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Professionalization of Local Government: Political Leadership, Professional Administration and Good Governance for Building Capable Local Government

National Council of Provinces: Local Government Week

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Dr Thina Nzo

Public Affairs Research Institute

Introduction:

An Unfinished Agenda of Professionalising and Building Capacity of Local Government

Complex Agenda because LG sphere is a heterogeneous and polarised sphere that is embedded in contextual institutional politics

New Public Management reforms: aimed at improving the efficiency and effective management of local government bureaucracy (Municipal Systems Act, Municipal Structures Act, Municipal Finance Management Act)

Capacity Building Interventions: Department of Local Government's (DPLG) Project Consolidate implemented from 2004 to 2005

State of Local Government Report (2009a) = Local Government Turn Around Strategies and establishment of Municipal Infrastructure Support Agency (MISA) in 2009, Operation Clean Audit

The agenda of building state capacity for a problematic local government sphere found also presence in the National Development Plan (2012).

Chapter 13 of the National Development Plan (2012), specifically dedicated to 'building a capable developmental state'

After 20 years (2000-2020), Have we made a post-implementation evaluation of all the interventions that attempted to professionalise and building capacity of local government?

The NDP (Chapter 13): Sets The Tone for Building a Capable Local Government

The NDP (2012) found that 'A deficit in skills and professionalism that was affecting local government in achieving its developmental mandate' (2012:364).

Professionalization of the civil service:

Recruitment at senior management level in municipalities should be based on experience and expertise

Public service should be sufficiently autonomous and insulated from political interference and patronage

Making Local government a career of choice

Develop a graduate recruitment programme and a local government skills development strategy to attract high quality candidates.

Maintaining a hybrid system for appointing heads of departments, which will incorporate both political and administrative elements.



Professionalization of Local Government: Recruitment and Appointments

The appointment of local government senior officials is vested with powers council.

The appointment of municipal managers, was for a long time governed in terms of Section 82 of the Municipal Structures Act of 1998. The appointment of senior managers had been guided by section 56 of the Municipal Systems Act of 2000.

However, these provisions were changed substantially with the Municipal Systems Amendment Act of 2011 [Declared Unconstitutional], which brought far greater and more rigorous requirements for advertising, shortlisting and interviewing of candidates for all of these positions, (Section 54) brought in concepts such as *skills, expertise, competencies and qualifications* needed for professionalising local government

Foregrounded by the 2007 National Treasury Minimum Competency levels regulations referring to ‘higher education qualification, work related experience, core managerial and occupational competencies’

13 years, a gap between the legislative ‘ideal’ and reality still exists

Continuous employment of Incompetent, unqualified and unskilled senior – middle - junior - general workers.

High Vacancies and hiring of consultants flagged by the Auditor General (2018/19) demonstrates a huge problem when it comes to the capacity gap of municipal officials. (Acting positions render abdication of accountability and decision-making authority)



External Party Political Interference and Compliant Partisan Bureaucrats

Separate party outside council and elected political representatives inside council). **Emphasis here is made to the party structure operating outside council.**

Blurring of the Party-State in LG is fostered through ongoing parallel process of recruitment: **Deployment or political appointments** (political parties assume *de-facto* political authority over the appointment of officials). Party structures have a tight grip over the local state, to the extent of running the local government as **bulksed-local states**.

Quasi-deployments, political factions and patronage appointments, masked as 'strategic deployments' which take precedence in the appointments of senior manager who use their partisan agency in the administration to irregularly distribute municipal resources and flout procurement processes in favour of the dominant party or faction in council and business people aligned to the party/party officials/factions.

MSA attempted to mediate these practices by legally barring senior managers from holding political office in political structures while serving as bureaucrats (Section 56a) But it was contested by SAMWU as contravention with constitutional rights for free political choices. Declared unconstitutional and invalid in 2018/19. Even if the amendments are invalid, we still stuck with the same problems of partisanship and blurred party-state roles that into the administration.

Even if Municipal Managers don't hold political office, but MMs as partisan-bureaucrats, they are expected to attend party structure meetings, caucus group meetings, provide advice to party structures, participate in the campaigning and making municipal resources available for the ruling party in council.

Municipal Managers, in a partisan system are drawn into the world of politics as ordinary members, given instructions by party officials, which can also cause tensions with mayors who have legislative executive authority over municipal manager.

Fixed term Contract appointments and Administrative Instability: Fixed term contracts are predominantly aligned with the 5 years cycle of local government elections. There is a constant turn-over of senior managers when their term of office is over (even from the same party due to factions).

Partisanship may blur professional logics and can play an important role for the self-preservation and survival of senior managers, who seek to align themselves with party factions in order to retain their jobs/positions. (this undermines professionalism)



The Crux of Party Political Interference and Partisan Bureaucracy

The currency of local politics (incl. party politics outside council) in the local government ecosystem is based on **loyalty, trust, subordination, patronage**.

On the other hand there are expectations that the administration **should maintain impartiality, protect its autonomy, adhere to rules, apply managerialism and performance logic, and strictly implement policy in accordance legislative compliance**.

You may appoint competent and qualified managers & accountants (Chief Financial Officers and Municipal Managers) in municipalities, however, if these **public servants are complicit and compliant to political pressure and particularistic interests of the party outside council**, then breaking the above administrative rules and disregarding legislation takes precedence and local government cannot win the battle on **professionalization and mediating political interference in the administration**.



Capacity Building of Middle, First level entry and Low-Skilled Workers: Pistons of the Engine

Organisational Re-structuring to reduce the wage bill of a bloated bureaucracy:

Through reducing the high number of low-skilled general workers and replacing them with **technically skilled professionals in the middle and higher level** of the municipal administration might seem plausible but this does not produce a linear and uninterrupted organisational re-structuring process of municipalities.

Municipal Unions protecting unskilled workers and redundant workers from being dismissed; contract workers on payroll for years, the EPWP contract workers want to be absorbed too: Bloated Inefficient LG Bureaucracy. [Precarity of unemployment and ambivalence of education & skills development] subvert the process of building LG capacity.

Poor up-taking of the Municipal External **Capacity and Skills Development Training Programmes** (Municipalities channel these unspent funds to other budget votes) and prevents the municipality from achieving the overall state objective of building state capacity.

Sol Plaatje Municipality: Out of the total intended budget of R2 690 008 million, only R338 629, which means 12.5% of the total budget was spent on skills development (ibid)

Sol Plaatje Municipality (2016), 472 out of 2,139 (20%) in 2014 and 795 out of 2,100 in 2018/19 (36%) workers benefited from the Municipal External Capacity Development and Skills Development Training Programmes (see Sol Plaatje Municipality Annual Report, 2014 and 2019. **ABET Level 2, 3 4 (2) Matric (10), LGSETA HRD capacity Building and Good Governance (4), Finance for Non-Financial Managers (0) in 2019/18/17/16, Bid Committee training (0) in 2019/18/17/16, Contract Law for Project Managers and Engineers (0), Batho Pele (0), Client Services (0), Design of water systems (0)**

The above statistics resonates with the South African National Government Twenty Year Review Report (2014:56), where it was stated that most public sector departments were not able to 'appropriately utilise the funds for skills development.'

Comparative Example with other African countries: In Uganda, local government staff members sampled in a study on recruitment and appointment practices in Uganda and Tanzania, 64% were enrolled for further studies to improve the qualifications for a better job and promotions and had come to accept the merit-based principles as a norm for employment pre-requisite.

Political Leadership and Governance

The Auditor General (2018/19) highlighted that “Weak accountability and the consequent exposure to abuse of the public purse” directly talks to the capacity and ability to exercise political leadership and governance of local government councils.

Council (Section 42 Systems Act): executive and legislative authority that approves and provides oversight over annual budget, service delivery, budget implementation plans, annual performance agreements (Section 53(2) and 11 MFMA)

Executive Committee with delegated executive authority (Section 43 Structures Act)

Executive Mayor political head with political management responsibilities, monitor and oversee the chief financial officer and the municipal manager the exercising of their responsibilities (Section 52b MFMA) and initiate remedial or corrective action when the municipality face financial problems (Section 54(2)MFMA).

Mayoral Committees (Section 60 Structures Act) and Committees (Section 80 Structures Act) assist and advise the mayor, provide political management delegated by the mayor (municipal administrative directorates)

Council Portfolio Committees perform oversight and scrutiny (Section 79 Structures and Section 166 of the MFMA,)

Political Interference and no Proper definition of Interference and Intervention: Mayors, Speakers, MMCs issuing direct instructions to senior managers, by-passing their relevant committees and mayoral committee for a resolution (particularly in HR employment, Finances and Supply Chain Management). **Wrong hands at the till? Some political leaders go straight to the till!**

Do Mayors, MMCs, Committee Chairs and members, Speakers have the capacity to process and utilise information for political management and decision-making, including understanding their legislative roles and functions?

(i.e General worker with grade 11 voted in as a PR councillor and appointed into the Corporate Service Committee of Finance Committee)



Audit Committee and Municipal Public Accounts Committees (MPAC)

MPAC adopts the **responsibilities of the Oversight Committee by reviewing the Auditor-General's annual report** and, on Council instruction, investigates and advises Council of unauthorised, irregular, fruitless and/or wasteful expenditure in terms of **Section 32(2) of the MFMA**. The Audit Committee and MPAC work in close co-operation and MPAC reports to Council at least quarterly (Section 166 of the MFMA). The Oversight Report is published separately in accordance with MFMA guidance.

Due to **capacity constraints and limited powers to enforce legal sanctions**, the MPAC is only able to make recommendations or consider only some of the audit reports and audit findings.

Lack additional investigative powers and support staff to enable them to follow-up on apparent transgressions and ensure the legal sanctions are taken against individuals

The audit reports are often shelved and no action is taken against agencies or individuals that have broken the law or committed maladministration, fraud and corruption (Impunity and lack of consequence management)

Unable to leverage relations with civil society and anti-corruption entities in order to monitor and pre-empt corruption and maladministration (using social audits and non-financial indicators to pre-empt non-compliance and delivery of contractors)

Politics of MPAC audit outcomes and investigations, particularly in local government hampers the implementation of investigations and taking legal action by council (impunity and political protection)



Recommendations

Due to the decentralised legislative configuration of LG political, fiscal and administration, it poses a great challenge to propose for re-centralising the control the appointment senior managers at national level, through the DPSA or Public Service Commission because local government is governed by its own legislation...unless single public service debate gains traction and support by the NCOP and Parliament.

We are stuck with councils as centres of authority and power for appointment.

Appointment and Recruitment of Competent Snr Managers: Various bodies local government bodies, who can ensure vigorous compliance with National Treasury Minimum Competency Regulations, Municipal Systems Act in relation to HR processes need to be drawn into the processes of selecting Section 56 and 57 candidates. Another recommendation to re-inforce SALGA's proposition of including provincial COGTA, SALGA, Treasury and Unions to make to ensure Compliance, Rigour and Transparency.

Open and Transparent Recruitment: Make the interviews of short listed Municipal Manager candidates public. This will give the **public and CSOs a discourse to engage on the professional values the public attaches to the heads of paid service**, through public scrutiny on background checks and capabilities of potential municipal managers managing **in order re-build confidence and trust of communities that local government sector does take professionalization municipal institutions serious.**

Capacity Building of Senior Managers and Councillors, Section 80 (Mayoral Committee) and Section 79 (Council Committee) Chairs and members. The National School of Government, in partnership with Education and Training Institutions needs to start paying more attention to the development of a curriculum for local government administration and political leadership.

Political parties need to carefully consider a **POLITICAL CRITERION** for the appointment committee chairs and mayors.

Recommendations

More focus on rigorous skills audit, enforcing skills development for middle-junior-general workers to retain intuitional knowledge:

- **Performance (Non-Performance) of a directorate should inform the skills required to improve its performance. Skills matching and competency-based recruitment of officials needed for core-services that have the responsibility of the actual delivery of services.**
- **Conduct more skills audit and skills matching for middle and lower staff in order to inform the organisational re-structuring and filling in of vacancies, upskilling of workers**
- **Introducing contractual agreement for education and skills upgrade before awarding promotions and absorption,**
- **Set time frames for skills development upgrades for middle and lower staff before promotions (incentives),**
- **Skills development of junior staff should be part of performance-based evaluations of supervisors and penalties for non-implementation**
- **Find a way of reconciling Recognition of Prior Learning (RPL) through competency tests for those who have been long serving in the municipal institution but do not have qualifications.**



Recommendations

- **Although Fixed term Contract appointments may have contributed to Administrative Instability:**

But the proposal of introducing Permanent appointments has a likelihood of promoting the practice of **canonising senior bureaucrats**. While there is a serious growing concern around **retaining institutional memory to ensure administrative stability**. This can stifle growth and development of the bureaucracy, which **can lead to a culture of laxity and lethargic attitudes should a senior managers become overly familiar and comfortable in their positions**. We are operating in an evolving and modernised system of governance and management which needs ideas, innovations, lateral modes of management from a younger generation of managers coming into the public service.

On the other hand we need to be realistic when it comes to practices of local government

Municipal Managers are **not insulated from the world of politics and factional preferential support for local parties and political leadership or even policy positions of previous political administrations**. Partisan-bureaucrats' can be **civil servants by day and political activists/politicians by night in their political circles and social networks**.

Political power shifts are very fluid in local government. We are likely to find a situation where municipal **managers are able to use their bureaucratic autonomy to defy a new political administration**, further creating an unhealthy interface between political and administrative sphere (mayor and municipal manager).



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Thank You





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- The mysterious diary records the voice. If the Easter Bunny and the Tooth Fairy had babies would they take your teeth and leave chocolate for you? I often see the time 11:11 or 12:34 on clocks. How was the math test? He said he was not there yesterday; however, many people saw him there.

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