

5.7 The education and training board should provide for the education, training and development and orientation of councillors.

**6. TRAINING AND OCCUPATIONAL GRADING**

6.1 Base line criteria to fill local government posts should be determined by employers and employees jointly.

6.2 Minimum educational/competency levels must be determined for each post category.

6.3 A structured development programme should be introduced to equip employees for their present jobs and provide them with future career opportunities.

6.4 Every local government employee has a right to a career path with the prospect of advancement upon the completion of accredited education, training and development courses within the limits of the approved organisational structure.

6.6 All employees should receive appropriate rewards and incentives for education, training and development and the completion of accredited courses, in terms of an agreed policy.

6.7 There should be a clearly defined and agreed upon articulation between local government education, training and development, adult basic education and job grading within local authorities.

6.8 No job grade or employment position should require any formal qualification which is not inherently required for the job.



6.9 All education, training and development should be based on standards applicable to the local government undertaking and broad-skill bands defined within the sector while at the same time providing particular work place skills and paying the base for further development and training.

## 7. AFFIRMATIVE ACTION

7.1 All practices which have the effect of unfairly discriminating against employees on the basis of race or sex on any other basis are detrimental to the delivery of an efficient and accountable local government service.

7.2 Education, training and development form the cornerstone of any affirmative action programme to be agreed upon by employers and employees.

7.3 The lack of formal educational qualifications, or any other disadvantages from which employees may suffer as a result of unfair discriminatory practices, should not in any way prevent employees who are capable of advancement from receiving education, training and development and improving their skills.

7.4 Education and training programmes must include provision for recognition of prior learning, however or where ever it was acquired, provided that the learnt skills can be verified and tested.

## 8. ADULT BASIC EDUCATION

8.1 Adult basic education must be accommodated in education, training and development programmes according to the following guide-lines:

8.1.1 trade union involvement in all aspects of literacy training;

- 8.1.2 courses must be designed to take learners to nationally recognised standards;
- 8.1.3 local authorities must provide facilities and support programmes for the training of trainers.

**REORGANIZATION OF LOCAL GOVERNMENT ADMINISTRATIONS****THE MANAGEMENT COMMITTEE OF THE LGNF RECOMMENDS:**

1. That the attached document on the above be noted and the general framework for dealing with amalgamation and reorganisation be referred back to Working Group 3 for further negotiation, referral to principals and final adoption as an agreement at the next meeting of the Forum.
  
2. That the necessity be noted that every Local Authority take steps to do a detailed audit of its personnel which include information on occupations, skills, age, years of service, wages and conditions of service, and such other information as will facilitate analysis of how different staff complements of separate Local Authorities can be amalgamated or re-organised. This should be communicated to each Local Authority now, so as to encourage them to take steps in this regard.



REPORT OF THE MANAGEMENT COMMITTEE OF THE LGNF

PROPOSED PROCEDURE FOR DEALING WITH THE AMALGAMATION  
OF PREVIOUSLY SEPARATE ADMINISTRATIONS OR THE  
REORGANISATION OF ADMINISTRATIONS

1. IMMEDIATE TASKS AND FUNCTIONS OF ADMINISTRATIONS DURING  
THE INTERIM PERIOD

1.1 During the interim period, interim authorities must conduct and complete the audits referred to in sections 3 and 4 hereof, and complete the process of employer/employee bargaining envisaged in section 8. At the same time they must:

- 1.1.1 service interim political structures;
- 1.1.2 continue to operate and maintain services at appropriate levels;
- 1.1.3 rehabilitate services in need of rehabilitation; and
- 1.1.4 identify urgent development needs in areas which are under-serviced or not serviced at all and ensure that immediate improvements occur in these areas.

1.2 In particular the following tasks and functions must be addressed:

- 1.2.1 urgently upgrading service provision to those communities receiving less than minimum agreed services;

- 1.2.2 equitable delivery of services in accordance with minimum service requirements and financing mechanisms determined by the negotiating process;
- 1.2.3 identifying education, training and development priorities to assist affirmative action programmes and to re-orient administrations to new tasks and objectives;
- 1.2.4 the establishment of an efficient and accountable administration to the whole community;
- 1.2.5 redeploying staff in terms of agreed principles;
- 1.2.6 integrating the various employment streams of the respective authorities amalgamated in terms of negotiated procedures;
- 1.2.7 preparing for local authority elections within the framework of a local electoral system agreed via the negotiating process; and
- 1.2.8 beginning the process of eliminating disparities and discrepancies between grading systems and salary scales (including fringe benefits).

## 2. TRAINING NEEDS

- 2.1 The issue of training must be addressed immediately and cannot await the introduction of amalgamated or reorganised administrations.
- 2.2 Particular attention should be paid to affirmative action and the existing staff of black local authorities. Without excluding any other function it should be focused towards:
  - 2.2.1 management and administration; and
  - 2.2.2 technical training.
- 2.3 In this regard modular training could speed up the process.

### 3. AUDIT OF PERSONNEL

- 3.1 In order to address the issues of training, affirmative action, location of personnel and amalgamation and reorganisation of local authority administrations, an audit of personnel in each local authority area should be conducted.
- 3.2 An audit of all staff of existing local authorities (including RSC's and JBS's) currently providing community or bulk services should be undertaken immediately by the chief executive officer of each such local authority and made available by each chief executive officer of each such local authority to Working Group 3 of the Local Government Negotiating Forum (LGNF) on request by Working Group 3.
- 3.3 In addition the chief executive officer should report the detail of all contracts for the delivery of bulk services such as water supply, electricity supply, refuse collection, etc., normally undertaken by local government.
- His report should include the name of the contractor, the annual value of the contract and the approximate number of employees engaged in providing the service.
- 3.4 The audit should consist of a summary of all existing staff within categories determined by Working Group 3. There should be two audits; one for the purpose of service delivery, the other for affirmative action and training. The first audit should include general information, the second should include specific employee information. These audits should be conducted concurrently with the understanding that the former audit will be easier to compile. Local authorities should have available a detailed record of all staff in its employ, for use at the time that amalgamations/reorganisations take place.



The audit should also reflect the occupational grading system used by the council. Working group 3 should prepare a questionnaire which clearly sets out the categories required to be included in the audit for completion by the chief executive officer of each local authority.

4. AUDIT OF SERVICES

In view of the impact that the question of service delivery will have on administrative structures and the success and legitimacy of interim authorities, and audit of existing levels of service and future service needs should be conducted. Working Group 2 should formulate a proposal in this regard.

This audit should focus on areas which are under serviced or not serviced at all and should cover services such as water, electricity, sewerage, refuse collection, roads, storm-water drainage, health and the state of infrastructure.

5. PROCEDURE FOR COMPILING OF AUDITS

The local government departments of the various provincial administrations should request each chief executive officer to conduct the requisite audit and supervise the preparation of the audits. Where necessary, the provincial administrations should assist chief executive officers/local authorities in the preparation of the audits. The administrations should also endeavour the request and supervise the audits in the self-governing territories. As far as the TBVC States are concerned chief executive officers of local authorities falling within the borders of South Africa should be requested to investigate possible steps to enable them to conduct the audit.