MOGALAKWENA CONCERNED AND AFFECTED COMMUNITIES

MOKOPANE TASK TEAM

SOUTH AFRICAN NATIONAL CIVIC ORGANIZATION

**Presentation for the Portfolio Committee on Cooperative Governance and Traditional Affairs by Mogalakwena Concerned and Affected Communities, Mokopane Task Team and South African National Civic Organization.**

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8. **INTRODUCTION**

South African National Civic Organization (SANCO), Mokopane Task Team (MTT) and Mokopane Concerned and Affected Communities (MCAC) are civic organizations in the vicinity of Mogalakwena Local Municipality, which have joint efforts of ensuring that Mogalakwena Local Municipality provides quality services and it is accountable to the residents.

1. **BACKROUND**

The above-stated civic organization and other organizations have jointly and individually had engaged and demonstrated on the poor state of service delivery and corruption in the municipality as early as 2017 to date and as far as the residents of Mogalakwena Municipality are concerned, there are no improvements.

The issues concerning the municipality are not new in this committee(Portfolio Committee of Cooperative Governance and Traditional Affairs) and as organizations representing the residents of Mogalakwena, we felt that is not only necessary but important to register the state of the municipality on this platform on behalf of the resident of Mogalakwena Local Municipality.

1. **LEGISLATIVE FRAMEWORK**
   1. **Obligations of a Municipal Council According to** **S 4(2) of the Municipal Systems Act**;

* exercise the municipality’s executive and legislative authority and use the resources of the municipality in the best interests of the community;
* provide, without favour or prejudice, democratic and accountable government;
* encourage the involvement of the community;
* strive to ensure that municipal services are provided to the community in a financially and environmentally sustainable manner;
* consult the community about the level, quality, range and impact of municipal services and the available options for service delivery;
* give members of the community equitable access to the municipal services to which they are entitled;
* promote and undertake development in the municipality;
* promote gender equity in the exercise of the municipality’s executive and legislative authority;
* promote a safe and healthy environment in the municipality; and
* contribute, together with other organs of state, to the progressive realization of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution
  1. **Functions of a Municipal Council**
     1. Make policies and bylaws that are informed by, and seek to satisfy, community needs with regard to the matters that it has the right to administer. ***S 156 of the Constitution***
     2. Ensure implementation of national, provincial and local legislation and policies by supplying appropriate resources and authority to the administration. ***Ss 3, 4Municipal Systems Act***
     3. Establish suitable control and reporting systems and procedures for monitoring and evaluating policy implementation in order to give account to the community with regard thereto. ***S 51 Municipal Systems Act***
     4. Ensure that the municipality meets its executive obligations, discharges its developmental duties and realizes the constitutional objects of local government as elaborated in legislation. ***S 19 Municipal Structures Act***
     5. Enforce the codes of conduct for employees and councilors. ***S Municipal 67 Systems Act***
     6. Cooperate with other spheres of government, organs of state within those spheres and municipalities. ***S 41 of the Constitution***
     7. Build and promote good relations with the private sector, nongovernmental and community organizations and other local organizations. ***Ch 4 Municipal Systems Act***
     8. Act as employer**. S 56 Municipal Systems Act**
     9. Approve the budget of the municipality. ***S 16 MFMA***

1. **Issues Affecting the Residents of Mogalakwena Municipality**
   1. **Fraud and Corruption**
      1. Sasol Garage

The Municipal council resolved to lease the land at corner Cnr Thabo Mbeki and Nelson Mandela Drive, were a new constructed Sasol Garage is currently located for 5 years. The lease contract of the same land was fraudulently altered by the Bid Adjudication Committee to be a 25 years contract. The same bid adjudication committee that comprised of the Former Mayor’s sister who is the Municipal Senior Legal Advisor and embattled Deputy Manager of Corporate Support Services awarded the Lease Contract to Graceland Holding, which is owned by the Former Mayor’s Pastor, using the Former Mayor’s home address as the business address of the company.

The Council recently discussed the matter and attempted to enforce consequence management, which in our view is not sufficient. The council only suspended the Manager of Corporate Support Services but did not reflect on the unethical relationship between the former Mayor and some of the members of the bid adjudication committee that awarded the contract to the Former Mayors Pastor.

This committee must note the council neglected to enforce the code of conduct of the Councilors stipulated in the Municipal Systems act, which dictates that “A councilor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councilor is aware at the first meeting of the municipal council at which it is possible for the councilor to make the disclosure.”

The Executive Committee of the council failed to detect the fact that a council decision was tempered with in the reports tabled to the exco. The council itself also did not detect/or deliberately ignored the red flags in the contract agreement of that land, therefore that demonstrates that council did not act promptly in holding the administration accountable.

* + 1. **Irregular Appointment of Staff: The Municipality embarked on a mass recruitment process under the following conditions.**
       1. **Nepotism**

During the mass-recruitment process, a certain number of the hired individuals are connected to councilors and the political leadership of the Municipality. The process of recruiting those individuals where procedural. That happens under the watch of the Council. The following are an example of individuals with close proximity to those in leadership positions of Mogalakwena Local Municipality:

* The Senior Legal Advisor is a sister to the Former Mayor
* The former Manager of Planning and Developmental Services has his relative working for the municipality
* The former Manager of Corporative Support Services has a relative
* There are many others which found expression in this committee
  + - 1. **Recruitment Processes not followed**

The above-mentioned staff members where recruited without following proper human resources procedures. Some workers were issued with appointment letters before they underwent interviews.

* + - 1. **Incompetence**

Apart from the deputy manager of corporate support service whom the puplic protector confirmed that he does not qualify for his position and his case is still under duress, there are still other workers who are in positions that they do not qualify. The very same Deputy Manager came to this committee in from of the whole country and us resident of Mogalakwena Local Municipality that he is the champion of the mass recruitment but the council decided to deal with only his Manager. Such conduct proves the state of lawlessness and incompetence by the said Deputy Manager of Corporate Support Services.

The structures of the council have demonstrated that they are incompetent in executing their oversight duties as everything happens in their watch.

* + - 1. **Employees not budgeted for**

An overwhelming majority of the above-stated mass employees are not the municipal organigram; therefore, they are not budgeted for. That a huge impact on the municipality’s capacity to provide basic services as a municipal finance are committed on paying salaries,

* + 1. **Councilors doing business with the Municipality**

The previous auditor general ‘s report found that there are managers who are doing business with the municipality. The municipal council have an obligation to ensure that their members comply with the code of ethics and conduct as stipulated in the Municipal Systems Act but they have not acted promptly

* + 1. **Irregular Issuing of Tenders**
* Graceland Holding, a company belonging to the Pastor of the former Mayor was awarded with the embattled Sasol Garage.
* There is a budget to install a robot at Cnr De Klerk and Pretorius street, the budget is utilized and the robot is not installed
* The council must account to this house and the residents of Mogalakwena what happened to the budget of renovating Mahwelereng Community Hall as it is bad condition.
* There are water carting invoices paid to different services provided for services which are not rendered. Community members continued to suffer water shortage.

This council has proved that they have failed to provide an accountable government without fear and favour as lawlessness continues to reign in the municipality

* + - 1. **Incomplete Infrastructural Projects**
* Moshate Stadium
* Maroteng Water Treatment Plant
* Rebone Stadium
* Mapela Stadium
  + 1. **Lack of Service Delivery**
    2. **Road Infrastructure**

The roads in Mogalakwena communities in all the wards are in a state of disaster

* + 1. **Poor Water Provision Services**

The residents of Mogalakwena are still suffering access to water, despite all water carting tenders which are paid to service providers. Ward Councilors and their committee do not monitor the provision of water to their residents; thus service providers are not held accountable. The municipality to not have a long-term plan to provide water to their resident.

* + 1. **Poor Waste Management and Parks**

The municipality have bylaws that invokes consequences to individual who do not respect the bylaws. The are waste dumps in various site of Mogalakwena which is hazardous to the people living in nearby communities. The local municipality have the responsibility to ensure the implementation of the bylaws and the non-functional council structures are not helping the process

* + 1. **Dilapidated Sewage System**

Residents of Mogalakwena local municipality, especially in Mahwelereng Hospital View, Ext 17, 19 and 20 are subjected to perpetual sewage bursts

* + 1. **Municipal inaccurate billing system**

The billing system used by the municipality is unreliable because in most of the time, the residents are billed based on estimates and meter readers seldomly take readings. We have had community members complaining that they are billed for services they are not using, that is tantamount to daylight robbery. As much as we encourage everyone to pay their municipal account, we also urge the municipality to be honest to the resident of Mahwelereng, Mokopane and Rebone first**.**

* + 1. **Stormwater**

The stormwater drainage systems are dilapidated and need to be attend to

1. **Disorderly and Inconsistent Council Meetings**

The Mogalakwena Municipal Council is known for infightings and taking decisions which are detrimental to the people of Mogalakwena. There is a council 19 June 2019 which aim was to redeploy the slain Chairperson of MPAC where councilors where physically assaulting each other in the council chambers and later that year, bouncers wearing white shirts we deployed to attack council and physically threw the speaker out of the chamber. That is pure barbaric and can never be condoned as conduct of councilors, therefore, as residents we don’t not have confidence in councilors behaving in that manner.

The very same council which is at loggerhead with itself have been demonstrating inconsistency in deciding on the fate of the Municipal Manager in the council. As we speak now, there is a management crisis in the council, and managers do not finish their contractual term as the executive and the council are not competent in executing their duties,

1. **Recommendations**

It is proved beyond reasonable doubt that the Council of Mogalakwena Local Municipality have failed the residents of Mogalakwena. It is for that reason that we propose to this committee in the presence of the MEC of Coghsta that the Mogalakwena Local Municipal Council be dissolved.

We further recommend that the Administrator to institute an anti-corruption watch and service delivery committee that is constituted by various stakeholders in the community,

1. **Conclusion**

In line with the obligations and functions of a Municipal Council, as compared to the current state of affairs in Mogalakwena Local Municipality, above mentioned organizations has satisfied themselves with the fact that the current Municipal Council have failed in their role to hold the administrative accountable, uphold a good conduct by Council Members and provide acceptable services to the residents.

Our accession about the poor functionality is substantiated by the Decision of the Governing Party (ANC) to dissolve the then Political Management Team and restructuring of the Executive Committee of the Council as they were proven to negatively impact the functioning of the Administration.