

## **Accountability, responsibility, and keeping ourselves informed.**

As a citizen of the Nelson Mandela Bay Metro, I am compelled by my conviction to express my concern about the current state of affairs in our Municipal council.

My comments come as an observer after performing the devotions for the opening of the council on February 28. Our role as citizens is not to simply criticise our leaders, but to also be constructive in our support of them. It is noteworthy, that in spite of the difficulties experienced at the beginning of the business of the day, council completed all items on the agenda.

This column looks at how due process should be followed.

As a case study let's look at the debate on the legitimacy of a councillor (Bongo Nombiba) to be present. It revealed the following:

1. It was apparent that the speaker and municipal manager did not have the necessary knowledge on the issue of the legitimacy of the councillor.
2. The municipal manager appeared not to be implementing the legal framework for local governance.
3. The political party of which the councillor is a member also did not express its commitment to the constitution that governs the party.

The speaker and the municipal manager must be guided by the legal framework of the municipality. They should have been prepared for the meeting. A ruling from the MEC for local governance should already have been given. If they had been prepared then the councillors could have focused on the real agenda, which is to ensure a better life for all the citizens in the metro.

My concerns relate to the Municipal Systems Act 32 of 2000, which is freely available online. Schedule 1, which deals with the code of conduct of councillors, states:

“Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality”.

In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators.

Section 19 of the Municipal Structures Act states:

### **2. A councillor must—**

(a) perform the functions of office in good faith, honestly and in a transparent manner; and

(b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

My argument is that the councillor in question has brought disrepute on the credibility and integrity of the municipality. The integrity has been compromised through his actions, for which he has been convicted and sentenced to five years in prison. At the time of the meeting his application for leave to appeal against his fraud conviction had been denied.

### **6. Personal gain**

6. (1) A councillor may not use the position or privileges of councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

Here again it can be argued that the councillor is in violation of the code of conduct. The court found that the councillor has enjoyed personal gain out of financial support granted out of the municipality's discretionary fund to an NGO.

### **7. Declaration of interests /9. Rewards, gifts and favours**

(3) Gifts received by a councillor above a prescribed amount must also be declared in accordance with sub item (1) which indicates that this gift should be declared in writing to the Municipal Manager within 60 days.

Simply put, this declaration was not submitted, and therefore the gift was not in compliance with the code of conduct.

It is also the responsibility of each political party to ensure that their code of conduct is not violated by its members. The party is responsible to uphold its constitution.

In order to uphold the highest levels of accountability and integrity it is incumbent on the council leadership and political parties to work together to ensure that the legal framework that governs our municipality is upheld.

In summary, the legal framework governs everyone, irrespective of party affiliation, race or creed. In the light of the bigger picture – which is the welfare of the people of our metro – it is our collective responsibility to excuse ourselves from public office if we have violated the legal framework that governs our conduct and implementation of our role in council.

It is highly commendable and respected when a councillor excuses him or herself from the business of council when her or his presence may bring the council into disrepute. This shows that they place the welfare and quality of life of the people of the metro above self-interest.

Concluding it is important for us as citizens who appoint our councillors through the ballot to do the following in order to hold our public representatives accountable:

1. Know the legal framework that governs municipalities. They are the S.A. Constitution; Municipal Structures Act; Municipal Systems Act and Municipal Finance Management Act. There is also the constitutions of the political parties. All the documents can be downloaded for free.
2. Get help from the South African Local Government Association guidelines. (SALGA).
3. Get involved in your ward committee, with the objective of ensuring that the needs of your ward are addressed by your councillor.
4. Participate in the Integrated Development Plan process to ensure there is budget to address the challenges in your ward.

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