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An Exploratory Study of Implications of Section 139 of the South African Constitution on the Quality of Municipal Service Delivery in Mamusa Local Municipality

ABSTRACTS

1. English

The aim of study was to assess implications of Section 139 of the South African Constitution (Act no. 108 of 1996) on the ability of Mamusa Local Municipality in the North-West Province of South Africa to render essential municipal services to residents and ratepayers living and working in the local municipality. The Act states that local municipalities lose their right to manage and administer their local municipalities to provincial governments if they fail to utilise their financial and human resources in accordance with the Municipal Finance Management Act (Act no. 56 of 2003) and the Municipal Systems Act (Act no. 32 of 2000). Qualitative data was gathered from 16 employees of Mamusa Local Municipality by conducting 1-hour-long individual in-depth interviews. Thematic, content and document analyses were used for performing qualitative data analysis. Content analysis was done by analysing various internal documents such as minutes of meetings, reports and letters based on which operational and strategic decisions were taken by municipal officials. The secondary aim of study was to assess the extent to which municipal revenues were collected efficiently from all residents and ratepayers living and working at the local municipality. An assessment was made to determine the extent to which elected municipal officials and employees adhered to aspects of the Municipal Finance Management Act (MFMA) as part of the research. The theoretical framework of study is based on the stakeholder theory of Edward Freeman (1999). The theory shows that residents and ratepayers of local municipalities are key stakeholders in municipal service delivery. The theoretical framework places emphasis on the ability of municipal employees to render efficient and affordable services to residents and ratepayers living and working in Mamusa Local Municipality. The stakeholder theory uses 4 dimensions of service delivery. These 4 dimensions are fulfilling all needs of stakeholders, ensuring operational profitability, ensuring operational efficiency, and ensuring accountability and good leadership to the satisfaction of all relevant stakeholders.

The results showed a strong support for Mamusa Local Municipality to remain independent of the North-West Provincial Government, and that it was necessary to demonstrate good leadership, accountability and transparency to all stakeholders in order for this to happen. The study found that the current level of adherence to processes stipulated in integrated development plan (IDP) guidelines was inadequate. Participants of the research argued that employees and elected officials at Mamusa Local Municipality should be supported in terms of workplace training on specialised skills, revenue collection and municipal infrastructural development so that they develop the capacity they require to enhance their current level of municipal service delivery and financial growth. Participants of the survey indicated the dire need to grow the local economy by

way of providing attractive tax-related incentives to lucrative local and international businesses. Participants expressed their desire to work closely with the private sector to alleviate financial and administrative difficulties experienced in the local municipality. The results showed that coalition administrations were not effective in enhancing the quality and efficiency of municipal service delivery. The durations of employment of elected municipal officials were not long enough to enable them to implement the integrated development programmes of the local municipality successfully. The study showed the dire need for good leadership, accountability to residents and ratepayers and transparency in the utilisation of municipal resources. Key areas of need include the creation of employment opportunities to the youth, the upgrade and maintenance of deteriorating municipal infrastructure, the repayment of municipal debt to service providers, the alleviation of poverty among the population living in the local municipality. It was indicated by participants of the study that political partisanship, infighting and lack of accountability to the people undermined the quality and efficiency of municipal service delivery to residents and ratepayers. Based on results obtained from the study, a framework is developed for Mamusa Local Municipality with a view to enhance revenue collection and the quality and efficiency of municipal service delivery.

Key words: Mamusa Local Municipality, Section 139 of the South African Constitution, Autonomy, Non-payment of municipal services, Thematic analysis

2. Afrikaans

Studietitel: 'n Verkennde Studie van Implikasies van Artikel 139 van die Suid-Afrikaanse Grondwet op die Kwaliteit van Munisipale Dienslewering in Mamusa Plaaslike Munisipaliteit

Die doel van die studie was om die implikasies van Artikel 139 van die Suid-Afrikaanse Grondwet (Wet nr. 108 van 1996) te beoordeel op die vermoë van die Mamusa Plaaslike Munisipaliteit in die Noordwesprovinsie van Suid-Afrika om noodsaaklike munisipale dienste te lewer aan inwoners en belastingbetalers wat in die plaaslike munisipaliteit woon en werk. Die Wet bepaal dat plaaslike munisipaliteite hul reg verbeur om hul plaaslike munisipaliteite te bestuur en te administreer aan provinsiale regerings indien hulle versuim om hul finansiële en menslike hulpbronne te gebruik in ooreenstemming met die Wet op Munisipale Finansiële Bestuur (Wet nr. 56 van 2003) en die Wet op Munisipale Stelsels (Wet nr. 32 van 2000). Kwalitatiewe data is ingesamel van 16 werknemers van Mamusa Plaaslike Munisipaliteit deur die uitvoering van individuele diepte-onderhoude van 1 uur elk. Tematiese-, inhouds- en dokumentontledings is gebruik om kwalitatiewe data-analise uit te voer. Inhoudsontleding is gedoen deur verskeie interne dokumente te ontleed, soos notules van vergaderings, verslae en briewe waarop operasionele en strategiese besluite deur munisipale amptenare geneem is. Die sekondêre doel van die studie was om te bepaal in watter mate munisipale inkomste doeltreffend van alle inwoners en belastingbetalers wat in die plaaslike munisipaliteit woon en werk, ingevorder is. 'n Assessering is gedoen om te bepaal in watter mate verkose munisipale amptenare en werknemers aspekte van die Wet op Munisipale Finansiële Bestuur (MFMA) nagekom het as deel van die navorsing.

Die teoretiese raamwerk van die studie is gebaseer op die belanghebbendeteorie van Edward Freeman (1999). Die teorie toon dat inwoners en belastingbetalers van plaaslike munisipaliteite belangrike belanghebbendes in munisipale dienslewering is. Die teoretiese raamwerk plaas klem op die vermoë van munisipale werknemers om doeltreffende en bekostigbare dienste te lewer aan inwoners en belastingbetalers wat in Mamusa Plaaslike Munisipaliteit woon en werk. Die belanghebbendeteorie gebruik 4 dimensies van dienslewering. Hierdie 4 dimensies is die vervulling van alle behoeftes van belanghebbendes, die versekering van operasionele winsgewendheid, die versekering van operasionele doeltreffendheid, en die versekering van aanspreeklikheid en goeie leierskap tot die bevrediging van alle relevante belanghebbendes.

Die resultate het sterk steun getoon vir Mamusa Plaaslike Munisipaliteit om onafhanklik van die Noordwes Provinsiale Regering te bly, en dat dit nodig was om goeie leierskap, aanspreeklikheid en deursigtigheid aan alle belanghebbendes te demonstreer om dit te laat gebeur. Die studie het bevind dat die huidige vlak van nakoming van prosesse wat in riglyne vir geïntegreerde ontwikkelingsplanne (GOP) uiteengesit word, ontoereikend was. Deelnemers aan die navorsing het aangevoer dat werknemers en verkose amptenare by Mamusa Plaaslike Munisipaliteit ondersteun moet word in terme van werkplekopleiding oor gespesialiseerde vaardighede, inkomste-invordering en munisipale infrastruktuurontwikkeling sodat hulle die kapasiteit ontwikkel wat hulle nodig om hul huidige vlak van munisipale dienslewering en finansiële groei te verbeter. Deelnemers aan die opname het aangedui dat daar 'n groot behoefte is om die plaaslike ekonomie te laat groei deur aantreklike belastingverwante aansporings aan winsgewende plaaslike en internasionale besighede te verskaf. Deelnemers het hul begeerte uitgespreek om nou saam met die privaatsektor te werk om finansiële en administratiewe probleme wat in die plaaslike munisipaliteit ondervind word, te verlig. Die resultate het getoon dat koalisie-administrasies nie effektief was om die kwaliteit en doeltreffendheid van munisipale dienslewering te verbeter nie. Die dienstermyne van verkose munisipale amptenare was nie lank genoeg om hulle in staat te stel om die geïntegreerde ontwikkelingsprogramme van die plaaslike munisipaliteit suksesvol te implementeer nie. Die studie het die groot behoefte aan goeie leierskap, aanspreeklikheid aan inwoners en belastingbetalers en deursigtigheid in die gebruik van munisipale hulpbronne getoon. Belangrike behoeftes sluit in die skep van werksgeleenthede vir die jeug, die opgradering en instandhouding van verswakkende munisipale infrastruktuur, die terugbetaling van munisipale skuld aan diensverskaffers, die verligting van armoede onder die bevolking wat in die plaaslike munisipaliteit woon. Deelnemers aan die studie het aangedui dat politieke partydigheid, onderlinge twis en 'n gebrek aan aanspreeklikheid aan die mense die kwaliteit en doeltreffendheid van munisipale dienslewering aan inwoners en belastingbetalers ondermyn. Op grond van resultate wat uit die studie verkry is, word 'n raamwerk vir Mamusa Plaaslike Munisipaliteit ontwikkel met die doel om inkomste-invordering en die kwaliteit en doeltreffendheid van munisipale dienslewering te verbeter.

Slutelwoorde: Mamusa Plaaslike Munisipaliteit, Artikel 139 van die Suid-Afrikaanse Grondwet, Outonomie, Nie-betaling van munisipale dienste, Tematiese analise

3. Isizulu

Isihloko socwaningo: Ucwaningo Oluyisingeniso Lwemiphumela yeSigaba 139 soMthethosisekelo waseNingizimu Afrika ezingeni Lokuhlinzekwa Kwezinsizakalo Zikamasipala eMkhandlwini Wendawo waseMamusa

Inhloso yalolu cwaningo bekuwukuhlola imithelela yeSigaba 139 soMthethosisekelo waseNingizimu Afrika (uMthetho No. 108 we-1996) emandleni oMkhandlu Wendawo waseMamusa esifundazweni saseNyakatho Ntshonalanga eNingizimu Afrika okuhlinzeka izakhamuzi kanye nabakhokhi bentela abahlala futhi basebenza kulo mkhandlu wendawo ngezinsizakalo zikamasipala ezibalulekile. Lo Mthetho usho ukuthi omkhandlu bendawo balahlekelwa ilungelo labo lokuphatha nokulawula omkhandlu babo bendawo kuhulumeni bezifundazwe uma behluleka ukusebenzisa izinsiza zabo zezezimali nezabasebenzi ngokuhambisana noMthetho Wokuphathwa Kwezimali Zikamasipala (uMthetho No. 56 we-2003) kanye noMthetho Wezinhlalo Zikamasipala (uMthetho No. 32 we-2000). Imininingwane ecwaningwe ngokwekhwalithi iqoqwe kubasebenzi abayi-16 boMkhandlu Wendawo waseMamusa ngokwenza izingxoxo ezijulile zomuntu ngamunye ezithatha ihora elingu-1. Ukuhlaziywa kwezindikimba, okuqukethwe kanye nemibhalo kusetshenziselwe ukwenza ukuhlaziywa kwedatha yekhwalthi. Ukuhlaziywa kokuqukethwe kwenziwe ngokuhlaziya imibhalo ehlukehlukene yangaphakathi efana nemizuzu yemihlangano, imibiko nezincwadi okwasekelwe kuzo izinqumo eziphathelene nokusebenza kanye namasu ezathathwa izikhulu zikamasipala. Inhloso yesibili yalolu cwaningo bekuwukuhlola izinga lapho imali engenayo kamasipala iqoqwe ngempumelelo kuzo zonke izakhamuzi kanye nabakhokhi bentela abahlala futhi basebenza kulo mkhandlu wendawo. Kwakhiwe ukuhlolwa kokuthola izinga lapho izikhulu zikamasipala ezikhethiwe kanye nabasebenzi balandela izici zoMthetho Wokuphathwa Kwezimali Zikamasipala (MFMA) njengengxenye yocwaningo. Uhlaka lwethiyori yalolu cwaningo lusekelwe kwithiyori yababambiqhaza ka-Edward Freeman (1999). Ithiyori ibonisa ukuthi izakhamuzi kanye nabakhokhi bentela bomkhandlu bendawo bangababambiqhaza ababalulekile ekuhlinzekweni kwezinsizakalo zikamasipala. Uhlaka lwethiyori lugcizelela ikhono labasebenzi bakamasipala lokuhlinzeka ngezinsizakalo ezisebenza kahle futhi ezingabizi kuzakhamuzi kanye nabakhokhi bentela abahlala futhi basebenza eMkhandlwini Wendawo waseMamusa. Ithiyori yababambiqhaza isebenzisa izilinganiso ezi-4 zokuhlinzekwa kwezinsizakalo. Lezi zilinganiso ezi-4 ziwukugcwalisa zonke izidingo zababambiqhaza, ukuqinisekisa inzuzo yokusebenza, ukuqinisekisa ukusebenza kahle kokusebenza, nokuqinisekisa ukuziphendulela kanye nobuholi obuhle ekwaneliseni bonke ababambiqhaza abafanele.

Imiphumela ibonise ukwesekwa okuqinile kokuthi uMkhandlu Wendawo waseMamusa uhlale uzimele kuHulumeni Wesifundazwe saseNyakatho Ntshonalanga, nokuthi kwakudingeka ukukhombisa ubuholi obuhle, ukuziphendulela kanye nokwethembeka kubo bonke ababambiqhaza ukuze lokhu kwenzeke. Ucwaningo luthole ukuthi izinga lamanje lokunamathela ezinqubweni ezishiwo kwimihlahlandlela yohlelo lokuthuthukiswa okuhlanganisiwe (IDP) alanele. Abahlanganyeli bocwaningo baphikise ngokuthi abasebenzi kanye nezikhulu ezikhethiwe eMkhandlwini Wendawo waseMamusa kufanele basekelwe ngokuqeqeshwa emsebenzini ngamakhono akhethekile, ukuqoqwa kwemali engenayo kanye nokuthuthukiswa kwengqalasizinda kamasipala ukuze bakhe amandla abawadingayo ukuze bathuthukise izinga

labo lamanje lokuhlinzekwa kwezinsizakalo zikamasipala kanye nokukhula kwezezimali. Abahlanganyeli benhlolovo bakhombe isidingo esikhulu sokukhulisa umnotho wendawo ngokunikeza izikhuthazo ezikhangayo ezihlobene nentela kumabhizinisi endawo nawamazwe ngamazwe anenzuzo. Abahlanganyeli baphimisele isifiso sabo sokusebenza eduze nomkhakha ozimele ukunciphisa ubunzima bezezimali nokulawula obutholwa kulo mkhandlu wendawo. Imiphumela ibonise ukuthi abaphathi bomfelandawonye bebengasebenzi kahle ekuthuthukiseni izinga kanye nokusebenza kahle kokuhlinzekwa kwezinsizakalo zikamasipala. Isikhathi sokuqashwa kwezikhulu zikamasipala ezikhethiwe besingesele ngokwanele ukuzenza zikwazi ukusebenzisa ngempumelelo izinhlelo zokuthuthukiswa okuhlanganisiwe zomkhandlu wendawo. Ucwangingo lubonise isidingo esikhulu sobuholi obuhle, ukuziphendulela ezakhamuzini kanye nabakhokhi bentela kanye nokwethembeka ekusetshenzisweni kwezinsiza zikamasipala. Izindawo ezibalulekile ezidinga ukunakekelwa zihlanganisa nokwakhiwa kwamathuba emisebenzi entsheni, ukuthuthukiswa kanye nokugcinwa kwengqalasizinda kamasipala eqhubeka nokonakala, ukukhokhwa kwezikweletu zikamasipala kubahlinzeki bezinsizakalo, ukunciphisa ububha phakathi kwabantu abahlala kulo mkhandlu wendawo. Abahlanganyeli bocwaningo bakhombe ukuthi ukukhetha iphela elithambile kwezepolitiki, ukulwa kanye nokuntuleka kokuziphendulela kubantu kuphazamisa izinga kanye nokusebenza kahle kokuhlinzekwa kwezinsizakalo zikamasipala kuzakhamuzi kanye nabakhokhi bentela. Ngokusekelwe emiphumeleni etholwe ocwaningweni, kwakhiwa uhlaka loMkhandlu Wendawo waseMamusa ngenhloso yokuthuthukisa ukuqoqwa kwemali engenayo kanye nezinga nokusebenza kahle kokuhlinzekwa kwezinsizakalo zikamasipala.

Amagama ayisihluthulelo: UMkhandlu Wendawo waseMamusa, Isigaba 139 soMthethosisekelo waseNingizimu Afrika, Ukuzimela, Ukungakhokhi izinsizakalo zikamasipala, Ukuhlaziywa kwezindikimba

4. Xhosa

Isihloko sophando: Uphononongo olujolise ekufundeni ngentsingiselo yeCandelo le-139 loMgaqo-siseko woMzantsi Afrika kuMgangatho woNikezelo lweeNkonzo zikaMasipala kuMasipala weNdawo waseMamusa

Injongo yophononongo ibikukuhlola iziphumo zeCandelo le-139 loMgaqo-siseko woMzantsi Afrika (uMthetho No. 108 ka-1996) kumandla oMasipala weNdawo waseMamusa kwiPhondo laseNyakatho Ntshona eMzantsi Afrika okubonelela abahlali kunye nabahlawuli berhafu abahlala kwaye basebenza kulo masipala wendawo ngeenkonzo zikamasipala ezibalulekileyo. Lo Mthetho uthi oomasipala bendawo baphulukana nelungelo labo lokulawula nokulawula oomasipala babo bendawo kurhulumente bamaphondo ukuba bayasilela ukusebenzisa izixhobo zabo zemali kunye nezabasebenzi ngokuhambelana noMthetho woLawulo lweMali yoMasipala (uMthetho No. 56 ka-2003) kunye noMthetho weeNkqubo zoMasipala (uMthetho No. 32 ka-2000). Inkcazelo yomgangatho eqokelelwe kubasebenzi abali-16 boMasipala weNdawo waseMamusa ngokwenza udliwanondlebe olunzulu lomntu ngamnye oluthatha iyure eli-1. Uhlalutyo lwezihloko, umxholo kunye namaxwebhu lusetyenziselwe ukwenza uhlalutyo lwedatha yomgangatho. Uhlalutyo lomxholo lwenziwe ngokuhlalutya amaxwebhu ahlukeneyo angaphakathi afana nemizuzu yeentlanganiso, iingxelo kunye neencwadi ekwasekwe kuzo

izigqibo ezisebenzayo kunye nezicwangcisiweyo ezathathwa ngamagosa kamasipala. Injongo yesibini yophononongo ibikukuhlola umda apho ingeniso kamasipala iqokelelwe ngokufanelekileyo kubo bonke abahlali kunye nabahlawuli berhafu abahlala kwaye basebenza kulo masipala wendawo. Kwakhiwe uvavanyo lokufumanisa umda apho amagosa kamasipala anyuliweyo kunye nabasebenzi bathobela imiba yoMthetho woLawulo lweMali yoMasipala (MFMA) njengenxalenye yophando.

Isakhelo sethiyori yolu phononongo sisekwe kwithiyori yabachaphazelekayo ka-Edward Freeman (1999). Ithiyori ibonisa ukuba abahlali kunye nabahlawuli berhafu bomasipala bendawo ngabachaphazelekayo ababalulekileyo ekunikezelweni kweenkonzo zikamasipala. Isakhelo sethiyori sigxininisa ubuchule babasebenzi bamasipala bokubonelela ngeenkonzo ezisebenza ngokufanelekileyo nezifikelekayo kubahlali kunye nabahlawuli berhafu abahlala kwaye basebenza eMasipala weNdawo waseMamusa. Ithiyori yabachaphazelekayo isebenzisa imilinganiselo emi-4 yokunikezelwa kweenkonzo. Le milinganiselo emi-4 kukuzalisekisa zonke iimfuno zabachaphazelekayo, ukuqinisekisa inzuzo yokusebenza, ukuqinisekisa ukusebenza ngokufanelekileyo kokusebenza, kunye nokuqinisekisa ukuphendula kunye nobunkokeli obuhle ekwanelisekeni kwabo bonke abachaphazelekayo abafanelekileyo.

Iziphumo zibonise inkxaso eyomeleleyo yokuba uMasipala weNdawo waseMamusa uhlale uzimele kuRhulumente wePhondo laseNyakatho Ntshona, nokuba kwakuyimfuneko ukubonisa ubunkokeli obuhle, ukuphendula kunye nokungafihli kubo bonke abachaphazelekayo ukuze oku kwenzeke. Uphononongo lufumanise ukuba inqanaba langoku lokuthotyelwa kweenkqubo ezichazwe kwizikhokelo zocwangciso lolwakhiwo oludityanisiweyo (IDP) alonelanga. Abathathi-nxaxheba kuphononongo baxoxe ngelithi abasebenzi kunye namagosa anyuliweyo eMasipala weNdawo waseMamusa kufuneka baxhaswe ngoqeqesho emsebenzini ngezakhono ezikhethekileyo, ukuqokelelwa kwengeniso kunye nophuhliso lweziseko ezingundoqo zikamasipala ukuze bakhe amandla abawadingayo ukuze baphucule inqanaba labo langoku lokunikezelwa kweenkonzo zikamasipala kunye nokukhula kwezemali. Abathathi-nxaxheba kuhlolisiso bathi kukho imfuneko enkulu yokukhulisa uqoqosho lwasekuhlaleni ngokunikezela ngezikhuthazo ezinomtsalane ezinxulumene nerhafu kumashishini asekuhlaleni nawamazwe ngamazwe anengeniso. Abathathi-nxaxheba bavakalise umnqweno wabo wokusebenza ngokusondeleyo necandelo labucala ukunciphisa ubunzima bezemali nolawulo obufumaneka kulo masipala wendawo. Iziphumo zibonise ukuba abaphathi bomanyano bebengasebenzi ngokufanelekileyo ekuphuculeni umgangatho kunye nokusebenza ngokufanelekileyo kokunikezelwa kweenkonzo zikamasipala. Ixesha lokuqeshwa kwamagosa kamasipala anyuliweyo belingelide ngokwaneleyo ukubenza bakwazi ukusebenzisa ngempumelelo iinkqubo zolwakhiwo oludityanisiweyo lomasipala wendawo. Uphononongo lubonise imfuneko enkulu yobunkokeli obuhle, ukuphendula kubahlali kunye nabahlawuli berhafu kunye nokungafihli ekusetyenzisweni kwezixhobo zikamasipala. Iindawo ezibalulekileyo ezifuna ukunakekelwa ziquka ukudalwa kwamathuba emisebenzi kulutsha, ukuphuculwa kunye nokugcinwa kweziseko ezingundoqo zikamasipala eziqhubeka zizonakala, ukuhlawulwa kwamatyala kamasipala kubaboneleli beenkonzo, ukuncitshiswa kobuhlwempu phakathi kwabantu abahlala kulo

masipala wendawo. Abathathi-nxaxheba kuphononongo bathi ukukhetha iphela elithambileyo kwezopolitiko, ukulwa kunye nokungabikho kokuphendula kubantu kuphazamisa umgangatho kunye nokusebenza ngokufanelekileyo kokunikezelwa kweenkonzo zikamasipala kubahlali kunye nabahlawuli berhafu. Ngokusekelwe kwiziphumo ezifunyenwe kuphononongo, kwakhiwa isakhelo soMasipala weNdawo waseMamusa ngenjongo yokuphucula ukuqokelelwa kwengeniso kunye nomgangatho kunye nokusebenza ngokufanelekileyo kokunikezelwa kweenkonzo zikamasipala.

Amagama angundoqo: UMasipala weNdawo waseMamusa, iCandelo le-139 loMgaqo-siseko woMzantsi Afrika, Ukuzimela, Ukungahlawulwa kweenkonzo zikamasipala, Uhlalutyo lwezihloko