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Hon. Councillor Stefani Lockman- Naidoo
The Speaker
Mangaung Metropolitan Municipality

4 July 2022

BY E-MAIL

Dear madam,

MOTION IN TERMS OF SECTION 29 OF THE MANGAUNG STANDING RULES AND ORDERS PROPOSED AT THE NEXT MEETING OF COUNCIL – PROPOSED BY CLLR TJAART VAN DER WALT AND SECONDED BY CLLR DAVE MCKAY

ESTABLISHMENT OF SECTION 79 PORTFOLIO OVERSIGHT COMMITTEES IN MANGAUNG

BACKGROUND: Between 2016 and 2021 Section 80 Advisory committees to the executive mayor have rarely met. From 1 Nov 2021 to present most Section 80 Committees (chaired by mayoral committee members) have not had an inaugural meetings, and all have had less than the number of meetings they should have had up to now. Practice has shown that council has no powers to hold mayoral members accountable for their performance and the functionality of their committee. Mayoral members are reliant on a mayor to delegate items or powers to them, which can be withdrawn at any time.

Metro's such as Tshwane, Johannesburg, City of Cape Town have over the two decades transitioned to Section 79 Portfolio Oversight Committees as the primary oversight mechanism as this creates a clearer separation between the executive (Mayor who can delegate executive powers to mayoral committee members) and the legislative (council). Research on the implementation of Section 79 Oversight committees in abovementioned Metros have been published. It must be noted that the Executive Mayor still has the right to establish Section 80 committees for specific purposes if he finds it necessary, under the chairpersonship of a MMC. The number of Section 79 committees are not limited to 10, like the case is with Section 80 committees.

MOTIVATION: Section 79 Portfolio Oversight committees chaired by council members not part of the executive could serve to strengthen the oversight over the executive and improve governance in Mangaung. The support structures that were previously in place or planned for Section 80 committees could be repurposed to serve section 79 committees. This will create a stronger culture of council oversight over the performance of the mayoral committees and departments, and provide a channel to refer reports from the executive that council wishes to investigate further. COGTA in 2021 suggested that these committees could be a platform for coalition partners to hold their government to account.

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Research on this subject includes: A FRAMEWORK FOR COALITIONS IN LOCAL GOVERNMENT by de Visser & Beukes 2021; System of Delegations - City of Cape Town 2021; Oversight and Accountability in the City of Johannesburg Mbunge 2015 and Tshwane council documents for the establishment of section 79 Committees and their Terms of Reference.

MOTION: This council therefore resolves that the secretariat with support from the office of the municipal manager, compiles a report to serve in council within 3 months from this resolution.

1. For Mangaung to transition within 3 months after the approval of this report, based on best practise and research in abovementioned metro's, from a Section 80 committee system to a Section 79 Portfolio Oversight Committee system.

2. That the chairpersons of these committees will remain part time councillors until a. All committees are functional and have met successfully at least four times in a 12-month period and b. Reported on their activities to council annually and c. Terms of reference for each committee has been approved by council and d. Council designates the chairpersons as full time based on the workload, financial viability and budgetary provision for this, after consultation by the speaker and chief whip with National Treasury and SALGA.

Yours faithfully

Proposed By:

Cllr Tjaart Van der Walt

Seconded by:

Cllr Dave McKay
o.b.o. DA Mangaung Caucus

and

Cllr Kabelo Moreeng