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Soweto Blue Print.  
The structure and functioning  
of Soweto Local Authority.

No 16

THE STRUCTURE AND FUNCTIONINGS OF:

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SOWETO LOCAL AUTHORITY

The SOWETO LOCAL AUTHORITY will be run on a democratic electoral basis.

The people shall decide.

THE CITY COUNCIL:

The Council will be elected at a general election.

The Council will be essentially a policy-making body which authorises the Management Committee (see below) to delegate specified powers to the Town Clerk and to the Heads of Department which are established, to the Clerk of the Council and to officials individually.

The Council shall be made up of fifty elected members representing each ward of the City of Soweto.

Members of the Council shall be adults of over 25 years of age who have resided in the city of Soweto for a continuous period of at least five years.

Members of the Council would have to qualify as voters as well.

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MANAGEMENT COMMITTEE:

The Management Committee is to be elected by the elected members of the City Council and it derives its power and authority solely from the City Council.

The Management Committee sets up various departments for the administration of the city. Each department has a Head of Department.

The Management Committee shall set up the following committees:-

- (i) Housing Committee
- (ii) Technical Services
- (iii) Works and Traffics
- (iv) Utility Committee

(v) Health and Amenities Committee

Each member of the City Council shall belong to at least one such abovementioned committee.

Various other departments may be formed depending on the needs of the city of Soweto.

The Management Committee shall appoint inter alia the following executive officers:-

- (i) A Town Clerk
  - (ii) A Clerk of the Council
  - (iii) A City Treasurer
  - (iv) A City Engineer
  - (v) A Medical Officer of Health
  - (vi) A Housing Officer
  - (vii) A Recreation and Parks Officer
- and any other executive officers depending on the needs of the city of Soweto.

The essential functions of the Management Committee are as follows:-

- (i) To pass legislation for the city of Soweto by enacting ordinances or bye-laws
- (ii) To budget
- (iii) To approve proposals submitted to it by the various departments of the city
- (iv) To delegate specified powers to the Town Clerk and to the Heads of Departments which are

established, to the Clerk of the Council and to officials individually.

The Management Committee is authorised to delegate to the Town Clerk and to Heads of Departments generally, to the Clerk of the Council and to other heads of departments and to other officials individually the powers of disposal.

Once such an authorisation is made the Management Committee resolves accordingly and the powers and duties are delegated to the departments, etc.

Conditions shall be attached to the delegation of powers which shall be the following:-

Conditions of Delegation

The following conditions shall apply to the assignment to any Head of Department of any powers of disposal :-

- (1) No departure shall be permitted from the terms of any resolution of the Council or of a committee of the Council in the exercise of duly delegated powers;
- (2) the assignment shall be subject to the terms of any authority granted by the Council or by the Management Committee to the Town Clerk or other chief

or principal officer or to the  
Clerk of the Council;

- (3) no expenses shall be incurred on capital account, and expenses on revenue account shall be kept within the provision made in the annual estimates;
- (4) the withholding of any consent provided for in the by-laws shall be subject to appeal to the committee administering those by-laws;
- (5) the assignment of matters relating to the staff and other employees of the department other than their conditions of service and disciplinary measures, shall be subject to consultation with the Staff Board and where necessary, the employee association or trade union concerned, and where agreement cannot be reached the matter in question shall be referred for decision to the Management Committee;
- (6) all contracts entered into in terms of powers delegated herein, shall be on conditions according to the policy of the Council or conditions specifically laid down by the Council; and

(7) any authority to enter into a contract herein conferred shall include authority to sign such contract, and furthermore any authority granted to the Head of the Department shall be exercised by the deputy head of that department on the instructions of or in the absence of the head of that department : and furthermore the authority shall be extended to such other officials in the department as the Council or the Management Committee may by resolution decide.

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THE MAYOR AND DEPUTY MAYOR

The Mayor who himself shall be a city councillor shall be elected annually by the City Council.

The same procedure shall be followed with the election of the Deputy Mayor.

The Mayor shall be the ceremonial head of the city of Soweto.

The Mayor shall be the chairman of meetings and shall have a vote in addition to a casting vote.

THE TOWN CLERK

- (1) The Town Clerk shall be the Chief Executive and Administrative Officer of the Council, and in addition to any other function or duty conferred or imposed upon him by any law, or by-law or Standing Order of the Council shall, subject to the general control of the Management Committee,
- (a) co-ordinate the work and generally supervise the administration and organization of the several departments of the Council, and shall be entitled in consultation with the head of department concerned to take any steps he considers necessary to make such co-ordination more effective or to secure greater efficiency and expedition in the work of the Council, subject where necessary to the approval of the Management Committee.
- (b) continuously review the effectiveness of any arrangements made to carry out the instructions of the Council or any committee thereof, and bring to the notice of the relevant head or heads of department and if necessary of the committee concerned the need for any change ; and



- (c) have general authority over the whole of the Council's staff and advise the Management Committee on questions relating to the accommodation, appointment and dismissal and conditions of service generally of the staff.
- (2) The Town Clerk shall for the better carrying out of any of his functions have the right to call on the staff of any department for assistance he may require, and in particular may require the Chief Organization and Methods Officer to investigate and report to him on the work of any department or departments or any particular aspects thereof.
- (3) The Town Clerk shall be responsible to the Management Committee for the proper carrying out of all directions of the Council or of any committee thereof, and shall be responsible for all communications between committees of the Council and the Council's departments, sections or branches; and for these and any other purposes of this Schedule he is authorized to :-
- (a) receive all reports and recommendations from heads of departments for submission to any committee and to express his views thereon to the committee concerned;

- (b) call for any report from any head of department on any matter falling within the latter's jurisdiction;
- (c) initiate reports and recommendations to the Management Committee and thereafter if necessary to the Council on any matter affecting the Council, and generally advise it on all such matters; and
- (d) receive all instructions from the Council or any committee thereof to heads of departments for onward transmission together with any comments he may wish to make in clarification of such instructions.

He is thus, responsible to the Management Committee for the carrying out of directions of the City Council or any committee thereof, and subject to the general control of the Management Committee.

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THE CLERK OF THE COUNCIL.

In addition to the authorities conferred on him as a head of department, the Clerk of the Council or in his absence the Deputy Clerk of the Council or the person authorised by the Clerk of the Council to act as Deputy Clerk of the Council is hereby authorized on behalf of the Council:

- (1) Transactions authorized by resolution  
To execute any document to which the

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Seal of the Council has been duly affixed in terms of a resolution of the Council or a committee thereof, and to execute any and all instruments and documents which are necessary to give effect to or arise out of any resolution and which the Council is lawfully empowered to execute

(2) Transactions not authorized by resolution

To execute any document which the Council is lawfully empowered to execute and which is necessary for the completion of any underhand agreement or for the registration in favour of the Council of any deed of servitude designed to secure the observance of the Council's by-laws or Town Planning Schemes.

The Clerk of the Council is also empowered to bring legal proceedings and prosecutions for and behalf of the City Council.

Legal Proceedings and Prosecutions

- (a) to enter appearances to defend - and to take any necessary steps to defend - any action, claim or proceeding instituted against the Council, and to sign any documents necessary for this purpose and to appoint Counsel;
- (b) to agree to the settlement of any action by or against the Council;
- (c) to take all necessary action, including action in the Supreme Court or any inferior court, to enforce the Town Planning Scheme

- or the refusal of a special consent under the Town Planning Scheme, or to enforce any by-law of the Council, or to enforce any right of the Council, or to enforce compliance with any condition attached to a special consent under the Town Planning Scheme, or to enforce the terms of any servitude, consent paper or agreement forming part of the settlement of any legal proceedings under the Town Planning Scheme or under the by-laws of the Council;
- (d) to take all action necessary, including the signing of any necessary documents, to carry into effect the decision of the Council or of the Management Committee to institute legal proceedings against any person or body of persons;
  - (e) to appoint competent persons from time to time to prosecute on behalf of the Council for contraventions of its by-laws, regulations and rules having the force of law and of any law by which the Council is given authority to prosecute;
  - (f) to note an appeal on behalf of the Council against the decision of any court in any proceedings to which the Council is a party, pending the decision of the Council or a committee thereof to prosecute the appeal;
  - (g) to oppose on behalf of the Council any appeal to any superior court against a judgement in favour of the Council given by any court of law;
  - (h) in circumstances in which in his opinion immediate action is required to protect the interests of the Council, to institute or to intervene in any legal proceedings in any court of law, and ;

- (1) to lodge any claim against an insolvent estate or a company in liquidation for money the estate or company owes the Council.

The Clerk of the Council is also empowered to attend to routine matters.

#### Routine Matters

- (a) To advertise when the occasion arises rewards not exceeding R250 for information leading to the conviction of anyone damaging the Council's property;
- (b) to administer the conditions for the hire of the halls controlled by the city;
- (c) to grant permission to charitable organizations to make use of the halls;
- (d) to accept and to make application to the Mining Commissioner for the grant, cancellation or modification of any surface right permit or any other right or permission required by the Council under the provisions of the Precious and Base Metals Act, 1908, or for the release of any property of the Council from the provisions of the Act;
- (e) to negotiate for the acquisition or disposal of land or interests in land;
- (f) to approve the writing off as irrecoverable of fines shown on any schedule of irrecoverable fines submitted to the Council by the Department of Justice;

- (g) at the request of the head of the department concerned and in accordance with the terms of the relevant agreement of occupation, to give notice of termination of the tenancy or other right of occupation of any land or premises hired by or from the Council; and
- (h) to apply for the issue to the Council of certificates of consolidated title and registered title whenever it is necessary to do so in order to give effect in a Deeds Registry to any resolution of the Council.

His duties, too, must be defined with precision.

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#### FINANCES

The revenue of the Council will come from:-

- (a) rates and taxes
- (b) fines
- (c) fees and duties
- (d) charges for the supply of electricity, etc.
- (e) other monies which it is empowered to recover

The city shall also have borrowing powers. The finances of the city must be audited.

SPECIAL SECTIONS

There shall be constituted and structured the following two special sections to cater for the special needs of the city of Soweto:-

- (i) Home Ownership - a special department of the Management Committee dealing with the question of the right to home ownership, the procedure and method of obtaining ownership and the enacting legislation making demand on the central government of the Republic of South Africa for home ownership of the people of Soweto.

This department shall be empowered to structure the procedure whereby residents of Soweto can attain ownership of their property and furthermore they shall be empowered to make recommendations about the financing of home ownership in Soweto.

- (ii) Department for the Comparative Study of Other Municipalities

This department shall be formed for the purposes of making comparative studies of the workings of other municipalities in South Africa and in other parts of Africa to allow the smooth functioning and to allow for the particular needs of the people of

Soweto and to make recommendations therefor.

The functions of the Management Committee

The functions of the Management Committee shall take into account the peculiar needs of the city of Soweto and shall provide, inter alia, the following services and amenities:-

- (i) Health services - with a particular emphasis on preventative medicine and also curative services
- (ii) Community halls and auditoriums
- (iii) Libraries
- (iv) Public buildings such as a town hall, mayors parlour etc
- (v) Sewage and sewage disposal
- (vi) Road maintenance
- (vii) Street lighting
- (viii) Social welfare
- (ix) Clinics
- (x) Creches
- (xi) Fire-fighting services
- (xii) Municipal police force
- (xiii) Parks and gardens
- (xiv) Rent boards
- (xv) Art galleries



- (xvi) Museums
- (xvii) Theatres
- (xviii) Opera and concert houses
- (xix) Sports facilities such as playing fields, tennis courts, swimming pools etc
- (xx) Industrial and technical training schools
- (xxi) Universities  
and other facilities and services depending on the needs of the people.

WARDS

The city of Soweto shall be divided into fifty wards for electoral purposes.

Councillors shall represent the wards and be elected ~~annually~~ by voters who shall be over 18 years of age and who shall be registered tenants of the city of Soweto.

Voting shall be by secret ballot.

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