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| DEPARTMENT: Office of the Executive Mayor

16 July 2021

Reference: 2021/07/16

Attention: Ms. A F Muthambi, MP

Chairperson: PC on Co-operative Governance and Traditional Affairs

Portfolio Committee on Co-operative Governance and Traditional Affairs

PO Box 15

Cape Town

8000

Republic of South Africa

Sent by Email to: Committee Secretary, Ms S Cassiem, scassiem@parliament.gov.za

SUBJECT: JB MARKS LOCAL MUNICIPALITY FORMAL RESPONSES AS RESOLVED ON MEETING HELD ON 07 MAY 2021

PURPOSE

To formally submit the formal presentation as resolved on meeting held on 07 May 2021 by the Portfolio Committee on Co-operative Governance and Traditional Affairs, Chaired by Honourable A. F Muthambi.

BACKGROUND

JB Marks Local Municipality together with Dr Kenneth Kaunda District Municipality and its 2 other local municipality were invited to a meeting scheduled on 07 May 2021 following the presentation submitted on 30 April 2021 and re-submission of the amended presentation on 06 May 2021 to Portfolio Committee on Co-operative Governance and Traditional Affairs as directed by the communiques received dated 26 and 29 April 2021.

DISCUSSIONS

The following are the set of questions posed by Portfolio Committee members and responses by JB Marks Local Municipality. Portfolio of evidence is clearly marked and referenced as "Annexure-question number and title of the questions".



1. Local Government Municipal Systems Act, Section 78 Criteria and process for deciding on mechanisms to provide municipal services. Section 78(3) further states that before the municipality enters into a SLA must establish a programme for the community consultation and communicate the contents to the community through the media.

1.1. Did the municipality follow the process of Section 78?

The municipality has not been following the process. However, we have ensured that communication with the public on such services is done through reporting in terms of MFMA Section 72 and including such information in the Annual Report as regulated.

1.2. Did the municipality establish a program for community consultation

Yes, the municipality annually implements the MFMA Section 21 "Key Schedule" and now amended to align with Section 27 of the Disaster Management Act as amended. Thus the municipality has created WhatsApp number for any community inputs on the IDP and Budget

1.3. Did the municipality communicate the contents of the SLA through media?

No.

1.4. The municipality must provide proof of such (Council minutes and media).

Not applicable

2. Maintenance Plan

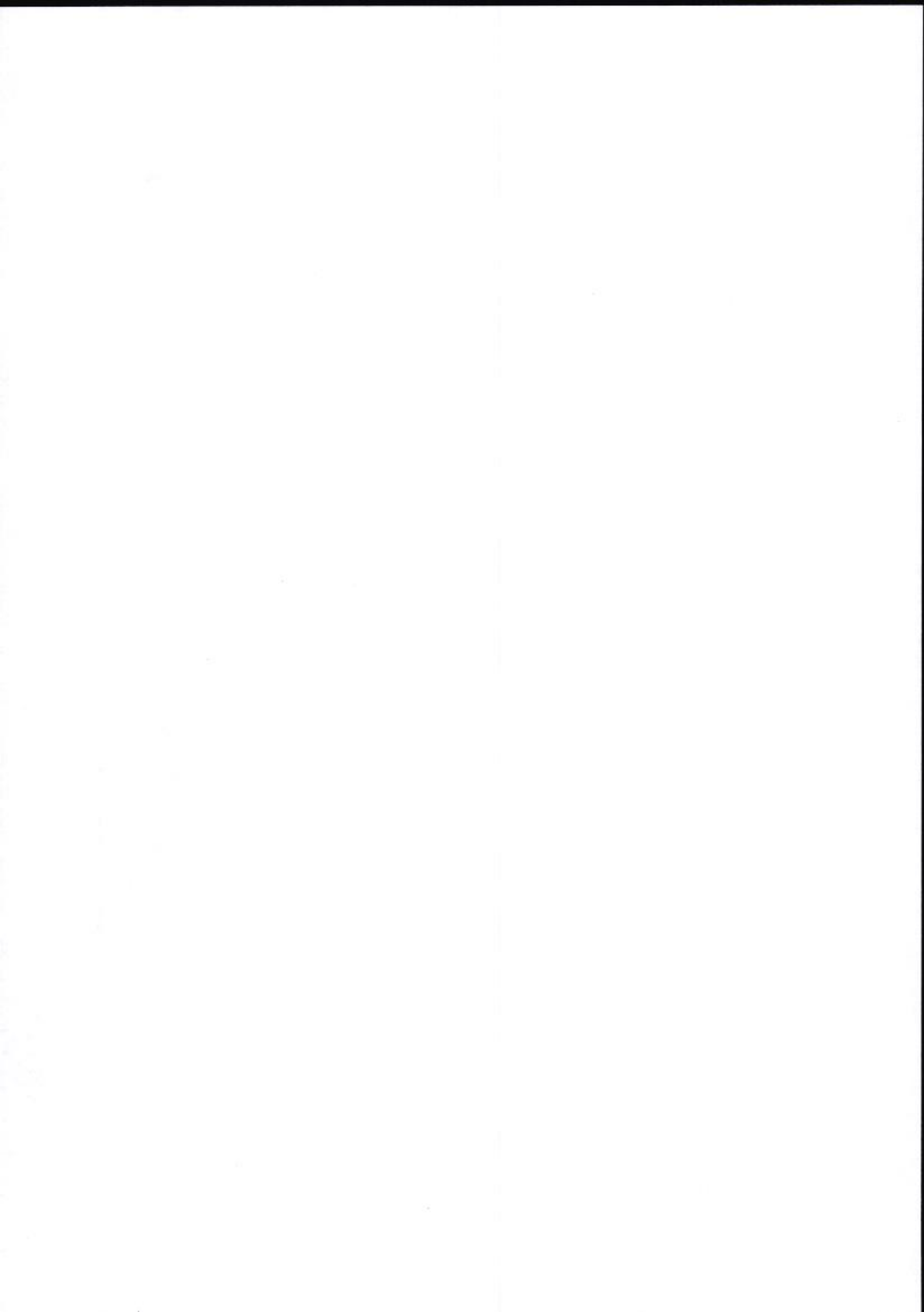
2.1. Does the municipality have the maintenance plan in place?

Yes, the municipality has infrastructure maintenance plans in place. Annexure Q2 Maintenance Plan
The Technical Services Department of the Municipality had developed Infrastructure Master Plans for all basic services including Water and Sanitation, Roads and Storm Water, Electricity and community lighting. These plans are instruments used to address ailing infrastructure challenges through rehabilitations and replacement projects proposed and also to expand services to new developments.

3. Asset Register

3.1. Is your assets register in place?

Yes, the municipality has an asset register in place. The asset register is compliant with GRAP17 and the municipality is proud to state that we do not have an audit finding in terms of PPE – asset register for 2018/19 and 2019/20 financial years audited.



4. Contracts SCM-

4.1. Do you have contracts that are 3 years or longer?

Yes, the municipality has contracts longer than 3 years. Annexure 4 Contracts longer than 3 years

5. Council

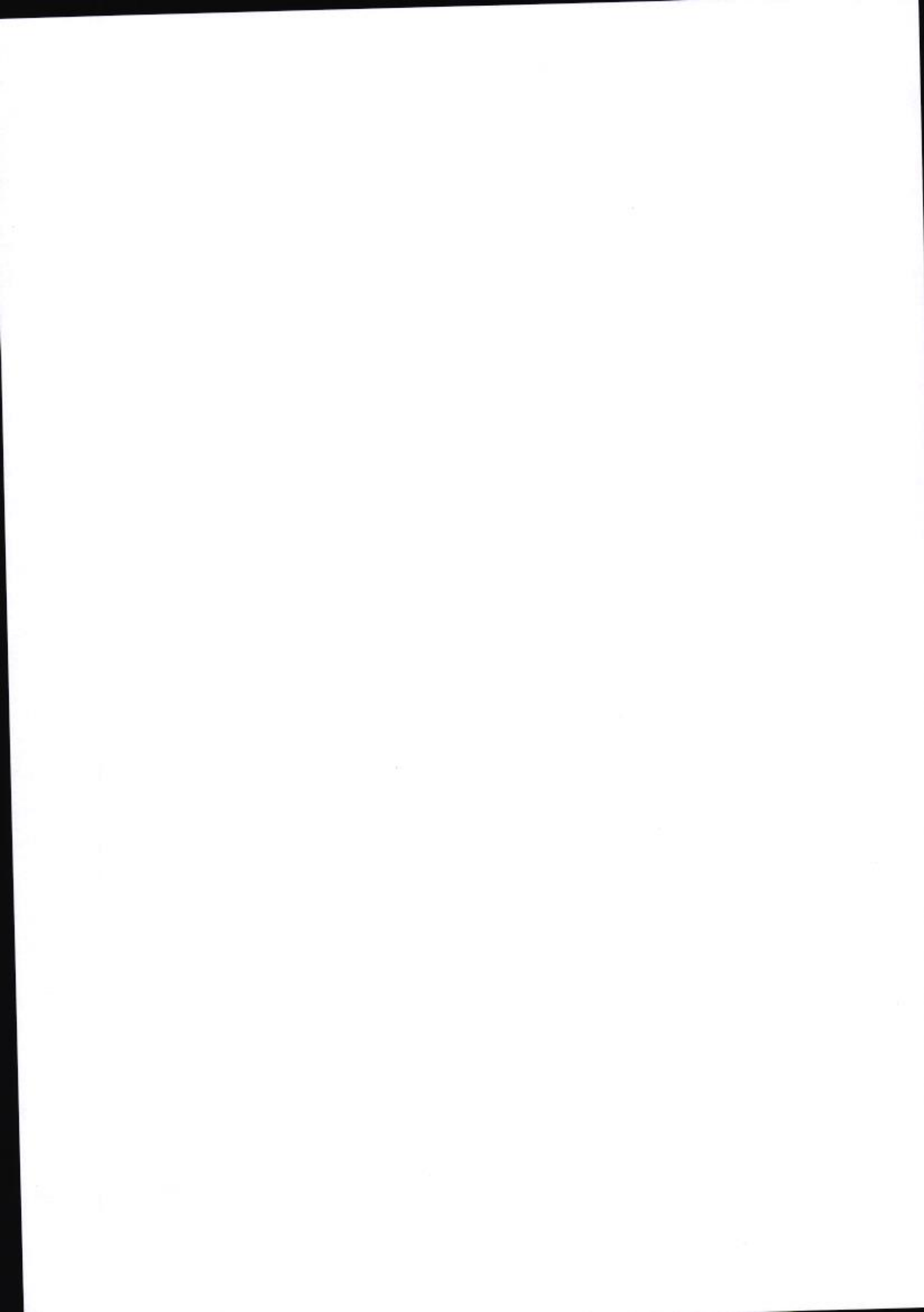
5.1. How many ordinary council meeting were held in the 2019/20 financial year and to date? There were 7 Ordinary Council Meetings and 5 Special Council Meetings held

Ordinary Council Meetings	Dates
15 th Council meeting	30 July 2019
Continuation 14 th Council meeting	30 July 2019
16 th Council meeting	29 August 2019
17 th Council meeting	29 October 2019
18 th Council meeting	26 November 2019 & continued on the 3 December 2019
19 th Council meeting	31 January 2020
20 th Council meeting	25 February 2020 and continued on the 10 th March 2020
Special Council Meetings	Dates
	11 July 2019
	9 September 2019
	30 September 2019
	28 February 2020
	26 May 2020

6. Rates Policy

6.1. Is the municipality's rates policy compliant?

Both the municipality's Property Rates By-law and the Property Rates policy, are compliant with the Municipal Property Rates Act, 2004 (Act 6 of 2004). Tariff ratios and the various rating categories are aligned with the Act, and all necessary rebates, as guided in the Act, are provided for in the Rates policy of the municipality. In terms of section 24 of the MFMA, the revised Property Rates policy for implementation in the 2021/2022 financial year has been submitted to council together with the draft budget. Council will consider the draft budget and revised policies at the Council meeting scheduled for 31st May 2021.



6.2. Is the municipality rates policy promulgated?

The municipality's Property Rates By-law was promulgated in NW Provincial Government Gazette No 8022, on the 25th July 2019

7. Central Supplier Database

7.1. Is the municipality registered on the CSD?

Yes, the municipality is registered on the CSD Number. Supplier number is MAAA532568.

8. Councillors

8.1. What is the total amount owed by councillors on municipal accounts?

The total amount owed by councillors as at 10 May 2021 is R 58 767.49. A letter has been written by the Office of the Executive Mayor to Councillors to comply.

8.2. Which councillor's municipal accounts are outstanding? Please provide the list of councillors who do not pay rates and taxes

Refer to attachment for the list of Councillor's account balances as on 10 May 2021

8.3. Why are councillors owing the municipality still in service of council?

The Code of Conduct for Councillors, clause 12A, requires that Councillors must not be in arrears for period longer than three (3) months, hence the letter by the Executive Mayor as stated in the above response.

9. Debt collection

9.1. Why is the debt collection services outsourced and not performed internally? I.e. legal department.

Not all debt collection processes are outsourced by the municipality. Internally, the Revenue section performs various collection processes, as set out in the approved Credit Control Policy, which includes the issuing of monthly sms messages, follow up calls, issuing of a demand letter, followed up by a final letter of demand and the compilation of monthly cut-off lists for execution by Electrical unit. Once these steps have been exhausted, household and business accounts older than 90 days are handed over to the legal firm for further legal actions to collect the outstanding debt.

10. Stores

10.1. How is possible that the cleaning material for cleaning the streets is not available?

Procurement of Cleaning Material, including Stores Material is done monthly, in terms of the re-order levels.

What is in the municipal stores?

Various Store Items are kept at our Stores, e.g. Transformers, Cables, Mini Subs, Water Material, Electricity Poles, Pipes, Stationery, Electrical Bulbs, etc.

11. Budget

11.1. Why is the budget unfunded?

The Municipality's budget have been funded for the past financial years and caters for accounts payable.

12. Public Safety

12.1. What resources are provided to Public Safety Officers (Pepper sprays, firearms, vehicles, etc)

Protective clothing allocated is as follows:

- a) Traffic Services
 - Firearms allocated to officials who are competent to carry firearms in terms of the Firearms Control Act, Act 60 of 2000
 - Handcuffs
 - Pepper spray
 - Two-way communication hand radio
 - Biker's uniform for officials who are licensed to drive motor-bikes
 - Reflective jackets
 - Raincoats
- b) Disaster Management
 - Uniform
 - Raincoats
 - Reflective jackets
 - Response vehicles
- c) Fire Brigade Services
 - Uniform
 - Fire tunics



- Reflective jackets
- Physical training clothes

13. UIF&W- office of the MM

13.1. Has the municipality established disciplinary board on UIF&W matters?

In terms of Section 32 of the MFMA, and the guidance set out in MFMA Circular 68, the council committee to report back to Council on the outcomes of the investigation performed into UIF&W expenditure is the Municipal Public Accounts Committee (MPAC). The Office of the Administrator is preparing a report, for submission to the Municipal Public Accounts Committee in terms of Section 32(2) of the MFMA. The recommendations by MPAC will then be considered by the municipal Council.

13.2. How far is the municipality's implementation on Consequence management UIF&W

The use of the Municipal Supply Chain Management regulations Section 36 Deviations is being limited to exceptional cases, as poor planning is no justification for a deviation. Departments have been made aware that consequence management must come into effect. The contract management register has been developed to assist departments with timeous drafting of specifications.

13.3. What is the Status of MPAC investigating UIF&W

Investigations into UIF&W of the former Ventersdorp and former Tlokwe Municipalities and Irregular expenditure of JB Marks have been instituted by the former and current Accounting Officers. Investigation reports were submitted to MPAC and Council as from beginning 2017, through to 2019. Investigation report of former Ventersdorp served at the MPAC meeting of 21 November 2017, where MPAC resolved that the item be withdrawn. The investigation report of the former Tlokwe served numerous times in 2017 and final recommendation that the then Accounting Office must resubmit credible information ever since the committee noted the poor quality of the report at that point. At that juncture, the committee gave the Accounting Officer additional grace period of 30 days and since then the report never came back to the committee. As from 2018 onwards MPAC has experienced challenges in terms of their sittings, with the majority of meetings not meeting a quorum. In 2019, Council resolved that the then Audit Committee investigate Irregular Expenditure. A report served at Council in July 2019, with a further report submitted to the Accounting Officer in November 2019. It was resolved that the reports and findings be raised with the AGSA, Province and National

Treasury, and these engagements were arranged by the CFO and held throughout the 2019/2020 financial year. After this no reports on UIF & W were referred to MPAC.

18.1. What is the status of unresolved balance of UIF&W?

The accumulative amount as at the 30 June 2019 is as follows:

<u>Type of Expenditure</u>	<u>Balance as at 30 June 2019</u>
Unauthorised	R 837 120 395
Irregular	R2 287 774 090
Fruitless and wasteful	R 78 266 972

14. MPAC

14.1. What is the capacity status of MPAC?

The MPAC office has five (5) positions on the approved structure of Council and currently four (4) posts are filled, namely the Assistant Director: MPAC; the MPAC researcher; the MPAC co-ordinator and the Administrative Assistant. The position of Compliance officer is still vacant. The Committee itself constitutes out of eleven (11) Councillors knowledgeable with the prescripts of local government and the majority of the members have financial backgrounds. MPAC Manager, researcher & MPAC admin assistant.

14.2. What did the municipality do to address the matter?

The Councillors who failed to attend the scheduled MPAC meetings, and which resulted in the continuous postponement of MPAC meetings due to lack of a quorum, were removed as members of the Committee, and new members appointed by Council. Letter were send to all political parties & Speaker regarding non – attendance of members.

15. Executive Mayor. When Executive Mayor was arrested last year arrest and there was a clear order "EM was not to set foot in the municipality until the investigation was concluded".

15.1. Is the current Speaker still the Speaker during the time of the former EM after the alleged arrest of the EM?

Yes, the Speaker was, and still is, Cllr Elias Mogoemang.

15.2. Does the Speaker understand the code of conduct- How can he allow the EM be allowed to enter the premises?

To the Speaker's knowledge, the Executive Mayor has abided with his bail conditions not to enter specifically Dan Tloome Chambers as set by the bail conditions.

15.3. Was there any disciplinary process in that regard, if not Why?

No and again, to the Speaker's knowledge the Executive Mayor abided by his bail conditions restricting him not to set his foot at Dan Tloome Chambers. No violation of bail conditions came to our knowledge and thus no disciplinary proceedings was instituted against the Executive Mayor.

15.4. What is the status quo senior manager also implicated with the EM?

The Director Municipal Services and Local Economic Development is no longer in the employment of the municipality, as the employment contract expired on the 31st December 2020. The SAPS case, which resulted in the arrests, is with the Potchefstroom Magistrate Court.

16. Council Meetings

16.1. In the past year how many ordinary council meeting were held?

Ordinary Council Meetings	Dates
15 th Council meeting	30 July 2019
Continuation 14 th Council meeting	30 July 2019
16 th Council meeting	29 August 2019
17 th Council meeting	29 October 2019
18 th Council meeting	26 November 2019 & continued on the 3 December 2019
19 th Council meeting	31 January 2020
20 th Council meeting	25 February 2020 and continued on the 10 th March 2020

16.2. Have you missed all compliant matters to be tabled in council i.e.- (Performance reports, SCM reports, Budgets etc.)?

- a) The draft 2021/2022 Medium Term Revenue Expenditure framework (budget) and the Integrated Development Plan (IDP) were tabled on Thursday, 22nd April 2021, instead of Wednesday, 31st March 2021 in terms of MFMA Section 16(2).
- b) The 2019/2020 Audited Annual Report could not be tabled on the promulgated extended deadline of 31st March 2021, as receipt of the signed audit report from the Office of the Auditor-General South Africa was made on the 12th April 2021. The audited Annual Report will serve at the Council meeting of 31st May 2021.

- c) Section 52(d) reports for the 2020/2020 financial year were not tabled within 30 days of the end of each quarter.
- d) Quarterly reports on the implementation of the supply chain management policy during the 2020/2021 financial year, were not submitted within 10 days of the end of each quarter.
- e) The annual report on the implementation of the supply chain management policy was not tabled within 30 days of the end of the 2019/2020 financial year.

16.3. What are the reasons of continuous failure of the tabling compliant legislative prescripts

Council meetings were not forming a quorum hence the failure to comply.

17. Speaker

17.1. Does your committee have rules of order that makes provision to ordinary councillors to write questions to the Executive Mayor and to receive answers from the EM?

Yes, the JB Marks Local Municipality Rules of Order By-law makes provision for submission of written questions to the Executive Mayor.

17.2. If, so, have you made any assurance to make sure the at the Executive Mayor responses?

Yes, a report is written with all questions to Council where Executive Mayor will respond or delegate the question to the relevant MMC or Accounting Officer if needs be.

17.3. To receive questions and how to respond answer the questions by the EM

A report is written with all questions to Council where Executive Mayor will respond or delegate the question to the relevant MMC or Accounting Officer if needs be.

17.4. Do you have any backlog of responses due by the Executive Mayor?

No. All written questions have been attended to by the Office of the Speaker as required in the above mentioned By-law.

17.5. Have you addressed all complaints brought to your office about Councillors code of conduct?

There is only one issue outstanding and there are continuous engagements with all stakeholders involved to finalise the matter.

17.6. What is it that you still need to do respond to the queried of councillors

All the questions from Councillors are responded too as per the rules of order of Council. For an example the motion of no confidence which was brought by the DA against the former Executive Mayor and the Speaker respectively was tabled in terms of the Rules of order and it was defeated.

18. MPAC

18.1. How many times did MPAC meeting sit in the past financial year?

MPAC have had three (3) meetings during the 2020/2021 financial year, as follows:

- a) 13th August 2020;
- b) 13th October 2020;
- c) 12th November 2020;

3 more meeting were scheduled before lockdown on 27th March 2020.

18.2. How many reports have been rendered on UIF&W by MPAC to council

MPAC has yet to submit a report to Council on UIF&W.

No reports on UIF' & W were investigated by AO and referred to MPAC to make recommendations to Council.

18.3. How many recommendations by MPAC have been implemented?

MPAC resolutions requiring attention by Administration during 2020/2021 amount to 20 of which 10 have been implemented. No oversight report recommendations were implemented.

18.4. If no, reports by MPAC who should be held accountable for none presentation of this reports

According to MFMA section 32(4) AO should investigate UIF & W & referred to MPAC to further investigate & make recommendations to Council.

19. Human Rights Commission –EXT 11 Ikageng Spillage of Sewerage PMU

19.1. Have you acted on the recommendations made

Yes, the Municipality did act on the sewer spillages that were reported at extension 11 that were reported to the Human rights commission.

Attached, is the Completion Certificates towards the completion of the sewer spillages.

19.2. Why was it necessary for Human Rights Commission to do that, to make sure that the municipalities fulfil its obligations?

The initial designs of the pipe sizes was not to cater for the population growth that existed in extension 11 as a result of the rezoning of the areas which was not initially intended for residential purposes.

Therefore the Municipality would have eventually had to plan for the upgrade of the pipelines, the challenge of the sewer blockages and spillages as a result of the pressure on the pipeline was presented earlier than anticipated.

20. Refuse Removal Trucks

20.1. How much have you been paying on waste removal trucks for the past 2 years

The domestic refuse removal was acquired through the Municipal Supply Chain Regulation 36 deviation. An amount of R32 945 930.00 has been paid.

20.2. Why is this service not done in house.

The Municipality had compactor refuse removal trucks that required repairs and maintenance on a regular basis, which resulted in non-collection of refuse during these periods of downtime. The community threatened to withhold payment of services and this was going to be detrimental to accelerated service delivery. The deviation was on an ad hoc basis.

The 2020/2021 MTREF has accommodated acquisition/purchase of two (2) compactor trucks on the transversal tender done by National Treasury.

Furthermore, the draft 2021/2022 MTREF has considered two (2) compactor trucks, which will be acquired/purchased through the transversal tender in July/August 2021.

21. Overtime

21.1. What is the overtime expenditure?

Please refer to the Annexure Q27 Overtime

21.2. What is the average monthly overtime spent?

Please refer to the Annexure Q27 Overtime

21.3. How are you dealing with the overtime?

The office of the Municipal Manager circulated a Memorandum to management this year (2021) to remind them to manage the overtime time within the prescript of legislation. The administration have also started to fill all vacant positions to alleviate the burden of doing work through overtime.

22. Consultants. Municipality spent R 15.3 million on consultants All



22.1. How are we going to address the silks shortages and decreasing the use of consultants by doing the services in-house?

The draft 2021/2022 MTREF has considered key positions for budgeting. These positions will be advertised after approval of the 2021/2022 MTREF to fill the positions. The consultants will be monitored by Directors to ensure that transfer of skills takes place.

23. Court cases of municipal employees LEGAL

23.1. Clarity of court case of employees that are still employed in the municipality

-The Municipality is aware of only one employee we have a pending criminal case, the disciplinary process have being initiated.

24. Legal Costs

24.1. Provide the community of how much we have spent on legal cases and the details of each case?

A Report to be attached

25. Amount due to municipalities by government entities

25.1. Give the name and amounts of all government entities that owe municipality?

The total amount due by government entities to municipality amounts to R 100, 349, 710, 58.
Annexure Q27. Amount due

26. Archives and Records

26.1. Report on how far is the municipality with the National archives and records act?

Council adheres to the National Archives Act. Council also adopted a Records Policy in terms of the National Archives Act which Policy was also approved by the Northwest Province

26.2. What is the MM doing on missing documents could not be found by AG on 2019/20

The Office of the Municipal Manager has identified the missing information that should in the archives unit. The service providers are requested, in writing, to submit such information, and such update the records information.



27. Support by the district to Municipality ALL

27.1. What support did the district provide to the municipality in 2019/20 financial year

Approval for the request for assistance with GIS Specialist to update Geographical data and municipal boundaries and demarcations during ward delimitation public participation in JB Marks Local Municipality.

Dr Kenneth Kaunda District Municipality – Spatial Development Framework: Utilization of Municipal Finance Management Act 116(3) to assist with an updated JB Marks Spatial Development Framework.

28. Declaration of Interests

28.1. Does the municipality have a declaration of Interest policy?

Council does not have a policy in this regard, since we apply the conditions as stipulated in the Municipal Systems Act.

28.2. Are declarations made on annual basis?

Declaration of Interest Forms are requested from Councillors on an annual basis after the start of every new financial year.

28.3. List all declaration status quo of councillors and senior management

Status quo of Councillors' Declaration of Interest forms as requested on an annual basis is attached as Annexure Status quo of submission of Declaration of Interest. All Senior Managers have completed a Declaration of interest form, which is required from them annually, at the time of signing of their Performance Agreements.

29. The disaster management centre – contract awarded for R16 million. Paid made R19 million

29.1. Full detailed report as to why the administrator instructed that the project be finalised by the contractor on site?

Please refer to the signed report for reinstatement of the Contract. Attached.

However further elaborating on the reasons for reinstating the Contractor is as follows;

The terminated Contractor had presented the Municipality with the possibility of litigation towards the termination therefore the administrative team without further delaying progress on the project as a result of the legal battle and expose the structure to further deterioration then decided to amicably solve the dispute by reinstating the Contractor at his initial tendered rates.

The willingness of the Contractor to use existing rates as per the appointment amount.

The expenditure incurred to date is detailed as per the table below;

SUMMARY OF FINANCIAL PROGRESS					
DECRPTION	PROFESSIONAL FESS (AS PER SLA) VAT.INCL		CONTRACTOR (AS PER APPOINTMENT LETTER)		TOTALS (VAT. INCL)
Awarded Amount		R 6 348 333,86		R 18 955 639,20	R 25 303 973,06
Approved V.O's	CERT NO.	R -	CERT NO.	R -	R -
Revised Contract Amount		R 6 348 333,86		R 18 955 639,20	R 25 303 973,06
PAYMENT CERTIFIED TO DATE	1	R 2 843 109,04	1	R 815 380,53	SEE Below the Expenditure To Date
	2	R 900 393,52	2	R 1 126 989,45	
	3	R 436 181,21	3	R 583 952,14	
	4	R 701 236,65	4	R 454 611,33	
	5	R 436 163,83	5	R 298 695,64	
	6	R 388 271,53	6	R 408 729,78	
	7	R 184 000,00	7	R 371 234,04	
	8	R -	8	R 441 383,22	
Expenditure To Date		R 5 889 355,78		R 4 500 976,13	R 10 390 331,91
Balance to Date		R 458 978,08		R 14 454 663,07	R 14 913 641,15
Financial Progress (%)		92,8%		23,7%	41,1%

29.2. Has council gave approval for the project to be finalised

The reinstatement report was only signed by the 13th April 2021. Therefore Council will be notified of and informed of the administrative decision taken to reinstate the terminated Contractor in the 3rd quarter SDBIP report. (Attached).

30. The illegal settlement in Mooibank- HUMAN SETTLEMENTS

30.1. Why did the municipality not obtain court order obtain terms of the 2015 SAPS communication with all municipalities to get court orders to act timeously when land gap takes place?

The municipality has followed the necessary legal processes and obtained court order with regarding to the Mooibank illegal land invasion. However the as stated in the court order the municipality can only implement the order once the COVID 19 Disaster Regulation is finished.

30.2. What is the reason why the Promosa serviced stands not to be made available to illegal settlers in Mooibank?

The services stands in Promosa which is "Promosa Ext 4", is also illegally invaded, while the municipality is still on the process of sweeping the area for explosives. The municipality also followed the necessary legal process to obtain court order.

31. Ventersdorp Landfill site rehabilitated by the district 5 Years back

31.1. Is the landfill site in operation?

Yes the landfill site in Potchefstroom is operational.

31.2. Why are there no security at the site while the fence is not repaired?

The landfill site does not have a guardhouse and toilet facilities to house security officers at the moment, posting will be done after preparing the area for the deployment of security, and this includes installation of a fence on site.

32. Service delivery Vehicles.

32.1. Why vehicles are not fixed or replaced

The Municipal service delivery vehicles are repaired as and when they are brought for repairs at the Municipal Workshop. Due to capacity constraints within the Municipal workshop some of the repairs are outsourced to private workshops. The general challenge with Municipal service delivery vehicles is that most of them have way passed their useful life. Council will have to consider replacing most these vehicles. This process is delayed due to budgetary constraints.

33. N14 Development

33.1. Provide substantive documentation and the service provider appointed on site and expenditure to date?

Currently the services are being installed by the Provincial Human Settlement Department, the services are internal and includes: water, sewer, and graded gravel roads for storm water. There is no expenditure from the Municipal site.

34. COVID Task Team

34.1. Why is the committee not sitting anymore and provide the status quo?

The Regulations prescribe the District Municipalities must convene Covid-19 Command Council. However the JB Maris LM deemed it fit to have its own Covid-19 Command Council. Members of the Local Command Council also serves as members on the District Command Council. The last sitting was in 30 June 2021 and the meeting for July 14 2021 was postponed.

35. State Of Disaster Management

35.1. Please align the disaster management centre that is in complete with functions?

The Disaster Management is partially functional based on the following

- a) Disaster Management Advisory Forum is in place and functional
- b) Head of Disaster Management Centre appointed
- c) Some of the Disaster Management personnel are appointed in terms of the Disaster Management Act 57 of 2002
- d) The Disaster Management Centre building construction is still underway
- e) The Emergency Information Management and Communication System is not in place
- f) The Disaster Management Plan level 1 is in place
- g) No departmental disaster management plans in terms of section 52 of the DM Act are in place

36. Memorandum of Understanding

36.1 Did the municipality sign the MOU on Municipal Health and Environmental Services with the district?

-No; The Municipality is currently developing the MOU to be signed on/ or before 30 September 2021.

37. PAAP

37.1. Did the EM ensure that the PAAP was implement?

Yes – the PAAP addressing the 2018/2019 audit report was tabled at Council in January 2020.

The departmental 2019/2020 Post Audit Action Plan (PAAP) was reviewed by the Office of the Administrator and Internal Audit to ensure that all areas are addressed. The review was finalised on Monday, 3rd May 2021. The PAAP will be submitted to the Municipal Council on Monday, 31st May 2021.

37.2. Were the executive Mayor received progress reports on PAAP, what did he do?

Progress on the 2018/2019 PAAP was reported to the EM and the Mayoral Committee, where after the report was sent to Council. Weekly updates on the 2018/2019 PAAP were submitted to Provincial Treasury for oversight purposes.

37.3. The Executive Mayor must report case the MM did not implement the PAAP and what was done due to none implementation

N/A –At date of submission of the 2019/2020 Annual Financial Statements to the AGSA, 99% of the listed corrective measures in the 2018/2019 PAAP had been achieved.

37.4. Why is the municipality ignoring AGs reports

This is not the case – AG reports are attended too by the Municipality, as can be seen in the implementation status of the 2018/2019 PAAP.

38. Consequence Management

38.1. Why is council not implement consequence management

- Council is implementing consequences management whenever is necessary to do so. For an example, both the Accounting Officer and the CFO are on precautionary leave due to application of consequence management. Recently additional 2 officials were put on precautionary leave as they were implicated in the SIU reports.

39. None compliance with tabling budget. The Provincial Treasury has indicated that this has been the only municipality in the Province that has consistently failed to comply with the legislated deadlines for the tabling of municipal budgets.

39.1. What are the challenges leading the municipality to persist with this non-compliance?

- Council sittings have not quorate

40. Trust Account

40.1. Can the municipality apprise the Committee on the alleged financial impropriety against some Councillors and officials involving royalties paid towards the municipality by one mining house into a trust fund account being held at Willem Coetzee Attorneys?

Criminal cases has been opened with the SAPS and is currently under investigation.

41. SUSPENSIONS

41.1. Are the suspensions of the Municipal Manager in 2019 and the Chief Financial Officer in 2018 still fair and lawful, as these are very long suspension periods?

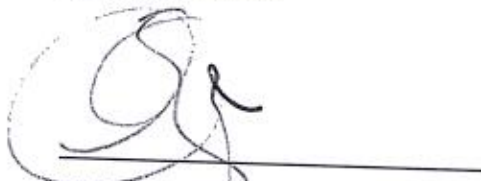


The Officer of the Administrator had suspended the Accounting Officer (Municipal Manager) and the Chief Financial Officer on Thursday, 18th February 2021 after providing the incumbents with an opportunity to submit reasons why they (Municipal Manager and Chief Financial Officer) should not be suspended.

The Thursday, 18th February 2021 suspension was informed by the Special Investigation Unit (SIU) report on PPE. The first disciplinary process meeting took place on Monday, 18th May 2021. The process is continuing.

CONCLUSION

The municipality appreciates the continuous support from all spheres of government in ensuring good governance.



Alderlady. Mapule Mataboge
Executive Mayor



jbmarks
LOCAL MUNICIPALITY
Marks of excellence.

QUESTION 8

COUNCILLORS MUNICIPAL ACCOUNTS

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ANNEXURE: QUESTION 8

COUNCILLORS MUNICIPAL ACCOUNTS

AMOUNT OWED FOR MUNICIPAL SERVICES BY COUNCILLORS AS ON 13 MAY 2021

Rates	Stand Adr1	Surname	Initials	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total	Arrangement
J	17567 MUNANGA STR	KGANTICOE	SJ	209175 6700	98.7	0	0	0	0	98.70	0
J	MALHERB E STR 50- 54	COETZER	CJ	770811	287.67	0	0	0	0	287.67	0
J	BORCHER DSTR 26	KRUGER	TG	2697	294.05	0	0	0	0	294.05	0
J	JACK HINDONSI NGEL 14	KRUGER	TG	7753	335.5	0	0	0	0	335.50	0
N	PETER MOKABA AVENUE 221	VENTER	JM	81488	179.4	179.4	0	0	0	358.80	0
J	MUNICIPA LITY	MODISE	GAM	190021 843	526.08	0	0	0	0	526.08	0
J	5762 NKOSI ST	MOELETSI	CL	208057 6201	482.54	179.4	0	0	0	661.94	0
J	ALABAMA STR 18	STADSRAAD /MAKOUSA	RA	105421 7	667.58	0	0	0	0	667.58	10507.13
J	3531 LEKHELE ST	MOGOEEMA NG	KEG	203035 3100	672.94	0	0	0	0	672.94	0
J	GEELHOU TLAAN 37	LOUW	EH	263419	560.76	236.87	0	0	0	797.63	0
J	SCHUBAR TSTR 9	KRUGER	TG	12994	831.79	0	0	0	0	831.79	0
J	1ST AVENUE 47	LETSHABO	PT	209140 6801	428.65	411.3	0	0	0	839.95	0
J	15040 THAMAGA STR	STADSRAAD /MANELI	KM & M	209150 4000	316.53	377.03	180.72	0	0	874.28	0
J	1294 MAHLUBI ST	GWILI	D & HV	203012 9400	580.72	322.88	0	0	0	903.60	0

AMOUNT OWED FOR MUNICIPAL SERVICES BY COUNCILLORS AS ON 13 MAY 2021

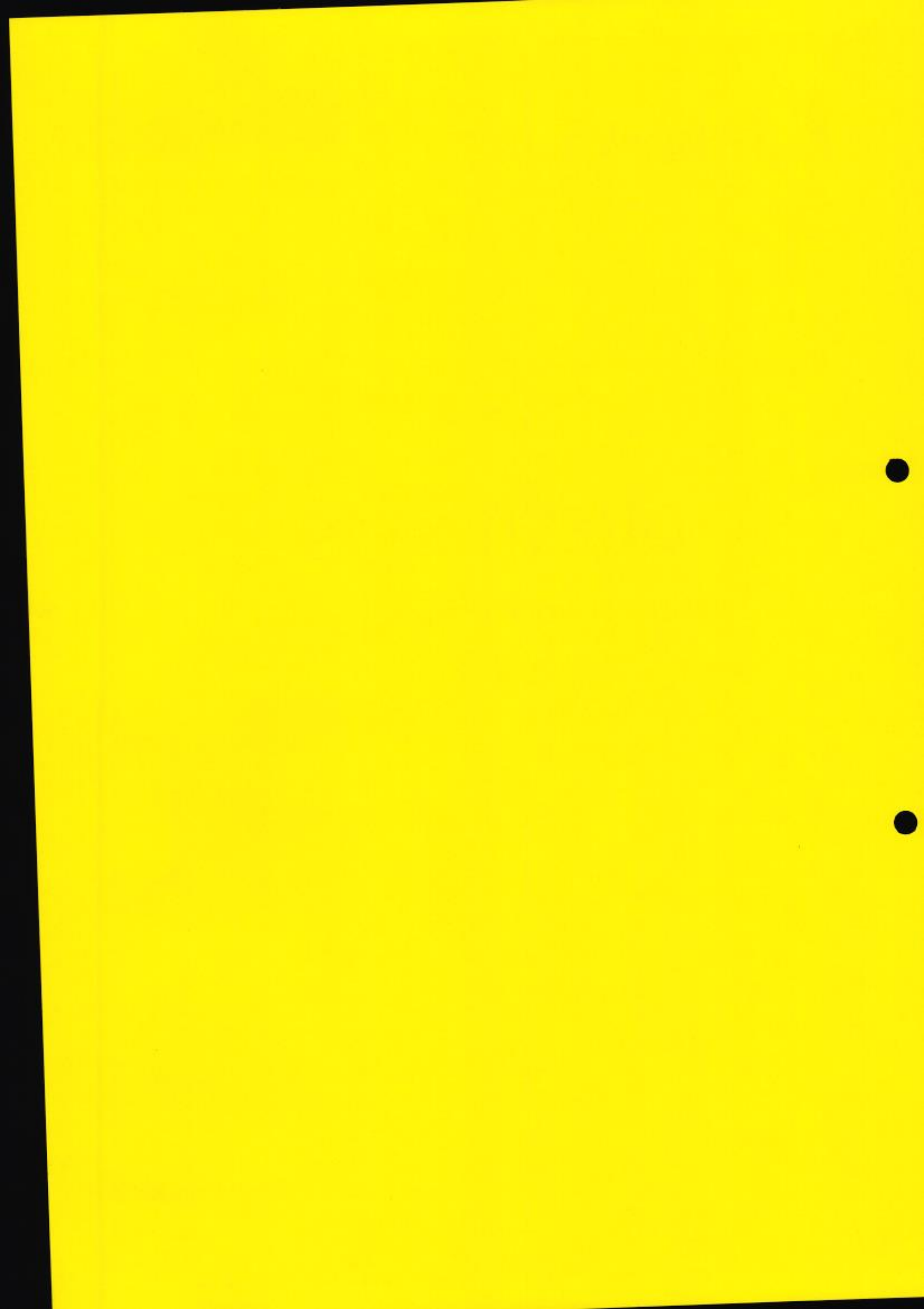
Rates	Stand Adr1	Surname	Initials	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total	Arrangement
J	TSHING	MATABOGO	MM	180005 852	582.6	454.16	0	0	0	1,036.76	0
J	DU PLESSISS TR 13	PIENAAR	PJ	784951	1094.31	0	0	0	0	1,094.31	0
J	LEBOGAN GSTR 34	MONTSHO	KL	209120 8002	590.89	617.55	0	0	0	1,208.44	0
J	16686 LEPHURW ANE STR	MOTHOPEN G	MS	209166 8601	276.9	274.31	272.83	427.56	0	1,251.60	0
J	11262 AREAGAN ENG STR 119	MOSIANE	MC	209112 6200	472.25	469.12	331.36	0	0	1,272.73	0
J	5811 MANDELA DRIVE	XABA	PP & JS	208058 1100	645.77	672.44	0	0	0	1,318.21	0
J	ROCHERS T 71	COETZER	JC	83461	1474.2	0	0	0	0	1,474.20	0
J	N12	CLARKE	VC	96337	1548.28	0	0	0	0	1,548.28	0
J	KOCKSTR 99	ZERWICK	LJ	268518	1727.41	0	0	0	0	1,727.41	0
J	KLEYNST R 6	MOOLMAN	H & MM	79893	2018.41	0	0	0	0	2,018.41	0
N	SCHUBAR TSTR 9	KRUGER	TG	82065	2107.91	0	0	0	0	2,107.91	0
J	BATELEU RAVE 19	BRITZ	S & PJ	359355 9	1054.79	1063.68	0	0	0	2,118.47	0
J	TSHING	KATEES	MM	180006 774	530.04	526.8	528.15	530.98	2765.19	4,881.16	0
N	GERRIT MARITZST R 3-5	LANDSBERG	JC	82835	3473.12	7351.62	6227.22	0	0	17,051.96	0
				TOTAL	23859.79	13136.56	7540.28	958.54	2765.19	48,260.36	10507.13



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QUESTION 19

EXT 11 – IKAGENG SEWERAGE SPILLAGE



CERTIFICATE OF COMPLETION




EMPLOYER: ADDRESS: CONTACT DETAILS:	NORTH WEST 405 MUNICIPALITY P.O. BOX 113, POTCHEFSTROOM, 2520 018 299 5401	
CONSULTING ENGINEERS: ADDRESS: CONTACT DETAILS:	FHP CONSULTING ENGINEERS P.O. BOX 1053, POTCHEFSTROOM 2520 018 297 7077	
CONTRACTOR: ADDRESS: CONTACT DETAILS:	BORN FREE CIVIL AND PLANT HIRE P.O. BOX 135 ORKNEY 2619 084 479 7328	

TENDER NUMBER: 77/2015 – UPGRADING OF MAIN SEWER FOR IKAGENG EXTENTION II

DESCRIPTION OF COMPLETED WORKS

1. The total number of 48 Manholes has been constructed.
2. A total of 3500m uPVC sewer pipeline has been installed.
3. Constructed Manholes will be covered by topsoil for their protection and Repairing of broken Manholes will occur during the construction of the canal.
4. As-build drawings have been submitted to the JB Marks City Council as per conditions of contract.

It is hereby certified that the works as described above have been completed on the 16/03/2018 in accordance with the provision of clause 5.14.1, 5.14.2 and 5.14.3 of the General Conditions of Contract for construction work, 2nd edition of 2010.

	Representative	Date	Name	Signature
Certified by:	Employer	16/03/2018	P.P. Mkhledzi	
	Consultant	16/03/2018	E. LITS	
	Contractor	16/03/2018	N. MULO	

CERTIFICATE OF FINAL COMPLETION

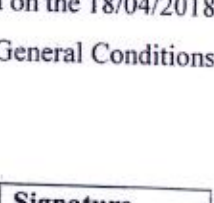

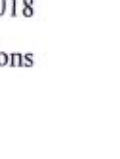
EMPLOYER: ADDRESS: CONTACT DETAILS:	JB MARKS LOCAL MUNICIPALITY P.O. BOX 113, POTCHEFSTROOM, 2520 018 299 5401	
CONSULTING ENGINEERS: ADDRESS: CONTACT DETAILS:	FHP CONSULTING ENGINEERS P.O. BOX 1053, POTCHEFSTROOM 2520 018 297 7077	
CONTRACTOR: ADDRESS: CONTACT DETAILS:	BORNFREE CIVIL & PLANTHIRE P.O BOX 135 ORKNEY 2619 (018) 473 5296 bornfree@polka.co.za	

TENDER NUMBER: 77/2015 – CONSTRUCTION OF IKAGENG EXTENTION 11
 SEWER UPGRADE: PHASE 1&2

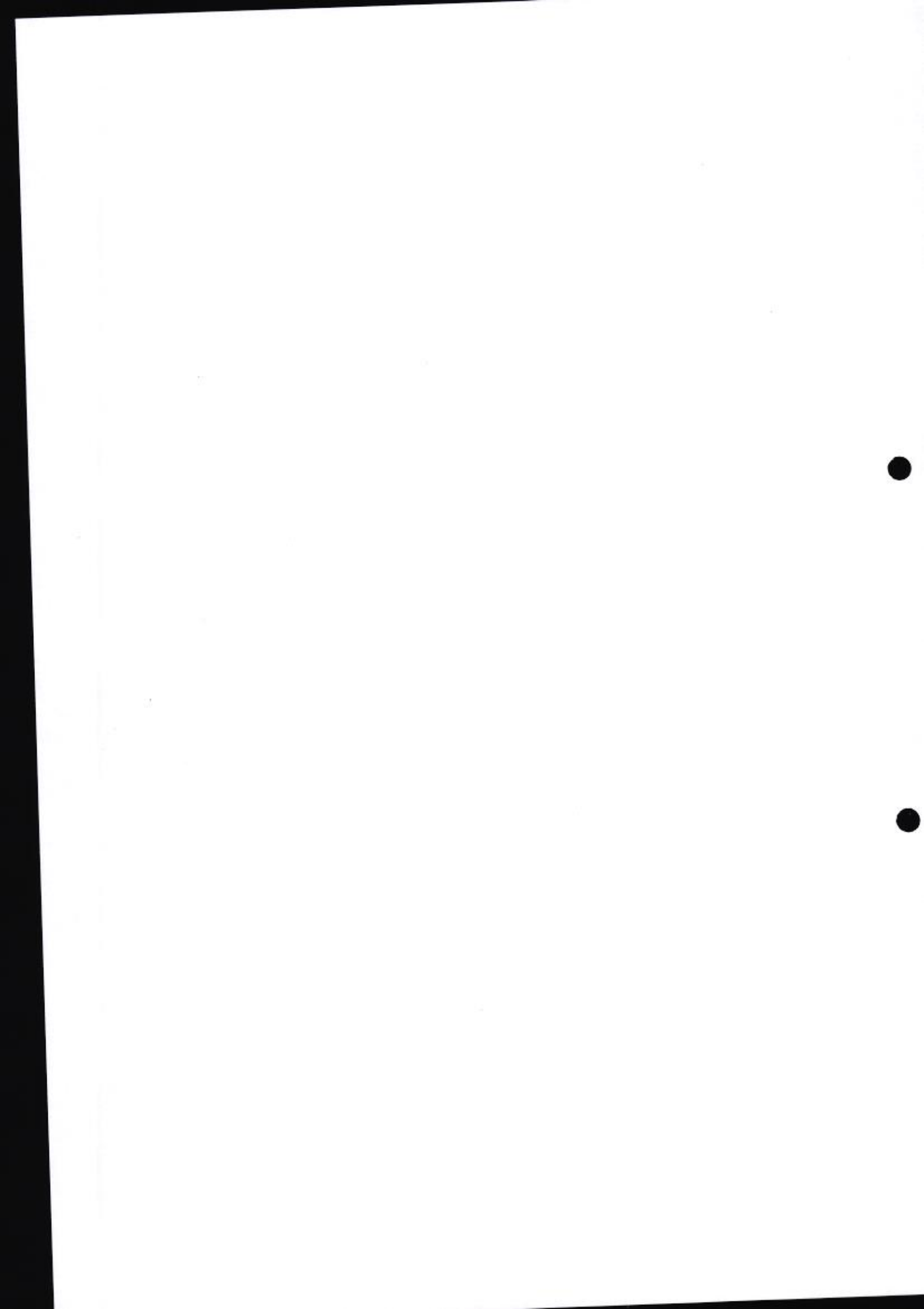
DESCRIPTION OF COMPLETED WORKS

1. Upgrading of main sewer line of Ikageng Extention 11. Completed as per scope of work.
2. The Final inspection and Snagging completed and approved.

It is hereby certified that the works as described above have been completed on the 18/04/2018 in accordance with the provision of clause 5.14.1, 5.14.2 and 5.14.3 of the General Conditions of Contract for construction work, 2nd edition of 2010.

	Representative	Date	Name	Signature
Certified by:	Employer	25/06/2019	NOAH LECHERLE	
	Consultant	25/06/2019	A. Dyer	
	Contractor	25/06/2019	R. Botha	

***Please see attached for CERTIFICATION and SIGNATURES**





FICK HOLLENBACH & PARTNERS

FHP CONSULTING ENGINEERS (PTY) LTD Reg. No. 2008/018506/07

- o CIVIL / ROADS
- o STRUCTURAL & SURVEYING
- o PROJECT MANAGERS
- o TRANSPORTATION / TRAFFIC

17 Du Plooy Street
P O Box 1053
POTCHEFSTROOM
2520

TEL (018) 297 7077
FAX: (018) 297 7018
e-mail: fhp@lantic.net
www.fhp.co.za

OTHER OFFICES: *Klerksdorp* 018 468 1860 *Parys* 056 811 3000 *Thabazimbi* 014 777 2151

2019-06-06

RE: TENDER NO.: 77/2015 CONSTRUCTION OF FLOODLINE CANAL IKAGENG EXT.11- PHASE 1&2 SEWER SECTION

This is to certify that *A. K. D. ...* from JB Marks Local Municipality has inspected the sewerline on *... 2019* section of the contract and all is in order.

[Signature]
Signature

[Signature]
Contractor
Bornfree Civils (Anton Muller)

[Signature]
Consultant
FHP Consulting Engineers (Eksteen Uys)



ESTABLISHED 1956
MEMBER OF THE FH GROUP
DIRECTORS
G.J. Uys
Associate: J.J. Beytel, P. Dyason



ANNEXURE: QUESTION 23

OVERTIME

JB MARKS - OVERTIME 2021					
Month	Normal	Double	Total	Cumulative total	Average
Jul-20	1,945,281.40	1,465,101.78	3,410,383.18	3,410,383	3,410,383
Aug-20	3,115,097.81	2,419,388.86	5,534,486.67	8,944,870	4,472,435
Sep-20	3,299,914.47	2,579,998.16	5,879,912.63	14,824,782	4,941,594
Oct-20	2,289,118.70	1,510,598.93	3,799,717.63	18,624,500	4,656,125
Nov-20	2,520,177.05	1,853,554.94	4,373,731.99	22,998,232	4,599,646
Dec-20	3,050,111.15	2,028,632.34	5,078,743.49	28,076,976	4,679,496
Jan-21	2,802,754.93	2,336,665.17	5,139,420.10	33,216,396	4,745,199
Feb-21	2,858,801.29	2,375,165.92	5,233,967.21	38,450,363	4,806,295
Mar-21	3,183,414.95	2,156,836.56	5,340,251.51	43,790,614	4,865,624
Apr-21	3,290,464.78	2,407,498.69	5,697,963.47	49,488,578	4,948,858
May-21					
Jun-21					
	28,355,136.53	21,133,441.35	49,488,577.88		



QUESTION 23

OVERTIME

ANNEXURE: QUESTION 23

OVERTIME

JB MARKS - OVERTIME 2021					
Month	Normal	Double	Total	Cumulative total	Average
Jul-20	1,945,281.40	1,465,101.78	3,410,383.18	3,410,383	3,410,383
Aug-20	3,115,097.81	2,419,388.86	5,534,486.67	8,944,870	4,472,435
Sep-20	3,299,914.47	2,579,998.16	5,879,912.63	14,824,782	4,941,594
Oct-20	2,289,118.70	1,510,598.93	3,799,717.63	18,624,500	4,656,125
Nov-20	2,520,177.05	1,853,554.94	4,373,731.99	22,998,232	4,599,646
Dec-20	3,050,111.15	2,028,632.34	5,078,743.49	28,076,976	4,679,496
Jan-21	2,802,754.93	2,336,665.17	5,139,420.10	33,216,396	4,745,199
Feb-21	2,858,801.29	2,375,165.92	5,233,967.21	38,450,363	4,806,295
Mar-21	3,183,414.95	2,156,836.56	5,340,251.51	43,790,614	4,865,624
Apr-21	3,290,464.78	2,407,498.69	5,697,963.47	49,488,578	4,948,858
May-21					
Jun-21					
	28,355,136.53	21,133,441.35	49,488,577.88		



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QUESTION 24

LEGAL COSTS



QUESTION 24

CIVIL LITIGATION ON BEHALF OF THE JB MARKS LOCAL MUNICIPALITY

NO	DATE OF ACTION /OPPOSING	PARTY (TIES)	DISPUTE (SHORT)	CLAIM AMOUNT / CONTINGENT LIABILITY (R) (EXCLUDING THE LEGAL FEES FOR THE APPOINTED ATTORNEY	ESTIMATED PAPERWORK PREPARED FOR PAYMENT TO THE APPOINTED ATTORNEY
1.	PRIOR AMALGAMATION	SO.MATSHIDISO CONSTRUCTION (PTA HC Division)	This matter relates to the appointment of a service provider to supply paraffin lamps, stoves and oil. The appointment of the service provider did not comply with the applicable legislation (Reg.32) and is therefore void. Summons issued by the Municipality in the High Court of Pretoria for the recovery of the R20 525 077.25 irregular payments made to SO Matshidiso Construction.	R 20 000 000.00	R 190,035.25 (between the two matters)
2.	PRIOR AMALGAMATION	MABASOTHO INVESTMENTS t/a Mabasothe Tax Consultants	Summons being issued due to irregular expenditure.	R 6 812 946,76	R 171,144.26
3.	2017	JB MARKS // L.LINKS / J MOTNDE/C MOABI & MMATTYANE	The matter arose from fruitless, irregular and unauthorized expenditure. Recuperate from each defendant, respectively, as per the Council Resolution.	2 669 357.93	R 456,820.80
4.	PRIOR AMALGAMATION	J.D VILJOEN	Action instituted against Viljoen for the contravention of Municipal Bylaws.	(not quantified)	unknown

NO	DATE OF ACTION /OPPOSING	PARTY (TIES)	DISPUTE (SHORT)	CLAIM AMOUNT / CONTINGENT LIABILITY (R) (EXCLUDING THE LEGAL FEES FOR THE APPOINTED ATTORNEY	ESTIMATED PAPERWORK PREPARED FOR PAYMENT TO THE APPOINTED ATTORNEY
5.	PRIOR AMALGAMATION	SELANI S.P	Action instituted against Viljoen for the contravention of Municipal Bylaws.	(not quantified)	unknown
6.	PRIOR AMALGAMATION	SHALOM TRUST	Action instituted against Viljoen for the contravention of Municipal Bylaws.	(not quantified)	unknown
7.	PRIOR AMALGAMATION	SAAYMAN	Action instituted against Viljoen for the contravention of Municipal Bylaws.	(not quantified)	unknown
8.	2019	ERF 5475, TLHABOLOHO STREET, IKAGENG	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spatial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 0.00
9.	2019	J.B. Marks local Municipality / Portion 1 of ERF 1050, 104 Dwars Street / Owners – Kalushi M.A. and Mbengo CZ	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spatial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 0.00
10.	2019	J.B Marks Local Municipality / Portion 5 ERF 436 & ERF 755	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spatial Planning And Land	(not quantified)	R 0.00

NO	DATE OF ACTION /OPPOSING	PARTY (TIES)	DISPUTE (SHORT)	CLAIM AMOUNT / CONTINGENT LIABILITY (R) (EXCLUDING THE LEGAL FEES FOR THE APPOINTED ATTORNEY	ESTIMATED PAPERWORK PREPARED FOR PAYMENT TO THE APPOINTED ATTORNEY
		Michael Heyns Street / Owner Renasia CC	Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.		
11.	2019	J.B Marks Local Municipality / Portion 355, 4 Neetling Street / Owner Mrs. Stephan and Antoinette Van Vuuran	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spatial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 0.00
12.	2019	J.B Marks Local Municipality / Portion 471, Town & Townlands 4351 Q Oriental Plaza / Owner Sooliman Charles Security Systems CC	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spatial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 0.00
13.	2019	J.B Marks Local Municipality / Portion 23 of ERF 90 , 5 Owen Street / Tenants of Owen Street	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spatial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 0.00
14.	2019	J.B Marks Local Municipality / Portion 6,	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32	(not quantified)	R 0.00

NO	DATE OF ACTION /OPPOSING	PARTY (TIES)	DISPUTE (SHORT)	CLAIM AMOUNT / CONTINGENT LIABILITY (R) (EXCLUDING THE LEGAL FEES FOR THE APPOINTED ATTORNEY)	ESTIMATED PAPERWORK PREPARED FOR PAYMENT TO THE APPOINTED ATTORNEY
		Doornhoek farm stoIQ / Owner Moses Shuping	of The Spartial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.		
15.	2019	J.B. Marks Local Municipality / Portion 1074 Vyfhoek farm 428 IQ/ Owner A.J. Dawkins	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spartial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 0.00
16.	2019	J.B Marks Local Municipality / Portion 4 of ERF 153, 5 Sylvia Street / Pieterse GSM & Andere	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spartial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 0.00
17.	Prior amalgamation	Tlokwe City Council // Readira Refuge Services CC	Readira instituted action against the Tlokwe City Council for an amount of R3 289 329.60 for payment of a balance of a contract price allegedly due. We are defending the action in court. A counterclaim was instituted on behalf of the municipality.	868 674.72	R 158,769.76 (between the two matters)
18.	2015	Tlokwe City Council // Eviction of illegal cattle:	Instruction from the City Council on 22 January 2015 to proceed with an	(not quantified)	R 575,392.81



NO	DATE OF ACTION /OPPOSING	PARTY (TIES)	DISPUTE (SHORT)	CLAIM AMOUNT / CONTINGENT LIABILITY (R) (EXCLUDING THE LEGAL FEES FOR THE APPOINTED ATTORNEY	ESTIMATED PAPERWORK PREPARED FOR PAYMENT TO THE APPOINTED ATTORNEY
		Farm Eleazer N. Qqweta	application for an order to remove the illegal cattle and sheep of Mr. Quetta from the farm Eleazer.		
19.	2019	JB Marks Local Municipality // Urgent Application for Interdict against Illegal trespassers – Various properties Ikageng	Instructions to bring an urgent application in the High Court Mahikeng in order to prevent an illegal land grab on 9 different properties in Ikageng belonging to the Municipality	(not quantified)	R 310,238.43
20.	2019	JB Marks Local Municipality // Urgent Application for Interdict against Illegal trespassers- School grounds, Remaining Extension, Erf 9012, Ikageng	Instruction to bring an urgent application in the High Court Mahikeng in order to prevent an illegal land grab on 27 July 2019 in respect of a School Property belonging to the Municipality.	(not quantified)	R 84,743.73
21.	2019	JB Marks Local Municipality // Urgent Application for Interdict against Illegal trespassers- Remainder of erf 10 Mohadin	Instruction to bring an urgent application in the High Court Mahikeng in order to prevent an illegal land grab on Remainder of erf 10 Mohadin, which property belongs to the Municipality. The	(not quantified)	R 129,016.85
22.	2019	Application for eviction order and interdict in	Instruction to urgently attend to obtaining an eviction order, alternatively interdict against	(not quantified)	R 343,188.85

NO	DATE OF ACTION /OPPOSING	PARTY (TIES)	DISPUTE (SHORT)	CLAIM AMOUNT / CONTINGENT LIABILITY (R) (EXCLUDING THE LEGAL FEES FOR THE APPOINTED ATTORNEY)	ESTIMATED PAPERWORK PREPARED FOR PAYMENT TO THE APPOINTED ATTORNEY
23.	2021	respect Sonder Water, Ikageng Extension 12	community members in respect of invading land.	(not quantified)	R 456 161.74
24.	2018.	Mooibank Eviction Of The Illegal Trespassers Case No Um 04/2021-Maf. HC JB Marks Municipality //Un-Known Illegal Occupants/ North West University Potchefstroom Law Clinic	Instructions from the JBM that there were illegal occupants on municipal land in the Mooibank area. Instruction to launch an urgent application for the prevention of the further occupation of the land and the eviction of the illegal occupants Eviction and Interdict application by JB Marks Municipality against illegal occupants of Promosa, Extension 4, Potchefstroom	(not quantified)	R 77,220.00
25.	2019	JB Marks // MEC (Section 139B)	Application for interdict against the invocation of Section 139(b) of the Constitution, against the JB Marks. Appointed attorneys directly communicate with the office of the Municipal Manager and the office of the Executive Mayor.	(not quantified)	Unknown

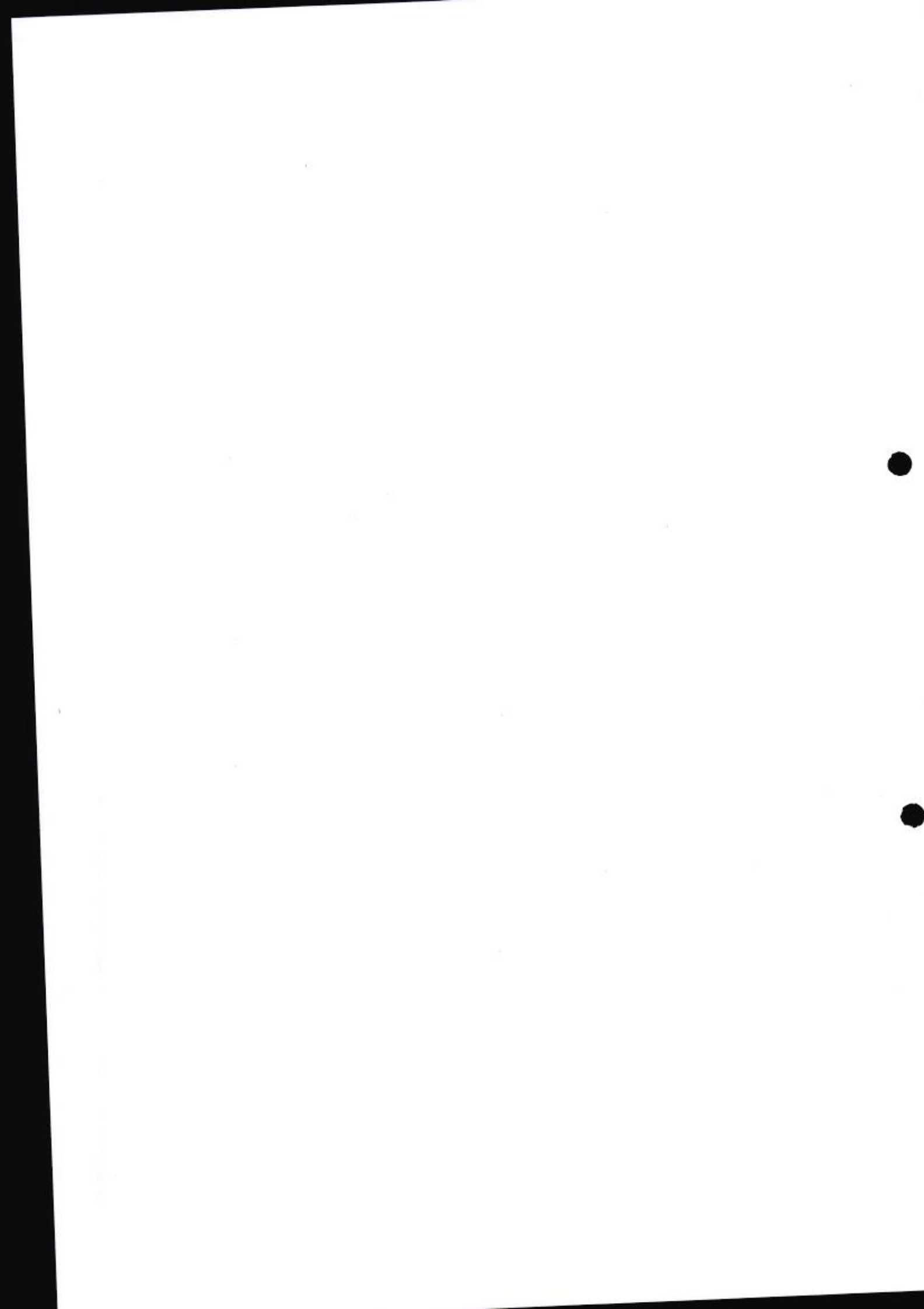


NO	DATE OF ACTION / OPPOSING	PARTY (TIES)	DISPUTE (SHORT)	CLAIM AMOUNT / CONTINGENT LIABILITY (R) (EXCLUDING THE LEGAL FEES FOR THE APPOINTED ATTORNEY)	ESTIMATED PAPERWORK PREPARED FOR PAYMENT TO THE APPOINTED ATTORNEY
26.	2020	JB Marks // Person(s) responsible for vandalizing the Dan Tloome Building.	Interdict, with costs against person(s), responsible for vandalising the Dan Tloome Building.	(not quantified)	R 0.00
27.	2019	JB Marks // Maroo & JB Marks // Cherry / Zizi	Contraventions in terms of the Tlokwe Town Planning Scheme, 2015, read together with Section 32 of The Spatial Planning And Land Use Management Act, Act 16 Of 2013, read together with the building regulations, where applicable.	(not quantified)	R 101 283,89

QUESTION 24

LABOUR RELATIONS EXPENSES

NAME & SURNAME	Nature of Dispute	Case No.	Status/ Outcome of Case.	Estimated Paper Work Prepared for Payment to the Appointed Attorney
E.E Temanie	Unfair Labour Practice	Arbitration (NWD082003)	The respondent to JB Marks Municipality is to reinstate the applicant in the position Assistant Director: Corporate Services. The respondents to pay the applicant the amount of R45 305.00 being equivalent of one month's remuneration as compensation.	R 673 505.70
E.E Temanie	Reviewing the decision to appoint S56 Managers	Labour Court	The matter has been referred to the Labour Court by the Office of the Municipal Manager. The Appointed Attorney is directly communicating with the Office of the Municipal Manager.	Unknown
SAMWU OBO Serame David Chabedi & 9 Others	S198B (Fixed Term Contract)	Arbitration (NWD082002)	Settlement Agreement. 29 January 2021. Three months' salary to be paid to the applicants and reinstatement of the applicants after 6 months.	R0.00
J.N Faku (Technical Services)	Unfair Labour Practice	Arbitration (NWD122005)	Settlement Agreement. The employer agrees to pay the employee the sum of R10 699.92	R0.00
SAMWU OBO P. Ditse	Unfair Labour Practice	Arbitration (NWD041910)	No real jurisdictional issue in dispute. The applicant was not duly authorized to act beyond June 2017. The case is dismissed	R135 999.00
F. Makhene (Corporate Services)	Unfair Dismissal	Arbitration (NWD121907)	The dismissal of the applicant in respect of charge 1 was substantively fair. The dismissal was procedurally fair. The respondent is ordered to pay the applicant the amount of R147 028.00 which is equivalent to 4 months gross remuneration being compensated for procedurally unfairness.	R836 320.00
F. Makhene (Corporate Services)	Unfair Labour Practice	Arbitration	Finalized. Arbitration Award.	R621 000.00
JG Smith	Unfair Labour Practice	Arbitration (NWD062007)	Settlement Agreement. The employer agrees to pay the employee an amount of R56 586.00.	R33 697.00



QUESTION 24

LABOUR RELATIONS EXPENSES

NAME & SURNAME	Nature of Dispute	Case No.	Status/ Outcome of Case.	Estimated Paper Work Prepared for Payment to the Appointed Attorney
P. Monchusi	Unfair Dismissal	Labour Court	The case is pending. The appointed attorney is preparing an application to have the matter dismissed.	R 371 270.59
S. Taunyane	Unfair dismissal	Labour Court	The case is pending. According to the appointed attorney they are awaiting a date. The amount of R81 168.00 was paid to the employee.	R149 060.00
CH. Stoltz	Unfair dismissal	Labour Court	The case is pending. According to the appointed attorney they are awaiting a date.	R 250 206.00
K.G Segone	Unfair Labour Practice	Regional Civil Court	The case is pending. The Office of the Director Corporate Services is handling the matter. The employee is claiming from the municipality R400 000.00 for salary deduction and pain and suffering.	R0.00
M.D Dikgake	Review of a recession application	Labour Court	The case is pending. According to the appointed attorney they are awaiting a date.	R255 300.00
M.D Grimbeek	Unfair Labour Practice	Arbitration	The matter is settled. The employer agreed to credit the employee deducted leave days.	R0.00
M. Shuping	Unfair Labour Practice	Arbitration	The matter is pending. Arbitration is scheduled to sit on the 1 st of June 2021.	R0.00
Zippora & Others	Travelling allowance	Conciliation	The matter is settled. The affected employees will be paid 3 years retrospective.	R1 137 200.00
Latha	Unfair Labour Practice	Arbitration	Applicants withdrew the case.	R207 600.00

QUESTION 24

LABOUR RELATIONS EXPENSES

NAME & SURNAME	Nature of Dispute	Case No.	Status/ Outcome of Case.	Estimated Paper Work Prepared for Payment to the Appointed Attorney
SAMWU OBO Members	Illegal Strike	Labour Court	The strike was interdicted by the Labour Court.	R49 450.00
L. Ralekgetho	Urgent Application	High Court (case no: UM27/2021)	The matter was dismissed.	R429 814.78
T. Moeketsane	Urgent Application	High Court (case no: UM30/2021)	The matter was dismissed	R323 496.37
L. Ralekgetho	Further investigation (SIU report)	-	Mandate terminated.	R292 917.65



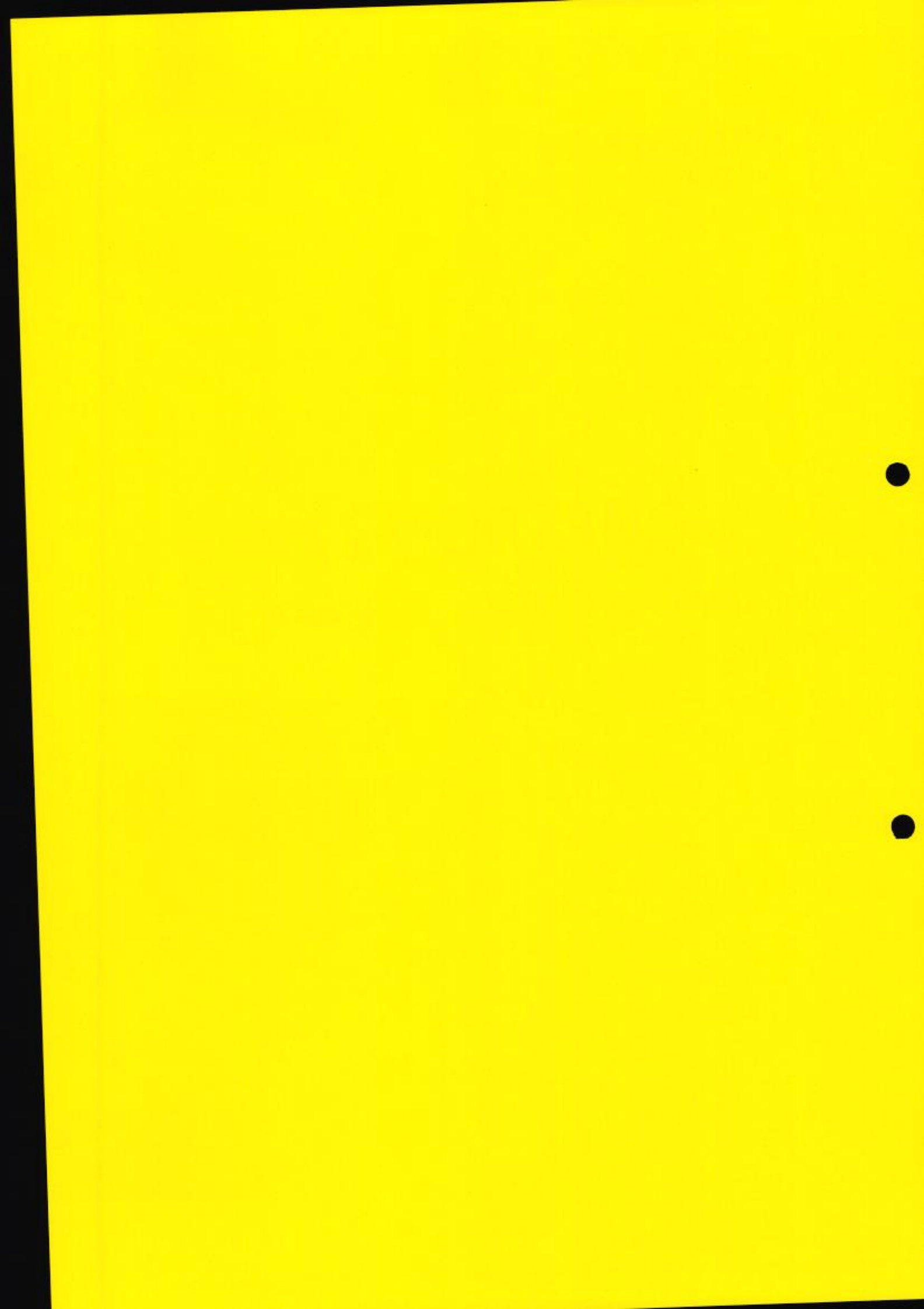
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QUESTION 27

AMOUNTS DUE TO MUNICIPALITY BY GOVERNMENT
ENTITIES



ANNEXURE: QUESTION 27

AMOUNT DUE TO MUNICIPALITIES BY GOVERNMENT ENTITIES

Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
PUBLIC WORKS NATIONAL		-63016.6	1454673	1522000	1433995	10055293	14,402,943.03
Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
DEPT OF DEFENCE	TOTAL	0	2489780	4270514	2426641	15401312	24,588,247.49
Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
PUBLIC WORKS PROVINCIAL	TOTAL	-95410.8	627658.1	594471.5	432653.9	7698522	9,257,894.77
Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
DEPT OF PUBLIC WORKS	TOTAL	-66499.8	116804	51777.64	111263.9	4027638	4,240,983.48
Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
RURAL DEVELOPMENT	TOTAL	-19477.9	15247.96	15247.96	14943.9	922181.1	948,143.09
Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
DEPARTMENT OF AGRICULTURE	TOTAL	0	454258.8	459962	465728.8	755801.2	2,135,750.83
Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
DEPARTMENT OF HEALTH	TOTAL	-2465190	2848302	980742.3	663293.7	3561655	5,588,803.44
DEPT EDUCATION TOP 10 SCHOOL							
Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
STADSRaad/DITAE LONG PRIM SCHL	2090738200	0	35729.79	31295.02	33996.67	458933.5	559,954.95
STADSRaad/RSA/TLOKWE SCHOOL	2080480200	0	51641.67	49451.29	50347.34	470148.1	621,588.37
MOTAUNG PRIMARY SCHOOL	5346313	0	643332.9	84.11	0	0	643,416.98
IKALAFENG SKOOL	10181	0	20573.65	20425.21	20276.77	658849.7	720,125.32

Department	Account No	Current	30 Days	60 Days	90 Days	120 Plus	Total
POTCH INDIAN SCHOOL	170631	0	830608.3	0	0	0	
RSA	63142	0	16504.8	16395.34	16285.89	798540.1	830,608.27
RSA PROMOSA SECONDARY	62375	0	28924.26	28721.41	28518.56	1148606	847,726.14
RSA (BOTOKA SCHOOL)	2070333100	0	54630.75	50097.62	51874.53	1956822	1,234,769.85
RSA PROMOSA HOERSKOOL	149810	0	40686.93	40554.23	40420.51	2670477	2,113,425.32
PROMOSA HOERSKOOL	1000228522	0	61564.1	61182.1	60800.1	3037064	2,792,138.87
DEPT OF EDU NW THUTO BOSWA RAT	150010699	0	8474.83	8474.83	8474.83	565011	3,220,610.35
NW DEPT EDUC/TOEVLUG LAERSKOOL	190016276	0	19132.33	19132.33	19132.33	565005.8	590,435.52
	TOTAL	0	1811804	325813.5	330127.5	12329457	622,402.80
							14,797,202.74



jbmarks
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Marks of excellence.

QUESTION 30

ILLEGAL SETTLEMENT MOOIBANK



IN THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION MAFIKENG

Case no: UM 04/2021

Held at MMABATHO on this the 04th day of MARCH 2021
BEFORE the Honourable Mr Justice HENDRICKS DJP

In the matter between:

JB MARKS LOCAL MUNICIPALITY

1st Applicant

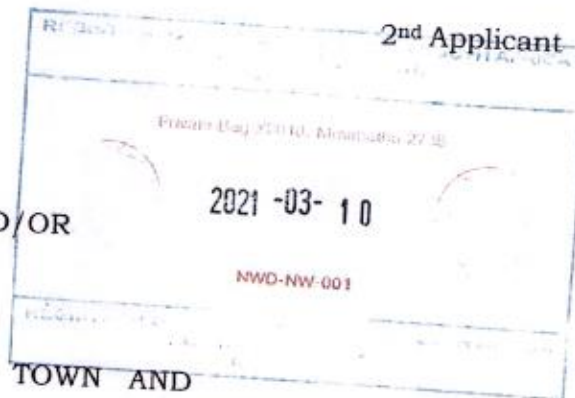
DEPARTMENT OF RURAL DEVELOPMENT
AND LAND REFORM OF THE REPUBLIC OF
SOUTH AFRICA

2nd Applicant

and

THE ILLEGAL TRESPASSERS ONTO AND/OR
ATTEMPTIVE/PROSPECTIVE/ACTUAL
OCCUPIERS OF:

- (a) PORTION 280 OF THE FARM TOWN AND
TOWNLANDS 435 IQ, KORING STREET,
MOOIBANK, POTCHEFSTROOM;
- (b) PORTION 281 OF THE FARM TOWN AND
TOWNLANDS 435 IQ, KORING STREET,
MOOIBANK, POTCHEFSTROOM;



- (c) PORTION 298 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM;
- (d) PORTION 275 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM;
- (e) PORTION 307 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM.

Respondents

HAVING HEARD ADV N LAUBSCHER on behalf of the First Applicant and ADV O MOTHIBI on behalf of the Second Applicant and ADV MOSIKILI SC with ADV MTSHIYO on behalf of the Respondents and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED:

1. THAT: The rule *nisi* is confirmed;
2. THAT: The Execution of prayer 3 of the interim order is stayed until the upliftment of the lockdown in terms of the National State of Disaster;
3. THAT: No eviction shall be effected during the National State of Disaster (lockdown).

BY THE COURT

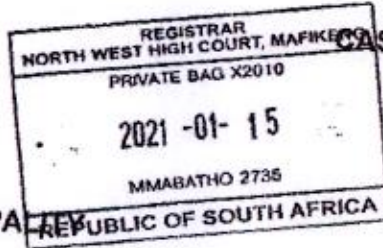
2021-03-10

NWD-NV-001

REGISTRAR

S S Inc

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION: MMABATHO)



CASE NO: UM 04/2021

In the application between:

JB MARKS LOCAL MUNICIPALITY

FIRST APPLICANT

**DEPARTMENT OF RURAL DEVELOPMENT &
LAND REFORM OF THE REPUBLIC OF SOUTH
AFRICA**

SECOND APPLICANT

and

**THE ILLEGAL TRESPASSERS ONTO AND/OR
ATTEMPTIVE/PROSPECTIVE/ACTUAL
OCCUPIERS OF:**

- (a) PORTION 280 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM;
- (b) PORTION 281 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM;
- (c) PORTION 298 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM;
- (d) PORTION 275 OF THE FARM TOWN AND TOWNLANDS 435 IQ, SECOND AVENUE, MOOIBANK, POTCHEFSTROOM;
- (e) PORTION 307 OF THE FARM TOWN AND TOWNLANDS 435 IQ, FIRST AVENUE, MOOIBANK, POTCHEFSTROOM.

RESPONDENTS

Documents Filed by:
Nicolene Neethling
Tel: (018) 381 0180/1/2
Cell: 082 597 3962

NOTICE OF MOTION

KINDLY TAKE NOTICE that this application will be made on behalf of the abovementioned Applicant on **FRIDAY 15 JANUARY 2021 at 14:00** or as soon as thereafter as counsel for the Applicants may be heard, for an order in the following terms:

1. That this application be heard as an urgent application in terms of the provisions of Rule 6(12) of the Uniform Rules of Court read with section 5(1) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998 and that the necessary condonation be granted to the Applicants in respect of the non-compliance with the prescribed time limits, forms and service;
2. That a **rule nisi with immediate effect** be issued returnable on the **11 February 2021 at 10:00**, or as soon thereafter as Applicants' counsel may be heard, in terms whereof the Respondent(s) are called upon to show cause, if any, why a final order should not be made in the following terms:
 - 2.1 The Respondent(s) is/are hereby and **immediately interdicted** from:

- 2.1.1 trespassing onto and/or attempting to occupy and/or occupying the Applicants property known as:
- (a) PORTION 280 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM, NORTH WEST PROVINCE measuring 13,1064 ha;
 - (b) PORTION 281 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM, NORTH WEST PROVINCE measuring 13,1249 ha;
 - (c) PORTION 298 OF THE FARM TOWN AND TOWNLANDS 435 IQ, KORING STREET, MOOIBANK, POTCHEFSTROOM, NORTH WEST PROVINCE measuring 13,5360 ha;
 - (d) PORTION 275 OF THE FARM TOWN AND TOWNLANDS 435 IQ, SECOND AVENUE, MOOIBANK, POTCHEFSTROOM, NORTH WEST PROVINCE measuring 11,9515 ha; and
 - (e) PORTION 307 OF THE FARM TOWN AND TOWNLANDS 435 IQ, FIRST AVENUE, MOOIBANK,

POTCHEFSTROOM, NORTH WEST PROVINCE
measuring 36,8338 ha;

(hereafter collectively referred to as "the Property");

- 2.1.2 promoting, instigating, arranging, or in any way assisting with the trespassing onto and/or attempted occupation and/or occupation of the Property;
- 2.1.3 from threatening or intimidating any public officials and/or employees of the Applicants and/or officials of the South African Police Service assisting with the prevention of the Respondent(s) trespassing onto and/or attempting to occupy and/or occupation of the Property and/or the execution of this order of Court;
- 2.1.4 from using any public or social media platform for the purpose of promoting or arranging the trespassing onto and/or attempted occupation and/or occupation of the Property;
- 2.1.5 clearing the property and/or erecting any structure(s) and/or shack(s) and/or pegs on the Property.

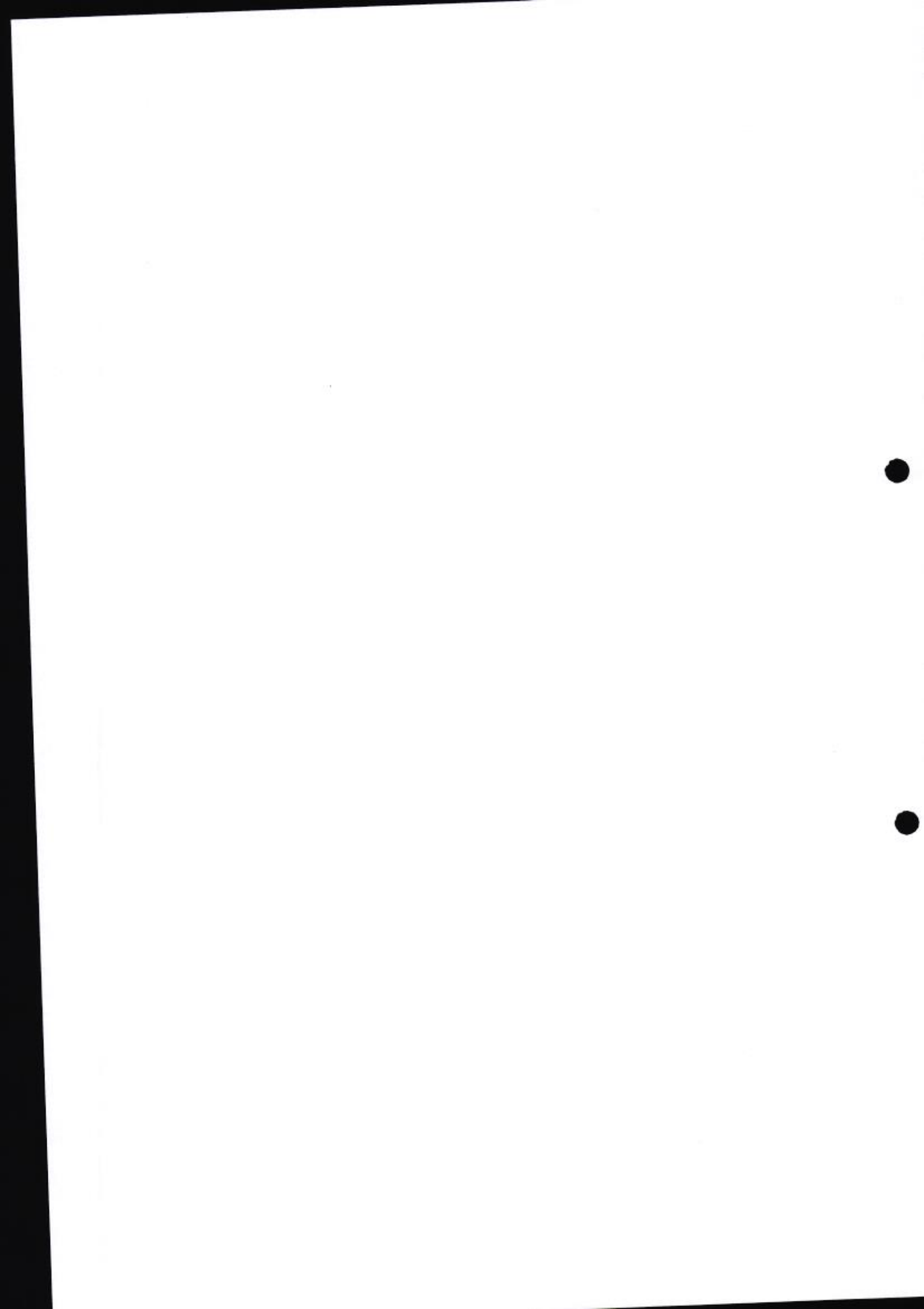
3. On the return date of the rule nisi an application will also be made for the following additional orders against the Respondent(s):

3.1 Any Respondent(s) who occupies the Property be ordered to vacate and **be evicted from the Property** within 24 hours from the granting of the final order, failing which the Sheriff of this Honourable Court be authorised and directed to evict the Respondent(s) from the Property.

3.2 The Sheriff of this Honourable Court be and is hereby authorised to request any person including any members of the South African Police Service to assist him or her in the eviction, demolition or removal of the Respondent(s) and/or any structure(s) and/or shack(s) and/or pegs from the Property, provided that the Sheriff of this Honourable Court must at all times be present during such eviction, demolition or removal.

3.3 Any structure(s) and/or shack(s) and/or pegs erected on the Property be demolished and removed by the Respondent(s) within 48 (forty-eight) hours of the granting of this order, failing which the Sheriff of this Honourable Court be authorised and directed to demolish and remove the structure(s) and/or shack(s) from the Property.

- 3.4 The Respondent(s) who oppose this application be ordered to pay the costs of this application.
4. The Applicants are ordered to serve the order obtained in terms of the above referred to rule *nisi* and the notice set out in **Annexure "A"** below on the Respondent(s) (on any and all of them), subsequent to the granting of the said rule *nisi* on **Saturday, 16 January 2021**;
5. The order set out in the rule *nisi* above and the notice set out in Annexure "A" below are to be served and communicated by affixing a copy thereof in English and Setswana languages at three (3) conspicuous points on the Property and by distributing copies of the said order to any Respondent(s) present on and/or near the Property;
6. Any person interested in obtaining this application (the notice of motion and the founding affidavit) and the order or presenting any submissions to the Applicants is entitled to do so by contacting the Applicants' attorneys of record:
- 6.1 for the First Applicant: **LIZEL VENTER ATTORNEYS** at Unit 23 and 24, Corpus Novem Office Park, 35 Dr Yusuf Dadoo Street, **KLERKSDORP, NORTH WEST PROVINCE**, phone on cell phone number 084 800 0078, or by email to info@lvattorneys.co.za;



- 6.2 for the Second Applicant: the **OFFICE OF THE STATE ATTORNEY**, Attorney Musa Moholo of the **OFFICE OF THE STATE ATTORNEY**, First Floor, East Gallery, Mega City Complex, Cnr Sekame Road & Dr James Moroka Drive, **MAHIKENG, NORTH WEST PROVINCE**, telephone number 018 384 0298 / 018 384 0324.
7. Any Respondent(s) who wishes to oppose this application and the granting of the final relief on the return date of the rule *nisi* shall file a notice of opposition by **Wednesday, 20 January 2021**;
8. The Applicants shall be allowed to supplement their founding affidavit on or before **Tuesday, 26 January 2021** and the Respondent(s) who has elected to oppose this application shall be allowed to file their answering affidavit on or before **Tuesday, 2 February 2021**, where after the Applicants will be allowed to file their replying affidavit, if any, on or before **Monday, 8 February 2021**.

TAKE NOTICE FURTHER that the affidavits of the First Applicant's Municipal Manager, Mr **LEBO RALEGETHLO**, together with the annexures thereto (and such supplementary founding affidavit as the Applicants may wish to file should the application become opposed) will be used in support of this application.



TAKE NOTICE FURTHER that the Applicants have appointed the following attorneys in Mahikeng at the undermentioned addresses:

- (i) for the First Applicant: **SMIT & STANTON ATTORNEYS**, 29 Warren Street, **MAHIKENG, NORTH WEST PROVINCE**, REF: Attorney Nicolene Jansen, tel: (018) 381 0180, fax: 018 381 3386, email: law@smitstanton.co.za
- (ii) for the Second Applicant: the **OFFICE OF THE STATE ATTORNEY**, Attorney Musa Moholo of the **OFFICE OF THE STATE ATTORNEY**, First Floor, East Gallery, Mega City Complex, Cnr Sekame Road & Dr James Moroka Drive, **MAHIKENG, NORTH WEST PROVINCE**, tel: (018) 384 0298 / (018) 384 0324.

SIGNED AT MAHIKENG ON THIS 14th DAY OF JANUARY 2021


LIZEL VENTER ATTORNEYS
ATTORNEYS FOR THE FIRST APPLICANT
UNIT 23 AND 24
COPRUS NOVEM OFFICE PARK
35 DR YUSUF DADOO STREET
WILKOPPIES
KLERKSDORP
TEL: 018 468 5051
FAX: 018 468 3170
REF: LV/PK/JBM001
C/O SMIT & STANTON ATTORNEYS

29 WARREN STREET,

MAHIKENG, 2745

REF: NICOLENE JANSEN

TEL: (018) 381 0180

FAX: 018 381 3386

EMAIL: law@smitsstanton.co.za


MR MUSA MOHOLO

STATE ATTORNEYS OFFICE

ATTORNEYS FOR THE SECOND APPLICANT

First Floor, East Gallery, Mega City Complex

Cnr Sekame Road & Dr James Moroka Drive

MAHIKENG, NORTH WEST PROVINCE

tel: (018) 384 0298 / (018) 384 0324

TO: REGISTRAR OF THE ABOVE HONOURABLE COURT
MMABATHO

AND TO: OCCUPIERS OF:

- (a) PORTION 280 OF THE FARM TOWN AND TOWNLANDS 435 IQ,
KORING STREET, MOOIBANK, POTCHEFSTROOM, NORTH
WEST PROVINCE measuring 13,1064 ha;
- (b) PORTION 281 OF THE FARM TOWN AND TOWNLANDS 435 IQ,
KORING STREET, MOOIBANK, POTCHEFSTROOM, NORTH
WEST PROVINCE measuring 13,1249 ha;
- (c) PORTION 298 OF THE FARM TOWN AND TOWNLANDS 435 IQ,
KORING STREET, MOOIBANK, POTCHEFSTROOM, NORTH
WEST PROVINCE measuring 13,5360 ha;

- (d) PORTION 275 OF THE FARM TOWN AND TOWNLANDS 435 IQ,
SECOND AVENUE, MOOIBANK, POTCHEFSTROOM, NORTH
WEST PROVINCE measuring 11,9515 ha; and
- (e) PORTION 307 OF THE FARM TOWN AND TOWNLANDS 435 IQ,
FIRST AVENUE, MOOIBANK, POTCHEFSTROOM, NORTH WEST
PROVINCE measuring 36,8338 ha;

BY SHERIFF



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QUESTION 35

STATE OF DISASTER MANAGEMENT





coghsta

Cooperative Governance, Human
Settlements and Traditional Affairs
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



OFFICE OF THE MEC

2nd Floor West Wing
University Drive
Garona Building
Tel: +27 (0) 18 388 2892

Private Bag X 2145
Mmabatho
2735

Enq: Mr. P. E Motoko
Tel: 018 388 2890

**THE CHAIRPERSON
PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE & TRADITIONAL
AFFAIRS
PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA
CAPE TOWN
8000**

SUBJECT: STATE OF DISASTER MANAGEMENT IN NORTH WEST

1. Purpose

To present to the Portfolio Committee on Cooperative Governance and Traditional Affairs on the state of disaster management at provincial and municipal levels

2. Background

- 2.1** The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) provides that disaster management is a government responsibility.
- 2.2** Section 154 of the Constitution provides that the national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.
- 2.3** The Disaster Management Act, 2002 (Act No. 57 Of 2002) as amended provide for:
 - An integrated and coordinated disaster management policy that focuses on preventing or reducing the risk of disasters , mitigating the severity of disasters, emergency preparedness , rapid and effective response to disasters and post-disaster recovery and rehabilitation ;

- the establishment and functioning of national , provincial and municipal disaster management centres;
- disaster management volunteers; and
- matters incidental thereto.

3. STATE OF DISASTER MANAGEMENT AT PROVINCIAL LEVEL

3.1 Provincial Disaster Management Framework (vide Section 28)

The NW Disaster Management Framework has been established and was approved by approved by the Provincial Cabinet in 2011 and was reviewed and approved by the Provincial Cabinet in 2019 in line with the Disaster Management Amendment Act No. 16 of 2015. The NW Disaster Management Policy Framework is aligned to the National Policy Framework.

3.2 Provincial Disaster Management Centre (Vide Section 29)

The NW has established a provincial disaster management centre within the Provincial Cogta and the centre is fully functional and it coordinates all matters relating to disasters and disaster management in the province. The province has a permanent building for disaster management.

3.3 Appointment of the Head of the Centre and personnel (Vide Sections 31 and 31A).

The province has a suitably qualified head of the centre and personnel as follows:

- **The Head of the Centre:** Provide strategic and technical advice on matters relating to disasters and disaster management in the Province.
- **Provincial Support Sub-directorate:** The unit supports all provincial departments, national departments operating in the province and state owned enterprises.
- **Two (2) Municipal Support Sub-directorates:** Each unit supports two districts namely: Dr KK & Dr RSM and NMM & BP on matters relating to disaster management.
- **Fire Service:** The unit provides support to municipal fire services.
- **Information Management and Communication:** The unit provides support on the information management, interoperability and integration thereof.

• **Provincial Disaster Management Centre at a glance:**

PDMC	DM CENTRE SECTION	HEAD OF THE DM SECTION 31	DM ADVISORY FORUM SECTION 37	DM POLICY FRAMEWORK SECTION 28	DM PLAN SECTION 38	DM PLAN SECTION 39	PERSONNEL section 31 (a)
Office of the Head of the Centre	Established	HOC appointed	Functional	Provincial DM framework is established and aligned to the NDMC Framework	Each Provincial Department has DM Plan	Provincial DM Plan is developed	Filled
Provincial Support Sub-directorate	-	-	-	Support eleven provincial departments with implementation of DM Legislation and Policy	-	-	02 and one vacant post
Municipal DM Support Sub-directorate	-	-	-	Support twenty-two Municipalities with implementation of DM systems and structures	-	-	05 and one vacant post
Fire Service Sub-directorate	-	-	-	Implementation of Fire Brigade Services Act	-	-	03
Information Management and Communication system	-	-	-	Information Management	-	-	02 and vacant post

3.4 Establishment of the Provincial Disaster Management Advisory Forum (vide Section 37)

- The PDMAF has been established and is fully functional.
- All National, Provincial, Municipalities, NGOs, SOEs, Universities, Traditional leadership, Organised Agriculture, SALGA, Research Institutions participate in this structure.
- The meetings are convened on quarterly basis. It is a platform where the government and relevant disaster management role-players in the province consult one another and co-ordinate their actions on matters relating to disaster management in the province.

3.5 Sector Disaster Management Plans (vide Section 38)

- The Provincial Disaster Management Centre has supported each department to develop a Level 1 and Level 2 Disaster Management Plans in line with the Disaster Management Act.

3.6 Disaster Management Plan for the Province (vide Section 39)

- A consolidated Provincial Disaster Management Plan is in place and it has the following key indicators:
 - Integrated Institutional Arrangement
 - Disaster Risk and Vulnerability Assessment aligned with the risk equation:
(Risk = Hazard x Vulnerability)
Capacity
 - Disaster Risk Reduction Activities
 - Response and Recovery Activities

3.6 Responsibilities of the Executive of the Province (vide Sections 40 & 41)

- The Executive of the Province is in full support and provides leadership on matters relating to disaster management activities, and has designated Senior Managers to serve on the Provincial Disaster Management Advisory Forum (pre, during and post disasters). The benefit of the executive support is to strengthen disaster risk governance across the province (Provincial Command Council, Provincial Command Centre, District Command Councils, etc.).

4. MUNICIPAL DISASTER MANAGEMENT CENTRES

4.1 Bojanala Platinum District Municipality

MUNICIPALITY	DM CENTRE SECTION 43	HEAD OF DM CENTRE SECTION 45	DM ADVISORY FORUM SECTION 51	DM POLICY FRAMEWORK SECTION 42	DM PLAN SECTION 52	DM PLAN SECTION 53	PERSONNEL
Bojanala Platinum District	Yes	Vacant (HOC)	Functional	Yes, implemented at District and Locals	Incorporated	Yes	08
Madibeng LM	Yes	Yes	Functional	Not required to have policy	Incorporated	Yes	03
Moretele LM	Nodal Office	Coordinator	Functional	Not required to have policy	Incorporated	Yes	02
Moses Kotane LM	Nodal Office	Coordinator	No	Not required to have policy	Incorporated	Yes	02
Kgetlengrivier LM	Nodal Office	No	No	Not required to have policy	Incorporate	Yes	00
Rustenburg LM	Yes	Yes	Interdepartmental DM Committees	Not required to have policy	Incorporated	Yes	04

4.2 Dr. KENNETH KAUNDA DISTRICT MUNICIPALITY

MUNICIPALITY	DM CENTRE SECTION 43	HEAD OF THE DM CENTRE SECTION 45	DM ADVISORY FORUM SECTION 51	DM POLICY FRAMEWORK SECTION 42	DM PLAN SECTION 52	DM PLAN SECTION 53	PERSONNEL
Dr. K.K. District	Yes	Vacant (HOC)	Functional	Yes, implemented at District and Locals	Incorporated	Yes	06
Maquassi Hills LM	No	No	No	Not required to have policy	Incorporated	Yes	00
JB Marks	Yes	Yes	Functional	Not required to have policy	Incorporated	Yes	08
Matlosana LM	Yes	Vacant (HoC)	Interdepartmental DM Committees	Not required to have policy	Incorporated	Yes	04

4.3 Dr. RUTH SEGOMOTSI MOMPATI DISTRICT MUNICIPALITY

MUNICIPALITY	DM CENTRE SECTION 43	HEAD OF THE DM SECTION 45	DM ADVISORY FORUM SECTION 51	DM POLICY FRAMEWORK SECTION 42	DM PLAN SECTION 52	DM PLAN SECTION 53	PERSONNEL
Dr. RSM District	Yes	Yes	Functional	Yes, implemented at District and Locals	Incorporated	Yes	06
Greater Taung LM	Nodal Office	Coordinator	No	Not required to have policy	Incorporated	Yes	01
Kagisano-Molopo LM	Nodal office	No	No	Not required to have policy	Incorporated	Yes	01
Lekwa- Teemane LM	No	No	No	Not required to have policy	Incorporated	Yes	00
Mamusa LM	No	No	No	Not required to have policy	Incorporated	Yes	00
Naledi LM	Nodal Office	Coordinator	No	Not required to have policy	Incorporated	Yes	01

4.4 NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

Municipality	DM CENTRE SECTION 43	HEAD OF THE DM SECTION 45	DM ADVISORY FORUM SECTION 51	DM POLICY FRAMEWORK SECTION 42	DM PLAN SECTION 52	DM PLAN SECTION 53	PERSONNEL
Ngaka Modiri Molema DM	Yes	Yes	Functional	Yes, implemented at District and Locals	Incorporated	Yes	06
Mahikeng LM	Yes, partnership with NMMD	Coordinator	Interdepartmental DM Committees	Not required to have policy	Incorporated	Yes	03
Ramotshere Moiloa LM	Nodal office	Supported by NMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMDM Staff
Ditsobotla LM	No	Supported by NMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMDM Staff
Tswaing LM	No	Supported by NMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMDM Staff

Ratlou LM	No	Supported by NMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMDM Staff
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5. MANAGEMENT OF DISASTERS

- The province and municipalities manage disasters according to specific hazard contingency plans:- e.g. drought, earthquake, nuclear, floods, fires, epidemics (COVID-19), social conflict, etc.
- The management of disasters in the province is based on an integrated approach with disaster management centres coordinating.

6. STATUS OF FIRE SERVICES IN THE NORTH WEST PROVINCE

The NW Province is prone to the following:

- Veld and Forest fires due to vast open farm and communal lands
- Storage and transportation of hazardous materials through the national routes like (N4, N12, N14 and N18) that cuts across the province.
- Rapid growth of places like Bojanala, Dr Kenneth Kaunda and Ngaka Modiri Molema Districts due to mining developments which result into labour migration into the surrounding towns which in turn leads to establishment of informal settlements that put pressure in our fire services and other social services provided by municipalities.

6.1 Total Number of Fire Stations in the Province: 23

6.1.1 Fire Stations Per District

Bojanala	Location	NMM	Location	Dr RSM	Location	Dr KK	Location
Rustenburg: 1	Rustenburg	Mahikeng: 1	Mahikeng	Naledi: 1	Vryburg	JB Marks: 2	Tlokwe and Ventersdorp
Madibeng: 1	Brits	Ramotshere Moiloa: 1	Lehurutshe	Greater Taung: 1	Taung Station	Matlosana: 2	Klerksdorp and Hartebeest
Moses Kotane: 1	Mogwase	Ditsobotla: 2	Lichtenburg and Itsoseng	Kagisano Molopo: 2	Ganyesa and Tosca	Maquassi-Hills: 1	Wolmaranstad
Moretele: 1	Moretele	Tswaing: 1	Delareyville	Mamusa: 1	Schwizereneke		
Kgetleng: 1	Brits	Ratlou: 1		Lekwa-Teemane: 2	Bloemhoff and Christiana		
Total: 5		Total: 6		Total: 7		Total: 5	

6.1.2 The following fire stations are planned to be operationalised in 2021/22 Financial Year:

- Marikana Fire Station in Rustenburg and the Department has already supported the municipality with response vehicles for this fire Station.
- Orkney Fire Station in Matlosana.

- R16m MIG allocation has been approved for the construction of Klipgaat Fire Station in Madibeng.

6.2 Municipal Fire Services Resources

Bojanala	Personel	Response Vehicles	NMM	Personel	Response Vehicles	Dr RSM	Personel	Response Vehicles	Dr KK	Personel	Response Vehicles
Rustenburg	78	13	Mahikeng	58	07	Naledi	22	06	JB Marks	73	11
Madibeng	87	05	Ramotshere Moiloa	45	06	Greater Taung	19	04	Matlosana	61	18
Moses Kotane	39	03	Ditsobotla	79	03	Kagisano Molopo	08	05	Maquassi-Hills	26	04
Moretele	28	03	Tswaing	52	04	Mamusa	04	04			
Kgetleng	40	04	Ratlou	45	03	Lekwa-Teemane	06	05			
Total	194		Total			Total			Total		

NB: Ongoing Projects

- Ngaka Modiri Molema is in the process of procuring 8 X Fire Trucks for Ramotshere Moiloa, Ditsobotla, Tswaing and Ratlou at a total cost of R34m, delivery expected by end June 2021.
- The Department has allocated R4m in the 2021/22 financial year to procure a Fire Services Response Vehicle for Mahikeng Local Municipality.
- Dr RSM is in the process of appointing additional fire service personnel for Greater Taung, Mamusa and Lekwa-Teemane.

6.3 Departmental Support to Municipalities

- The Department has developed a policy to build fire services and Disaster management capacity in municipalities through hands on and financial support.
- Since 2005/06 financial year, the Department has supported municipalities with a total amount of R101,58m for procurement of fire services response vehicles.

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4	Dr Kenneth Kaunda District	Capacity building and Procurement of Fire Vehicles	R17.5m
Total Allocation since 2005/6 Financial Year			R101.58m

- In the 2017/18 financial year the Department allocated R10.64m for the repair of all Fire Services Response response vehicles in municipalities.

No.	District Municipality	Total Number of Fire Vehicles with Mechanical Problems	Estimated Total Cost of Repair
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Grand Total	85 Response Vehicles	R10 644 387.00
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7. AREAS REQUIRING IMPROVEMENT

7.1 Provincial and Municipal Disaster Management

- Establishment and strengthening of the Provincial and Municipal Disaster Risk Governance Structures in line with the **DISTRICT DEVELOPMENT MODEL**;
- Building capacity within the PDMC (additional personnel and disaster management information systems (DMIS))
- Building disaster management capacity within Sector Departments (Provincial and Munics).
- Forging partnerships with the private sector, NGOs, FBOs and Communities thereby making disaster management everybody`s business.
- Building capacity within the fire service (additional personnel and fire fighting vehicles and equipment) in order to improve the turnaround in responding to emergencies.
- Municipalities to budget for the maintenance of the infrastructure

MR. PE MOTOKO
HOD: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
 Date: _____

HON. MS CWAILE
MEC FOR COGHSTA
 Date: _____



coghsta
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**THE CHAIRPERSON
PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE & TRADITIONAL AFFAIRS
PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA
CAPE TOWN
8000**

SUBJECT: STATE OF DISASTER MANAGEMENT IN NORTH WEST

1. Purpose

To present to the Portfolio Committee on Cooperative Governance and Traditional Affairs on the state of disaster management at provincial and municipal levels

2. Background



2.1 The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) provides that disaster management is a government responsibility.

2.2 Section 154 of the Constitution provides that the national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

- 2.3** The Disaster Management Act, 2002 (Act No. 57 of 2002) as amended provide for:
- An integrated and coordinated disaster management policy that focuses on preventing or reducing the risk of disasters , mitigating the severity of disasters, emergency preparedness , rapid and effective response to disasters and post-disaster recovery and rehabilitation ;
 - the establishment and functioning of national , provincial and municipal disaster management centres;
 - disaster management volunteers; and
 - matters incidental thereto.

3. STATE OF DISASTER MANAGEMENT AT PROVINCIAL LEVEL

3.1 Provincial Disaster Management Framework (vide Section 28)

The NW Disaster Management Framework has been established and was approved by approved by the Provincial Cabinet in 2011 and was reviewed and approved by the Provincial Cabinet in 2019 in line with the Disaster Management Amendment Act No. 16 of 2015. The NW Disaster Management Policy Framework is aligned to the National Policy Framework.

3.2 Provincial Disaster Management Centre (Vide Section 29)

The NW has established a provincial disaster management centre within the Provincial Cogta and the centre is fully functional and it coordinates all matters relating to disasters and disaster management in the province. The province has a permanent building for disaster management.

3.3

Appointment of the Head of the Centre and personnel (Vide Sections 31 and 31A). The province has a suitably qualified head of the centre and personnel as follows:

- **The Head of the Centre:** Provide strategic and technical advice on matters relating to disasters and disaster management in the Province.
- **Provincial Support Sub-directorate:** The unit supports all provincial departments, national departments operating in the province and state owned enterprises.
- **Two (2) Municipal Support Sub-directorates:** Each unit supports two districts namely: Dr KK & Dr RSM and NMM & BP on matters relating to disaster management.
- **Fire Service:** The unit provides support to municipal fire services.
- **Information Management and Communication:** The unit provides support on the information management, interoperability and integration thereof.
- **Provincial Disaster Management Centre at a glance:**

PDMC	DM CENTRE SECTION	HEAD OF THE DM SECTION 31	DM ADVISORY FORUM SECTION 37	DM FRAMEWORK SECTION 28	POLICY	DM SECTION 38	DM PLAN SECTION 39	PERSONNEL section 31 (a)
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Office of the Head of the Centre	Established	HOC appointed	Functional	Provincial framework established and aligned to the NDMC Framework	DM is established and aligned to the DM Legislation and Policy	Each Provincial Department has DM Plan	Provincial DM Plan is developed	Filled
Provincial Support Sub-directorate	-	-	-	Support eleven provincial departments with implementation of DM Legislation and Policy	-	-	-	02 and one vacant post
Municipal Support Sub-directorate	-	-	-	Support twenty-two Municipalities with implementation of DM systems and structures	-	-	-	05 and one vacant post
Fire Service Sub-directorate	-	-	-	Implementation of Fire Brigade Services Act	-	-	-	03
Information Management and Communication system	-	-	-	Information Management	-	-	-	02 and vacant post

3.4 Establishment of the Provincial Disaster Management Advisory Forum (vide Section 37)

- The PDMAF has been established and is fully functional.
- All National, Provincial, Municipalities, NGOs, SOEs, Universities, Traditional leadership, Organised Agriculture, SALGA, Research Institutions participate in this structure.
- The meetings are convened on quarterly basis. It is a platform where the government and relevant disaster management role-players in the province consult one another and co-ordinate their actions on matters relating to disaster management in the province.

3.5 Sector Disaster Management Plans (vide Section 38)

- The Provincial Disaster Management Centre has supported each department to develop a Level 1 and Level 2 Disaster Management Plans in line with the Disaster Management Act.

3.6 Disaster Management Plan for the Province (vide Section 39)

- A consolidated Provincial Disaster Management Plan is in place and it has the following key indicators:
 - Integrated Institutional Arrangement
 - Disaster Risk and Vulnerability Assessment aligned with the risk equation: (Risk = Hazard x Vulnerability)
Capacity
 - Disaster Risk Reduction Activities
 - Response and Recovery Activities

3.6 Responsibilities of the Executive of the Province (vide Sections 40 & 41)

- The Executive of the Province is in full support and provides leadership on matters relating to disaster management activities, and has designated Senior Managers to serve on the Provincial Disaster Management Advisory Forum (pre, during and post disasters). The benefit of the executive support is to strengthen disaster risk governance across the province (Provincial Command Council, Provincial Command Centre, District Command Councils, etc.).

4. MUNICIPAL DISASTER MANAGEMENT CENTRES

4.1 Bojanala Platinum District Municipality

MUNICIPALITY	DM CENTRE SECTION 43	HEAD OF DM CENTRE SECTION 45	DM ADVISORY FORUM SECTION 51	DM FRAMEWORK POLICY SECTION 42	DM PLAN SECTION 52	DM PLAN SECTION 53	PERSONNEL EL
Bojanala Platinum District	Yes	Vacant (HOC)	Functional	Yes, implemented at District and Locals	Incorporated	Yes	08
Madibeng LM	Yes	Yes	Functional	Not required to have policy	Incorporated	Yes	03
Moretele LM	Nodal Office	Coordinator	Functional	Not required to have policy	Incorporated	Yes	02
Moses Kotane LM	Nodal Office	Coordinator	No	Not required to have policy	Incorporated	Yes	02
Kgellengrivier LM	Nodal Office	No	No	Not required to have policy	Incorporate	Yes	00
Rustenburg LM	Yes	Yes	Interdepartmental DM Committees	Not required to have policy	Incorporated	Yes	04

4.2 DR. KENNETH KAUNDA DISTRICT MUNICIPALITY

MUNICIPALITY	DM CENTRE SECTION 43	HEAD OF THE DM CENTRE SECTION 45	DM ADVISORY FORUM SECTION 51	DM POLICY FRAMEWORK SECTION 42	DM PLAN SECTION 52	DM PLAN SECTION 53	DM PLAN SECTION 53	PERSONNEL EL
Dr. K.K. District	Yes	Vacant (HOC)	Functional	Yes, implemented at District and Locals	Incorporated	Yes	06	06
Maquassi Hills LM	No	No	No	Not required to have policy	Incorporated	Yes	00	00
JB Marks	Yes	Yes	Functional	Not required to have policy	Incorporated	Yes	08	08
Maitosana LM	Yes	Vacant (HOC)	Interdepartmental Committees	Not required to have policy	Incorporated	Yes	04	04

4.3 DR. RUTH SEGOMOTSI MOMPATI DISTRICT MUNICIPALITY

MUNICIPALITY	DM CENTRE SECTION 43	HEAD OF THE DM SECTION 45	DM ADVISORY FORUM SECTION 51	DM POLICY FRAMEWORK SECTION 42	DM PLAN SECTION 52	DM PLAN SECTION 53	PERSONNEL
Dr. RSM District	Yes	Yes	Functional	Yes, implemented at District and Locals	Incorporated	Yes	06
Greater Taung LM	Nodal Office	Coordinator	No	Not required to have policy	Incorporated	Yes	01
Kagisano-Molopo LM	Nodal office	No	No	Not required to have policy	Incorporated	Yes	01
Lekwa- Teemane LM	No	No	No	Not required to have policy	Incorporated	Yes	00



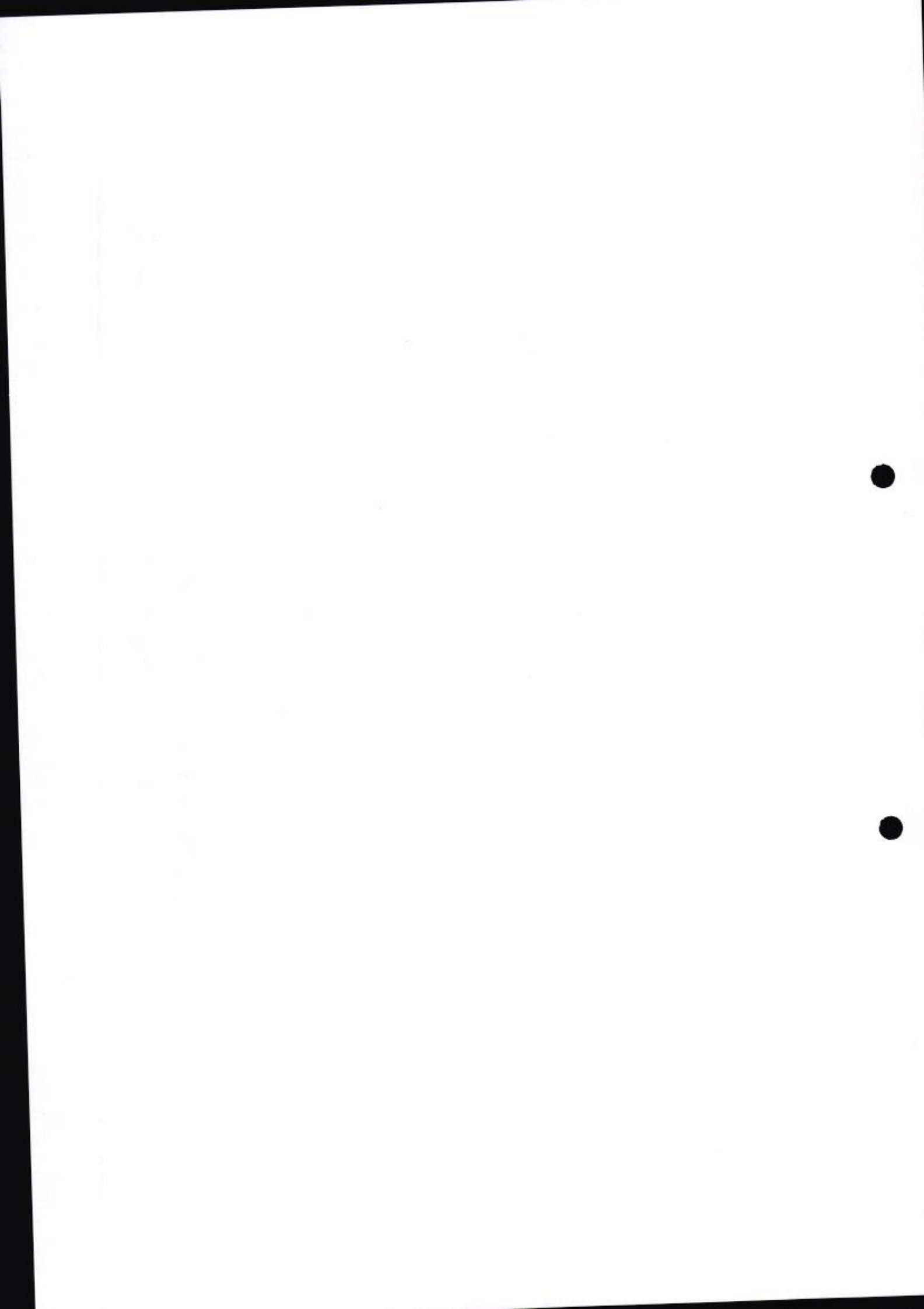
Mamusu LM	No	No	No	Not required to have policy	Incorporated	Yes	00
Naledi LM	Nodal Office	Coordinator	No	Not required to have policy	Incorporated	Yes	01

4.4 NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

Municipality	DM CENTRE SECTION	HEAD OF THE DM SECTION	DM ADVISORY FORUM SECTION	DM POLICY FRAMEWORK SECTION	DM PLAN SECTION	DM PLAN SECTION	PERSONNEL
Ngaka Modiri Molema DM	43	45	SECTION 51	SECTION 42	SECTION 52	SECTION 53	06
Mahikeng LM	Yes, partners hip with NMMMD	Coordinator	Functional Interdepartmental DM Committees	Yes, implemented at District and Locals Not required to have policy	Incorporated	Yes	03
Ramotshere Moiloa LM	Nodal office	Supported by NMMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMMDM Staff
Disobotla LM	No	Supported by NMMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMMDM Staff
Tswaing LM	No	Supported by NMMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMMDM Staff
Ratlou LM	No	Supported by NMMMDM	No	Not required to have policy	Incorporated	Yes	02 NMMMDM Staff

5. MANAGEMENT OF DISASTERS

- The province and municipalities manage disasters according to specific hazard contingency plans:- e.g. drought, earthquake, nuclear, floods, fires, epidemics (COVID-19), social conflict, etc.
- The management of disasters in the province is based on an integrated approach with disaster management centres coordinating.



6. STATUS OF FIRE SERVICES IN THE NORTH WEST PROVINCE

The NW Province is prone to the following:

- Veld and Forest fires due to vast open farm and communal lands
- Storage and transportation of hazardous materials through the national routes like (N4, N12, N14 and N18) that cuts across the province.
- Rapid growth of places like Bojanala, Dr Kenneth Kaunda and Ngaka Modiri Molema Districts due to mining developments which result into labour migration into the surrounding towns which in turn leads to establishment of informal settlements that put pressure in our fire services and other social services provided by municipalities.

6.1 Total Number of Fire Stations in the Province: 23

6.1.1 Fire Stations Per District

Bojanala	Location	NMM	Location	Dr RSM	Location	Dr KK	Location
Rustenburg: 1	Rustenburg	Mahikeng: 1	Mahikeng	Naledi: 1	Vryburg	JB Marks: 2	Tlokwe and Ventersdorp
Matibeng: 1	Brits	Ramotshere Molloa: 1	Lehurutsho	Greater Taung: 1	Taung Station	Matlosana : 2	Klerksdorp and Harthebeest
Moses Kotane: 1	Mogwase	Disobobla: 2	Lichtenburg and Itsoeng	Kagisano Mollopo: 2	Ganyesa and Tosca	Maquassi-Hills: 1	Wolmaranstad
Moretele: 1	Moretele	Tswaing: 1	Delareyville	Mamusa: 1	Schwizereneke		
Kgelleng: 1	Brits	Rallou: 1		Lekwa-Teemane: 2	Bloemhoff and Christiana		
Total: 5		Total: 6		Total: 7		Total: 5	

6.1.2 The following fire stations are planned to be operationalised in 2021/22 Financial Year:

- Marikana Fire Station in Rustenburg and the Department has already supported the municipality with response vehicles for this fire Station.
- Orkney Fire Station in Matosana.
- R16m MIG allocation has been approved for the construction of Klipgat Fire Station in Madibeng.

6.2 Municipal Fire Services Resources

Bojanala	Personel	Response Vehicles	NMM	Personel	Response Vehicles	Dr RSM	Personel	Response Vehicles	Dr KK	Personel	Response Vehicles
Rustenburg	78	13	Mahikeng	58	07	Naledi	22	06	JB Marks	73	
Madibeng	87	05	Ramotshere Molloa	45	06	Greater Taung	19	04	Matosana	61	11
Moses Kotane	39	03	Ditsobotla	79	03	Kagisano Molofo	08	05	Maquassi-Hills	26	04
Moretele	28	03	Tswaing	52	04	Mamusa	04	04			
Kgelleng	40	04	Ratlou	45	03	Lekwa-Teemane	06	05			
Total	194		Total			Total			Total		

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