**1. Report of the Select Committee on Cooperative Governance and Traditional Affairs, Water, Sanitation and Human Settlements Inspection in Loco on Notice of Intervention, issued in terms of section 139(1)(b) of the Constitution, 1996 in JB Marks Local Municipality, dated 29 October 2019**

**1. Background and Overview**

1.1 The Select Committee on Cooperative Governance and Traditional Affairs, having received the referral from the National Council of Provinces (NCOP), to consider and report on the notice of intervention invoked in JB Marks Local Municipality in terms of section 139(1)(b) of the Constitution, the Select Committee reports as follows:

1.2 In terms of NCOP Rule 101, the Office of the Chairperson of the NCOP referred the notice of intervention by the North West MEC for Local Government and Human Settlements, to the Select Committee for consideration and report. On 29 August 2019, the Select Committee conducted a *loco* inspection in JB Marks Local Municipality.

**2. Objective of the *Loco* Inspection in JB Marks Local Municipality**

2.1 The main objective was to interact with the internal and external stakeholders of the Municipality in order to solicit their opinions on the constitutional, procedural and substantive matters related to the invocation of section 139(1)(b) of the Constitution.

2.2 The internal and external stakeholders the Select Committee intended to interact with included, the Provincial Department of Local Government and Human Settlements, the Speaker, Mayor, Chief Whip, the representatives of the political parties serving in the municipal council, Organised Labour, South African Local Government Association (SALGA), Business Forum, Youth and Women Forums, including the Traditional Leaders.

**3. Composition of the Delegation**

3.1 The Select Committee delegation was composed of the following Members of Parliament and officials: Hon SE Mfayela (IFP) KwaZulu-Natal; Hon EM Mthethwa (ANC) KwaZulu-Natal; Hon MP Mmola (ANC) Mpumalanga; Hon S Zandamela (EFF) Mpumalanga; Hon TSC Dodovu (ANC) North West; Mr TM Manele (Committee Secretary: Committee Section); Mr N Mfuku (Content Adviser: Committee Section); Mr B Mahlangeni (Researcher: Research Unit); Ms J Le Roux (Researcher: Research Unit); Mr M Mbebe (Procedural Officer: NCOP) and Mr F Bulawa (Committee Assistant: Committee Section).

**4. General Overview of the Loco Inspection at JB Marks Local Municipality**

4.1 On 29 August 2019, the Select Committee interacted with the MEC, Administrator, and the Troika (the Speaker, Mayor and the Chief Whip) of the local Municipality.

4.2 The Select Committee found that the Municipality was not ready to and did not extend invitations to the internal and external stakeholders of the Municipality, in order to interact and share their opinions on the constitutional, procedural and substantive matters related to the notice of intervention in terms of section 139(1)(b) of the Constitution.

4.3 Noting the failure of the Municipality/Administrator to extend invitations to the internal and external stakeholders, the Select Committee resolved to cancel the inspection in *loco* in the Municipality.

**5. Select Committee Observations and Opinion**

5.1 The Select Committee has noted the notice of intervention tabled by the MEC for Local Government and Human Settlements, to the Chairperson of the NCOP that the Minister of Cooperative Governance and Traditional Affairs were notified within 14 days of the commencement of the intervention in terms of section 139(1)(b) of the Constitution.

5.2 On substantive matters, the Select Committee has further noted the collapse of service delivery, instability on good governance and distress in financial management, have all contributed and provided a rationale for intervening in the Municipality in terms of section 139(1)(b) of the Constitution.

5.3 The Select Committee has noted during its deliberations on the matter, the majority of political parties in this house such as the African National Congress (ANC), Economic Freedom Fighters (EFF), Inkatha Freedom Party (IFP) and the Freedom Front Plus (FF+), supports the intervention on the basis of the substantive, procedural and constitutional matters in the Municipality. It is only the Democratic Alliance (DA) which has requested that its rejection of the intervention be recorded.

**6. Recommendations of the Select Committee**

6.1 Having conducted the oversight visit to JB Marks Local Municipality and interacted with the Troika of the Municipality and the MEC for Local Government and Human Settlements, the Select Committee recommends as follows:

6.1.1 The NCOP approves the intervention in JB Marks Local Municipality in terms of section 139(1)(b) of the Constitution.

6.1.2 The North West MEC for Local Government and Human Settlements should, after the adoption of this report of the Select Committee by the NCOP, table quarterly progress reports on the implementation of intervention in terms of section 139(1)(b) of the Constitution in the Municipality.

6.1.3 The Administrator should develop measurable municipal turn-around strategy, aligned with the terms of reference, and provide the MEC for Local Government and Human Settlements and the municipal council with regular reports on the implementation of the intervention. The administrator must ensure investigation and implementation of consequence management.

6.1.4 The Department of CoGTA in the province must ensure security and safety of all appointed administration in collaboration with the relevant state security agencies.

6.1.5 The Select Committee on Co-operative Governance and Traditional Affairs, Water, Sanitation and Human Settlements in co-operation with the relevant Portfolio Committee in the North West Provincial Legislature, should after six months or termination of the intervention, whichever comes first, conduct a follow-up oversight visit to the Municipality in order to evaluate the impact of the intervention in accordance with the terms of reference of the Administrator.

Report to be considered.