





# Interactive Virtual

# LOCAL GOVERNMENT WEEK

8 - 11 SEPTEMBER 2020

Theme: Ensuring Capable and Financially Sound Municipalities

REFERRAL AND FOLLOW-UP OF RECOMMENDATIONS FOR

**OVERSIGHT AND ACCOUNTABILITY** 

# REFERRAL AND FOLLOW-UP OF LOCAL GOVERNMENT WEEK 2020 RECOMMENDATIONS FOR OVERSIGHT AND ACCOUNTABILITY

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## 1. Planning and Monitoring

Planning and Monitoring  Planning and Monitoring										
Short – Term										
Recommendation	Responsibility	Select Committee	Timeframes	Progress						
	Dep of COGTA and provincial COGTAs	COGTA	Ongoing							
2. The Department of Cooperative Governance, SALGA and provincial cooperative governance should ensure that there are adequate and proper functional monitoring and evaluation programmes in place in all municipalities to track and enhance municipal performance.	Dep. of COGTA, SALGA, provincial COGTAs and Dep. of Planning Monitoring and Evaluation	COGTA	31 March 2021							
3. There is an urgent need for planning and monitoring at all stages of municipal projects and programmes. Planning could unveil crucial elements such as skills, resources, funds, material, location etc, that would be required in order to successfully implement projects and programmes.	Dep. of COGTA and provincial COGTAs	COGTA	Immediate							

	Planning and Monitoring  Medium — Term										
1.2R0 1.2.1	State Owned Enterprises (SOEs) and other government entities should also align their investment and development initiatives with local government sector development plans.	Responsibility Dep of COGTA, DPE and Municipal and Provincial entities	Select Committee COGTA	Timeframes 31 March 2021	Progress						
1.2.2.	Provincial COGTAs should improve their municipal performance monitoring systems through the use of quarterly reports submitted by municipalities and use such information as early warning signs for non performing municipalities.	Provincial COGTAs and provincial treasuries	COGTA	Quarterly							

	Planning and Monitoring:  Long – Term									
1.3. 1.3.1	Recommendations  There is a need to align strategic		Select Committee COGTA and Public	Timeframes End of Term 6th	Progress					
	partnership, plans and objectives of the	Administration and Dep of		Parliament						
	public and private sectors to achieve developmental agenda. Government									
	should use the government wide balance									
	sheet to leverage private sector investments - hence alignment of plans									
	between government and business is essential. This would require changes in									
	terms of regulatory regime to encourage									
	investments to drive economic growth, and									
	creation of jobs.									

# 2. Capacity Building

Capacity Building and Development Short. Medium and Long Term									
2.1 Recommendations  2.1.1 The 3 spheres of government should together in a systematic and coherent man address capacity constraints at a government level.	ner to provincial COGT		Timeframe Continuous	Progress					

# 3. Governance

Governance Short – Term (Political interference, functioning of council committees, auditing and consequence management)								
3.1 Recommendations 3.1.1 There should be clear separation between the political representatives and officials in municipalities. This should be supported by a	provincial COGTAs	Select Committee COGTA	Timeframe 31 March 2021	Progress				

	proper training of councilors and officials in relation to their roles.			
3.1.2	Communication with the office of the Auditor- General and municipal mayors is highly welcomed and currently being implemented, and should be enhanced.	•	OGTA B-annual	
3.1.3	Ensure Municipalities both political and administrative leadership implement measures to improve oversight, accountability and remedial actions to improve financial and performance management in the province.	·	OGTA Immedia	e
3.1.4	Supply Chain Management practices applied by municipalities resulted in year on year escalations on irregular expenditure for the past years, and therefore this needs to be investigated as it has created a fertile ground for maladministration, fraud and corruption. These processes must be reviewed and the necessary training provided.	COGTA and National Treasury and	OGTA 31 March	2021

3.1.5 There is also an urgent need to make sure COGTA, SALGA and COGTA communities and other civil society organisation provincial COGTAs are involved in the local government affairs.

Ongoing

#### Governance Medium – Term

#### (Political interference and instability, functioning of council committees, auditing and consequence management)

3.2 <b>Re</b>	ecommendations	Responsibility	Select Committee	Timeframe	Progress
3.2.1	There is a need to build a strong	Dep. of COGTA, SALGA and	COGTA	Mid-term 6 <sup>th</sup>	
	independent body to oversee	provincial COGTAs		Parliament	
	executive and administrative action				
	within the municipalities, this is to				
	ensure ability to take appropriate				
	action against poor governance				
	and maladministration.				
3.2.2	That the Auditor General should	Dep. of COGTA, provincial	COGTA	1 April 2022	
	extend his assurance audit test to	COGTAs and Auditor General of			
	the provincial department of	South Africa			
	cooperative governance and				
	provincial treasuries with regards to				

	their mandate to assist and support municipalities.				
3.2.3		Dep. of COGTA and provincial COGTAs	COGTA	31 March 2021	
3.2.4	The use of junior auditors to perform auditing functions within municipalities should be discouraged.	•	COGTA	31 March 2021	
3.2.5	of the Public Audit Amendment Act	Auditor General of South Africa, Dep. of COGTA and provincial COGTAs and SALGA	COGTA	31 March 2021	

taken by the Auditing Officer since				
all material irregularities identified				
will be included in the audit reports.				
Resolve political instabilities and	Dep. of COGTA and provincial	COGTA	Ongoing	
other external influences for the	COGTAs			
filling of key vacant positions in				
municipalities, which delays the				
appointments.				
	all material irregularities identified will be included in the audit reports.  Resolve political instabilities and other external influences for the filling of key vacant positions in municipalities, which delays the	all material irregularities identified will be included in the audit reports.  Resolve political instabilities and other external influences for the filling of key vacant positions in municipalities, which delays the	all material irregularities identified will be included in the audit reports.  Resolve political instabilities and other external influences for the filling of key vacant positions in municipalities, which delays the	all material irregularities identified will be included in the audit reports.  Resolve political instabilities and other external influences for the filling of key vacant positions in municipalities, which delays the

#### Governance

### Long – Term

(Political interference, functioning of council committees, auditing and consequence management)

3.3 Recomm	endations			ponsibilit		elect Comr		Timeframe	)	<b>Progress</b>	
3.3.1 Institu	ıtionalise audit	t action	plans		and	provincial	COGTA	Mid-t	-		
and	ensure that a	all assu	ırance	COGTAs				Parlia	ament		
provi	lers are in	place	and								
funct	onal (Internal	Audit,	Audit								
and	Risk	Comm	ittees,								
Mana	gement, Cound	cil, MPA	C and								
Disci	linary Boards)										

## 4. Financial Management

### **Financial Management**

Short – Term

(budget, revenue, expenditure, generation, revenue collection, controls, systems and processes)

4.1 Re	ecommendations	Responsibility	Select Committee	Timeframe	Progress
4.1.1	The National Treasury, provincial and national departments specifically COGTA should monitor, measure, and improve management and operational capabilities of local government in key areas such as planning, financial management and governance.	Dep of COGTA, provincial COGTAs, National Treasury and provincial treasuries	COGTA	Ongoing	
4.1.2	The National Council of Provinces needs to enhance its existing Resolution Tracking Mechanism to		COGTA	31 March 2021	

	monitor the implementation of the decisions taken at the Local Government Week.				
4.1.3	A call for a stronger stance to be taken against municipalities failing to generate their own revenue and failing to perform in terms of legislative requirements was made.  Recovery of funds from corrupt individuals is urgently needed.	Dep. of COGTA, provincial COGTAs, National Treasury, provincial treasuries, Hawks and Special Investigative Unit (SUI)	COGTA	Ongoing	
4.1.4	That both National Treasury and the Department of Cooperative Governance and Traditional Affairs, provincial treasuries, provincial Cooperative governance including SALGA should	NCOP, Dep. of COGTA, provincial COGTAs, National Treasury, provincial treasuries and SALGA	COGTA	Ongoing	

intensify efforts to support		
local government		
interventions to improve		
revenue collection and		
enforce credit control policies		

### **Financial Management**

#### Medium – Term

(budgeting, expenditure, revenue generation, revenue collection, controls, systems and processes)

4.2 <b>Re</b>	, ,	Responsibility	Select Committee	Timeframe	Progress
4.2.1	State of municipalities need	Dep of COGTA,	COGTA	Ongoing the cooper	J
	partnership approach	provincial COGTAs SALGA and Energy		Ongoing (to assess mid-term 6 <sup>th</sup> Parliament)	
	amongst all spheres of				
	government including				
	regulatory bodies such as				
	National Energy Regulator of				
	South Africa (NERSA) to				
	create an enabling				
	environment for				
	municipalities to maximize				
	their revenue generation to				

	support economic and social development initiatives.				
4.2.2	With regards to debt and revenue - SALGA proposed that Tax Administration Act be amended to enable local municipalities to recover owed funds from the tax returns due to tax-payers owing municipalities.	•	COGTA and Finance	Mid-term 6 <sup>th</sup> Parliament	
4.2.3	To further amend schedule 2 section 10 of the Municipal Systems Act to extend coverage to all state employees and elected and appointed representatives in other spheres. To establish a District Revenue Collection Agency and to amend Procurement Regulations to make it a requirement for any potential service provider to	and provincial COGTAs  National Treasury and	COGTA	Mid-term 6 <sup>th</sup> Parliament	

	furnish Municipal Services Rates compliance certificate in the procurement process.				
4.2.4	The provincial departments of cooperative governance should put mechanisms in place to ensure that municipalities are able to spend 8 per cent of their capital budget on maintenance.	NCOP, provincial COGTAs, provincial treasuries and SALGA	COGTA	Monitor annually	
4.1.5	Municipalities should improve reconciliation controls and ensure it is done monthly and institutionalise MSCOA and ensure full compliance.	Provincial COGTAs, provincial treasuries and SALGA	COGTA	Ongoing	
4.1.6	Municipalities should ensure that good systems are in place to ensure continuity upon resignations of key staff.	Provincial COGTAs and provincial treasuries	COGTA	Ongoing	

## Financial Management

Long – Term

(budgeting, expenditure, revenue generation, revenue collection, controls, systems and processes)

4.2	Recommendations	Responsibility	Select Committee	Timeframe	Progress
4.2	2.1 Further, there is a need to		COGTA	End term 6 <sup>th</sup> Parliament	
	resolve the constitutional	and DPE			
	issue relating to Electricity				
	Reticulation between Eskom				
	and municipalities.				
4.2	2.2 There is a need to investigate		COGTA		
	options to raise revenue	SALGA and provincial treasuries			
	streams and particularly the				
	transfers for the municipalities				
	which have lower levels of				
	economic activities.				

## 5. Funding Model

#### **Funding Model for Local Government**

Short – Term

(one size fits all doesn't work – not all municipalities are the same)

5.1 <b>R</b>	Recommendations	F	Responsibi	ility		<b>Select Committee</b>	Timeframe	Progress
5.1.1	Any reforms	to be	COGTA,	SALGA	and	COGTA	Ongoing	
	implemented a		National 7	Treasury				
	government level r	need to be						
	properly funded in	n order to						
	realise intended	outcomes.						
	Further, there is a n	need to pay						
	attention to the ob	jectives of						
	the White Paper	on Local						
	Government. The i	mportance						
	of functional role	of local						
	government and	l ensure						
	resource allocatio	n follows						
	the function was re	iterated.						

#### **Funding Model for local government**

Medium – Term

(one size fits all doesn't work – not all municipalities are the same)

5.2 Recommendations	Responsibility	Select Committee	Timeframe	Progress
5.2.1 Local government should continue to build close relationship with the private sector including financials.	r FDIs & National e Treasury		Ongoing	

	institutions to finance and fund local economic development.				
5.2.2	There is a need to improve the funding model of local government in order to assist fiscal poor municipalities to realised their developmental objectives.	SALGA, Financial and Fiscal Commission (FFC), National		Mid-term 6 <sup>th</sup> Parliament	
5.2.3	There are suggestions that the 9 percent share of the nationally raised revenue for the local sphere of government equitable share is not cost reflective and only meet 40 percent of constitutional functions therefore, it is not adequate to fund local government sector. Thus, SALGA together with the National Treasury, the Department of Cooperative Governance and the Financial and Fiscal Commission (FFC) should work together to consider scientific evidence which will help to address this issue for future budgets.	SALGA, Financial and Fiscal Commission, National Treasury, provincial treasury and	COGTA and Finance	Progress report by Midterm 6 <sup>th</sup> Parliament	

#### **Funding Model for local government**

Long – Term

(one size fits all doesn't work – not all municipalities are the same)

Recommendations	Responsibility	Select Committee	Timeframe	Progress
5.2.4 Some municipalities are inherently dysfunctional as they are unable to generate sufficient revenues and therefore there needs to be a balance between Equitable Share funding and realistic expectations of municipal own revenue generated.	SALGA & National	COGTA	End of term 6 <sup>th</sup> Parliament	

#### 6. The application of Section 139 of the Constitution

#### The application of section 139 of the Constitution **Short Term** (introduction of section 138(8) bill and development of guidelines on the application of section 139) 6.1 Recommendation Responsibility **Select Committee Timeframe Progress** 6.1.1 There is a need for proper NCOP & Dep. of COGTA Ongoing COGTA, SALGA and implementation and monitoring of section 139 provincial COGTAS interventions. Necessary support and intervention mechanisms need to be

	proactive rather than being reactive.				
6.1.2	In the meantime, there is a need to develop clear terms of reference and or guidelines for the implementation of Section 139 of the Constitution with time frames and clear deliverables. This should ensure that the intervention is not used as political tool.		COGTA	31 March 2021	
6.1.3	The intervention often comes too late when a municipality is collapsing or has collapsed, whereas in actual fact the intervention should be taken before the municipality reaches a crisis point as a prevention measure and therefore this should be improved.	SALGA and provincial	COGTA	Ongoing monitoring	
6.1.4	There should be regular reports on the progress made in the implementation of Section 139 intervention.	COGTA, SALGA and provincial COGTAs	COGTA	Depending on the nature of the interventions, monthly and quarterly reports to be submitted.	

# The application of section 139 of the Constitution Medium – Term

### introduction of Section 138 (8) bill and development of guidelines on the application of section 139

6.2 <b>Re</b>			Select Committee	Timeframe	Progress
6.2.1	The MECs COGTAs, National Treasury and the NCOP should use municipal reports with the objective of identifying weaknesses and threats to the municipal administration and using such information as early warning signs to make timeous interventions.		COGTA	Ongoing	
6.2.2	Mostly, the failure of a municipality to fulfill its executive obligation is triggered by its financial challenges, which must be taken into account when a Section 139 intervention is undertaken.		COGTA	Ongoing	
6.2.3	There's a need to assess whether it is adequate for the Minister (COGTA) to take 28 days to approve or disapprove of the intervention whereas the NCOP is given more time to process this.	NCOP and COGTA	COGTA	Mid-term 6 <sup>th</sup> Parliament	
6.2.4	Tough decisions need to be taken when intervening in		COGTA	Ongoing	

	municipalities since at time these interventions are politically motivated.				
6.2.5	The Department (COGTA) and the MEC's office need to work together with the South African Local Government Association (SALGA) regarding the implementation of Section 139 of the Constitution to assist municipalities in crisis.	provincial COGTAs and	COGTA	Ongoing	

The application of Section 139 of the Constitution  Long – Term  (introduction of Section 138 (8) bill and development of guidelines on the application of Section 139)						
6.3 Recommendations 6.3.1 There is a need to fast track the development of a clear legislative framework for the implementation of Section 139 of the Constitution with time frames and clear deliverables. This should ensure that the intervention is not used as political tool.	provincial COGTAS	Select Committee COGTA	Timeframe  By end of term 6 <sup>th</sup> Parliament	Progress		

# 7. The interplay between Sections 139 and 154 of the Constitution

The interplay between sections 139 and 154 of the Constitution  Short – Term						
7.1 Recommendations	Responsibility	Select Committee	Timeframe	Progress		
7.1.1 Section 139 of the Constitution should be used together with Section 154 of the same, which stipulate that national and provincial governments, by legislation and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their duties.	SALGA and National	COGTA	Ongoing, assess annually			

The interplay between Sections 139 and 154 of the Constitution  Medium – Term						
7.2 Recommendations 7.2.1 The Minister may/can promulgate regulations to institutionalise intergovernmental relations, however, it is recommended that there is a need for	COGTA	Select Committee COGTA	Timeframe  End of term – 6 <sup>th</sup> Parliament	Progress		

	legislation to be developed and should be responsive to the challenges experienced at municipal levels.			
7.2.2	With regard to supporting municipalities in realising their developmental goals, it was recommended that section 154 of the Constitution should be used as an early warning and detection mechanism before section 139 is implemented.	COGTA	Ongoing	

	The interplay between Section 139 and 154 of the Constitution					
		Long – Term				
7.3 Recommendations	Responsibility	Select Committee	e Timeframe	Progress		
7.3.1 A serious paradigm shift and dedication is required with regards to the implementation of section 154 of the Constitution. It is recommended that the Department of Cooperative Governance and Traditional Affairs (COGTA) and National Treasury should opt for an integrated planning and	National Treasury and	COGTA	End of term – 6 <sup>th</sup> Parliament			

monitoring in providing support to municipalities. This would ensure that project plans are correct and in compliance with the required legislative requirements.		
t		

# 8. The Impact of demarcation on the local sphere of government

	The impact of demarcation on the local sphere of government					
		Short – Term				
8.1 Recommendations	Responsibility	Select Committee	Timeframe	Progress		
8.1.1 Due diligence study should always be commissioned to assess the financial and governance situation of demarcated municipalities prior and process should not be seen as a solution for viability and sustainability.	Dep. of COGTA SALGA, Demarcation Board and provincia COGTAs	ו	Continuous			

The impact of demarcation on the local sphere of government  Medium – Term					
a 3 year ro should be mergers which	ommended that Dep. billing budgets SALGA provided for Treasur n would allow costs to be	of COGTA, and National		Timeframe Depending on mergers, 4 years before merging of municipalities	Progress

9. The implementation of the District Development Model

The Implementation of the District Development Model Short — Term					
9.1 Recommendations R 9.1.1 It is recommended that District Development Model should take cognisance of the logical level of finances in order to integrate planning at district levels.	NCOP & Dep. of COGTA together with	COGTA	Timeframe P Ongoing	Progress	

The implementation of District Development Model  Medium – Term					
9.2 Recommendations 9.2.1. It is recommended that the rimagined districts' industricts strategy and action plain should be framed within the Districts Development Model	e- NCOP, Dep of COGTA al and Trade, Industry and competition		Timeframe Mid-term 6 <sup>th</sup> Parliament	Progress	

The implementation of District Development Model							
		Long – Term					
9.3 Recommendations							
9.3.1 Further, there is a need to	provincial COGTAs and SALGA	Select Committee COGTA	Timeframe  End of term – 6 <sup>th</sup> Parliament	Progress			

# 10. The implementation of Coalition Government in Municipalities

The Implementation of Coalition Government in Municipalities  Short – Term						
10.1 Recommendations R	· · · · · · · · · · · · · · · · · · ·			rogress		
10.1.1 It is recommended that Coalition agreements and priorities should be clear from the onset and any programme needs to have room and scope for addressing the requirements of a broader constituency.	Dep. of COGTA, provincial COGTAs and SALGA	COGTA	Ongoing			
10.1.2 Common policy positions should be defined upfront in a coalition government for service delivery to be realised and there should be clear non-negotiables when it comes to building cohesive communities and a safer city; financial viability and good governance; and fighting corruption.	provincial COGTAs and	COGTA	Ongoing			
10.1.3 It is recommended that Governments of Local Unity should always adopt the cluster approach. For example, the City of Johannesburg has clusters	provincial COGTAs and	COGTA	Ongoing			

for Economic Growth; Sustainable Service, Human and Social Development; and Good Governance.				
10.1.4 There should be consultation across and outside the coalition in order to gain consensus on matters that require a majority vote as stipulated in Section 160 of the Constitution.	provincial COGTAs and	COGTA	Ongoing	
10.1.5 Coalition governments should strive to be accountable and transparent to the electorate and guard against adopting decisions made in the interest of coalitions, but with farreaching financial implications for the future.	provincial COGTAs and	COGTA	Ongoing	

	The implementation of Coalition Government in Municipalities  Medium – Term						
10.2	The state of the s						
10.2.1	The national Department of Cooperative Governance and Traditional Affairs and National Treasury should continue with the work of supporting strategic certainty	SALGA and	COGTA, National	COGTA	Ongoing, with monitoring	regular	

in municipalities; and challenging them to ensure that, whatever type of government is in power, national government outcomes are complied with.				
10.2.2 It is also recommended that coalition governments should be based on the principle that is uniting coalition partners with shared values to improve the quality of service delivery to the people on the ground. They should also ensure that reports to the council are processed.	provincial COGTAs and	COGTA	Ongoing	

The implementation of Coalition Government in Municipalities  Long – Term					
10.3 Recommendations  10.3.1 In a coalition government, there is a need to have an effective Political Management Committee (PMC). The PMC should act as a political management tool of the Government of Local Unity and it should	provincial COGTAs and	Select Committee COGTA	Timeframe By end of term – 6 <sup>th</sup> Parliament	Progress	

accountability for the political parties.			
10.3.2 It is recommended that coalition governments should have Group Oversight Committees. These may include committees for Group Performance Audit; Group Audit; Group Risk Governance; and Municipal-Owned Entities Oversight.	COGTA	By end of term- 6 <sup>th</sup> Parliament	

## 11. Sources:

Local Government Week Report (2020) "Ensuring Capable and Financially Sound Municipalities,"