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**Council Meeting 29<sup>th</sup> May 2008**

**Part 2A: Reviving the City of Tshwane's contractual election obligation to the independent Electoral Commission (IEC)**

On the 30<sup>th</sup> January 2008, the Mayoral Committee considered a report on the reviving the City of Tshwane's contractual electoral obligation to the IEC. They resolved that a revival of the contract between the IEC in Gauteng and the City of Tshwane be ratified. They designated the City Manager to sign contractual agreements on election matters with the IEC on behalf of the Council (by the way there is no copy of the contractual agreement annexed to this item, even though the legal department refers to it). The Mayoral Committee authorised the City Manager to designate an election practitioner acceptable to all City of Tshwane political parties to administer election matters in consultation with the IEC.

According to this document the Council would manage, administer elections of all spheres of government, establish a formal election relationship with the commission and obtain election council officials to assist during the election period.

This process began one and half years ago when Dr Brigalia Bam paid a courtesy visit to the Executive Mayor, Dr Gwen Ramokgopa on the 14<sup>th</sup> November 2006. Before this the IEC was working within the Office of the City Manager utilizing the resources of Council in terms of the signed agreement between the two institutions since 1998. As mentioned, the IEC is an autonomous body created in terms of section 190(1) of the Constitution of the Republic of SA, 1996. This meeting began the present process but little notice has been taken of the wishes and concerns of opposition parties and the desire to ensure that those involved in the elections are unbiased.

The item, which came from the Mayoral Committee, was placed in the Annexure A section originally and I have yet to understand why. If we are to have free and fair elections the last body that should ever be in charge with making these decisions, should be the Mayoral Committee as they have a vested interest.

We now have this item before us, but there has been no consultation with all the parties in council. In fact the item does not appear to have gone through any committee, other than the Mayoral Committee. The lack of apparent concern shown by the DA possibly means that there has been consultation with them.

There have been comments that we are in a hurry with this important decision because of the impending by-election. I do not share this concern because the IEC has run elections out of the City Manager's office since 1998 without having a contract of this nature and I am sure a By-election will not be a problem for them. This agreement has been put together for future National, Provincial and Local Government elections. The problem the CDP foresees is that once we agree to it, we are stuck with it for the foreseeable future and as usual with so many of these things once it has been decided upon there is no turning back.

As one of the political parties, which, according to the Mayoral resolutions, are supposed to accept this report, we have not been consulted about anything. When we tried to speak about it at the programming committee, which one would think was the correct place to discuss this, we were told that it wasn't the place to discuss it. When I mentioned this to the local IEC on Monday they said that I must fight this in council. The DA both in the IEC meeting and in the programming committee was unusually complacent. I wonder if anyone tried to oppose the close involvement of the ZEC with the Government of Zimbabwe. You must either be very careful or just not be concerned about anything. But then one must be prepared to live with the consequences in the years to come.

The CDP feels that for an election to be credible those involved must have no connection to any political party whatsoever (unbiased). Because of this the choice of MEO and his deputies, which are all perceived to be ANC appointees, are unacceptable.

The CDP would have preferred that we were given a choice of appointees and that none of them has obvious affiliation to any particular political party neither at present nor in the last five years and that we, as political parties in The Tshwane Metropolitan Municipality, should have set up a forum where we could discuss these nominations. That is what is suggested by the statement "designate an election practitioner acceptable to all City of Tshwane political parties" As we haven't been afforded this right the CDP cannot accept the present appointments as we have no confidence in their impartiality, and therefore the CDP cannot support this item.

The question I would then ask, if all the parties do not agree with this item or choice, especially as this item has not gone through the proper consultation process with all the role players, is it legitimate to pass it through with a majority vote by the ANC, in light of the mayoral resolution of 30<sup>th</sup> January 2008.

**Part Three, Item 19: Report on the approval and implementation of the Tshwane By-Laws: Municipal Functions relating to substance abuse in Tshwane.**

The CDP will not oppose this report but would like to point out something interesting. Firstly the department must be congratulated for its attempt to make a difference in our community. This is especially seen with the first document that went out on public participation. The strong manner in which the restriction on outdoor advertising was handled was commendable. For example, no person may erect any outdoor advertising sign requiring specific consent, which contains images of, or the use of alcohol products. The other regulations were just as strong and encouraging. The CDP agrees with the sentiment and totally supports the original document.

It is a pity though, that those of our communities with vested interests will come and undermine what was a very positive effort to contain the unacceptable tendencies in our communities, especially with our teenagers, who actually need strong guidance.

It seems that we will be interfering with the liquor business' democratic rights if we do not allow these corporations to advertise strong drink and this despite the fact that all our residents agree to the banning of liquor advertisements. Because of the liquor industries' vested interests our family values are undermined, many people's health is detrimentally affected and it can cause financial

instability in many households. It is a known fact that excessive alcoholic drinking has become a serious problem in our high schools with our youth.

The final regulation that came back to us in this report is watered down considerably. One can only hope that it will have enough scope and clout to affect the problems that we in the Tshwane Metropolitan area are confronted with.

It was also mentioned at our Committee meeting that FIFA, in terms of 2010 and the Africa Cup next year have the right to replace our by laws with their own regulations when it comes to drinking, prostitution etc. **These immoral practices fly in the face of the moral standard that has been in place in South Africa.** It is regrettable that we need to be made subject to these unacceptable standards in order to host these international cups.

But, at the same time, one cannot help but admire those who had the courage of their conviction to make a strong stand with the original document. It is noted with appreciation.

Item 20 was altered in that there were proposals that the ANC put forward in the Council meeting, where they deleted everything and added new recommendations, which left out the Public Participation. I objected to this because of the questions that this report focused on and I felt that Public Participation was required. Consequently I did not read the following speech. Instead I voiced my objection to the sudden change to this item. Although at the CDP Caucus meeting everyone indicated that they do not support this, which I agreed, but in light of this item going out for public participation there will be time to object once we have studied and given our views to the public meeting. This will be the next step before the CDP can make up its mind. It required more information to be able to give meaningful motivation for accepting or rejecting the concept. Meanwhile for information purposes the following speech is the direction I thought of going in the Council meeting, until the changes were proposed. This can be discussed further at a proper forum.

**Item 20 Housing Services Department: Proposed provisional restructuring zones in Tshwane for Social Housing Development.**

This is a controversial item. The CDP is pleased that it will be going out to public participation. Although our public participation has had some serious hiccups lately and the CDP believes that this affects the credibility of many of the decisions we are making. This item when first approached brought about an initial reaction which is not positive and could be a concern to many. As I only read this item for the first time a few days ago, I still have to get to grips with it. I welcome the public participation process and the chance to become more familiar with it. I will reserve my comments for the return of this item as the reaction I have had so far has been negative. If, as with the rates policy, it is returned with more information and a reasonable approach with sufficient motivation to convince that the negative results of bringing poverty into the more affluent areas with the effects on crime etc on the community is dealt with satisfactory then one will be able to discuss it in a different light.

It is one thing bringing cultures together on a certain level. Also bringing genders together in ways that they have been separated in the past, private clubs and sports, can work, as can breaking down the colour bar and encouraging racial harmony, which has been one of the main issues in South Africa. But, bringing the rich and poor right next to each other can result in problems that are insurmountable. Clashes, crime, and resentment could be seen at a much greater level than we are

seeing at the moment. We need to just look at our xenophobia problem, which has been rearing its ugly head here and there for a long time.

As I was preparing this item and considering the approach of the present Tshwane Government I was thinking of the way the gated communities are being handled. By allowing gated communities we give more assistance for the police to concentrate on other areas. But here we are experiencing rather a denial to the wealthy to protect and close their communities and an encouragement to bring a greater social densification thus moving towards the complete transformation of our society. It is a pity that the present government only gives us glimpses of where they are going. It is like the frog that is gently boiled by being placed in cold water and having it gradually heated. If they put the frog into hot water it will jump out. We are seeing changes in the same way. If we were given all the information up front we might be shocked and reject it outright. Because we are being given glimpses of where we are going we are being lulled into a slow sleep.