



NORTH WEST PROVINCIAL LEGISLATURE

**PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT, HOUSING AND
TRADITIONAL AFFAIRS**

**REPORT ON THE AMALGAMATION OF MOLOPO LOCAL MUNICIPALITY INTO
KAGISANO LOCAL MUNICIPALITY**

APRIL 2010

1. Introduction:

The Committee on Local Government, Housing and Traditional Affairs held oversight meetings on the 12th of April 2010 in the Bray and Morokweng areas with a view of fact finding on the outcries and petition sent by the communities.

2. Purpose of the meeting:

The committee met with the Bray and Morokweng Communities to gain insight into how the communities view the proposed amalgamation of Molopo and Kagisano Local Municipalities. The committee explained the following:

- The committee came to hear the views of the people as per the petition presented to the committee.
- The meeting is a fact-finding mission to get clarity on the complaints on the petition after which there will be further debates and investigating of the matter.
- Only after all proper process are followed will steps be taken that might affect the status quo at both municipalities.

3. Presentation of the Petition:

The following points are the contents of the petition:

- The letter of petition was written by the Molopo Local Municipalities of Leniesdeel, Tlaskgameng and Morokweng.
- The notification of amalgamation was unlawful as the Municipal Demarcation Board did not meet the requirements as per Section 26 of the Local Government Municipal Demarcation Act no.27 of 1998.
- Transparency, accountability and coherent government which is ensued by the constitution was not practiced as a result, this was in breach of the community's constitutional right to have freedom to obtain information.
- Letters were written to the Demarcation Board in September 2007 and November 2009 to raise the dissatisfaction of the community with the amalgamation of the two municipalities.
- A petition list was drafted by the Morokweng community and sent to the Premier's Office to register the petition but to no avail.

- Community wants to conduct a protest march to the offices of the Municipal Demarcation Board because it did not comply with the requirements of the Constitution of the Republic of South Africa or the Local Government Municipal Demarcation Act.
- Kagisano Local Municipality is under judicial management and investigation for certain reasons one being their lack of management thus not being exemplary of North West Provincial Government policies.
- A letter was later written to the Minister of cooperative Governance and Traditional Affairs on the 13th November 2009.
- The Molopo Community feels that the MDB bullies the municipality into submission of being amalgamated to Kagisano Local Municipality.
- If the MDB persists with the unlawful demarcation and forces the submission of the different areas, the Molopo community will not allow the Demarcation board to violate their human rights and their freedom of public participation.
- ***Section 41 of the Local Government Municipal Demarcation Act was also violated as***

4. Confirmation by members of the community: Molopo Local Municipality

The community confirmed that they are aware of the letter of petition that was read and to comment on the proposed amalgamation. The following members of the community confirmed:

- Mr. Nico Muller
- Mr. Obed Mothupi
- Mr. Josh Toba
- Mr M.C. Yahof

5. Deliberations by the Community: Molopo Local Municipality

The following issues were raised by the community:

- There are problems of funds with Molopo and Kagisano Municipalities, both municipalities should rather be amalgamated to Naledi Municipality. The two municipalities do not have sufficient budget and resources.

- Most projects that are being done in Kagisano are never completed therefore displaying malfunctions in the administration.
- Most residents of Kagisano have moved to Molopo in an effort to get better service delivery.
- Joining the municipalities would be detrimental to the communities of the Molopo Municipality as it would mean the turnaround time for service delivery will be longer.
- If the argument is that Molopo Municipality is small then perhaps some wards from Kagisano should be moved to Molopo Local Municipality. Wards 9, 10, 11 and 12 already want to be moved to Molopo Local Municipality.
- The Council and the Administration of Molopo Local Municipality are efficient and although the budget for the municipality is small it caters directly for the needs of the community as a result, the community does not wish to be amalgamated into Kagisano.
- Molopo Local Municipality is a small but growing municipality. What will the benefits of this amalgamation be?
- Will the amalgamation assist to speed up service delivery or municipal projects or slow down the process?
- There was no compliance to requirements of the law. The community were denied their constitutional rights to public participation and were forced into submission, then they will retain their right not to vote in the next democratic Municipal elections in 2011.
- A community member raised the question of whether all spheres of government were consulted as per the Local Government Municipal Demarcation Act.
- The Molopo municipality offers bursaries and employment opportunities to the youth, once amalgamated into Kagisano then opportunities will be limited.
- There are chieftaincy conflicts amongst the Traditional Leadership which is in the Kagisano Local Municipality and the conflict should be resolved first.
- Molopo Local Municipality has the Game Reserve and lucrative cattle and goat farming therefore rendering it effective and benefiting the entire Molopo Communities.

- Other departments such as Rural Development, Economic Development and Tourism as well as Human Settlement should be brought into Molopo Local Municipality to improve service delivery and to promote development.

6. Presentation by the Municipality Demarcations Board:

- On 03 April 2004, the Board received an application from the MEC responsible for local government in the Province;
- The request proposed a re-determination of municipal boundaries by demarcating the two local municipalities of Molopo and Kagisano into one local municipality;
- The request was referred to the affected municipalities, as well to the provincial department, on 15 April 2004, for them to reach consensus on the proposed amalgamation;
- After failure to come back to the Board with a consensus position, the Board published a section 26 notice in August 2006, calling for views from the stakeholders on the proposal, within 21 days;
- The notice was published in the Citizen, Sowetan, Rapport and Beeld. Also, the notice was sent to the two affected municipalities, with the express request that the notice be distributed widely in the affected municipal areas;

Date	Person/Institution	Summary of Submission
19/09/2006	Kagisano Local Municipality	Concurrence to the proposed boundary change.
19/09/2006	Molopo Local Municipality	Concurrence to the proposed boundary change. Subsequently objected and allowed for more time to consult.
21/09/2006	Bophirima District Municipality (Subsequently Dr R S Mompoti DM)	Concurrence to the proposed boundary change. Indicating that the government has decided to do away with Pomfret. As such Molopo will be left with only 3 wards.
21/09/2006	ANC Kagisano Zone	Concurrence to the proposed boundary change. At the moment Molopo is unable to fulfil most of its constitutional obligations on its own, without the help of Kagisano in many instances.

Date	Person/Institution	Summary of Submission
23 October 2007	Molopo Local Municipality	Municipality changed position and now supported the merger with Kagisano
25 October 2007	L J Modise	Objection to the proposed merger. Proposed instead that Wards 9,10,11,and 12 (Morokweng Village) form own separate municipality.
12 October 2007	Cllr C.J Lourens	Objection to the proposed merger of the two municipalities.

- On 25 October 2006 the Board considered views and representations, and:
- Noted that, with the exception of objection from Molopo, there appears to be support and motivation for the amalgamation of the two municipalities;
- Noted the request from Molopo that more time be allowed for consultation;
- Resolved that all correspondence received be referred to the MEC with a request that he confirms his support for the request received from his predecessor (the applicant) and that he initiates consultation with the affected municipalities and stakeholders;
- Resolved that technical assistance be provided by the Board if requested, to facilitate the consultation process;
- Resolved that a decision on the re-determination of the boundaries to amalgamate the two municipalities be taken during the Board's next meeting in February 2007.
- However a decision on the matter would only be taken by the Board in December 2007.

- On 6 December 2007, the Board met, and:
- Noted that both affected municipalities agreed to amalgamate, a move that was supported by SALGA NW;
- Molopo had initially objected, then later changed to support the amalgamation;
- The MEC had by then not responded to the Board's request for him to express his support for the request received from his predecessor, and to initiate consultation with the affected municipalities and stakeholders;
- Re-determined the boundaries of the two affected municipalities by merging them into one municipality, and approved the publication of a section 21

notice, calling for the Board's re-determination in this regard, within 30 days;

- The Board also commissioned a study, to investigate in detail the proposed amalgamation, in terms of the Demarcation Criteria (sections 24 and 25 of the Demarcation Act, 1998).
- The investigation indicated that:
- Neither Kagisano nor Molopo provided any of the basic services within their respective areas jurisdiction. The Bophirima District Municipality (later Dr RS Mompoti DM) is the water services authority for its area of jurisdiction and is responsible for the delivery of potable water and sanitation services within the service area of each of the two local municipalities;
- The official data recorded by the 2007 Community Survey reflects that for both Kagisano and Molopo the total population has decreased when compared to the census in 2000.
- In the case of Molopo, the town of Pomfret was in the process of being closed down and the population relocated, as a result of the high level of asbestos contamination. This would have the effect of further reducing the population of Molopo, and reducing the number of wards in Molopo from four to three.

7. Portfolio Committee Concerns:

- One of the greatest concerns by the community members to refuse amalgamation they have an impression that need to move from Molopo from their forefather's land
- Is Kagisano's source of revenue better than that of Molopo
- Why was the community only informed about the meeting with previous MEC Yawa the day before the meeting
- Where the councillors from Kagisano instructed not to meet with the portfolio committee on the 12 April 2010
- Who convened the council meeting that agreed to the resolution n to amalgamation the two municipalities at what capacity did they convene the sitting
- Does MDB and the department of Local government & traditional affairs have the copy of the communiqué confirm the receded of the council resolution

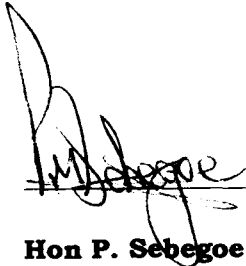
- Has MDB conducted a population study on economic viability and growth to inform the merger
- Why did tribal authority to walk away from the meeting
- Why was the community not consulted on the matter
- The amalgamation process does not seem to have been either transparent or consultative

8. Recommendations:

The Portfolio committee make recommendation that all the amalgamation be nullified and the matter should be regarded denovo and all consultation restarted from the beginning. The matter should expedited.

9. Conclusion

The committee assured the community that their concerns have been noted and will be discussed further. Further steps will be taken to check which steps should have been taken and the community will be given feedback.



Hon P. Sebegoe

Date: 18/05/10

Chairperson: PC- Local Government, Housing and Traditional Affairs