

The Chairperson

Municipal Demarcation Board

Eco Origins Office Park, Block C1

349 Witch-Hazel Avenue

Highveld 0157

22 April 2022

Dear Sir

Ref MDB29749

**COMMENT ON CIRCULAR 1 – 2023, AND PROPOSED SECTION 26
REDETERMINATION PROPOSALS AS PUBLISHED IN THE DAILY SUN ON 28
MARCH 2023:**

FREE STATE DEM6751

‘Proposed redetermination of the municipal boundaries of Maluti a Phofung Local Municipality (FS194) and Phumelela Local Municipality (FS195) by excluding Harrismith town and surrounding farms from the municipal area of Maluti a Phofung Municipality (FS194), and including it into the municipal area of Phumelela Local Municipality (FS194)’.

The Democratic Alliance rejects the proposal as published for the following reasons:

- The proposal in no way addresses the concerns we expressed in our submission received by your office on 24/03/2022, and acknowledged by reference number **MDB29749**. Our proposal was for the creation of a new municipality to include current wards 1, 3, 4, 5, 6, and 22, of the existing Maluti a Phofung municipality.
- The published proposal ignores entirely the Demarcation criteria in Part 2, Section 24 and 25 of the Local Government Municipal Demarcation Act 27 of 1998, which states:

'Demarcation objectives

24. When the Board determines a municipal boundary its objective must be to establish an area that would-

(a) enable the municipality for that area to fulfil its constitutional obligations, including-

(i) the provision of democratic and accountable government for the local communities;

(ii) the provision of services to the communities in an equitable and sustainable manner;

(iii) the promotion of social and economic development; and

(iv) the promotion of a safe and healthy environment;

(b) enable effective local governance;

(c) enable integrated development; and

(d) have a tax base as inclusive as possible of users of municipal services in the municipality.

Factors to be taken into account

25. In order to attain the objectives set out in section 24, the Board must, when determining a municipal boundary, take into account-

(a) the interdependence of people, communities and economies as indicated by

(i) existing and expected patterns of human settlement and migration;

(ii) employment;

(iii) commuting and dominant transport movements;

(iv) spending

(v) the use of amenities, recreational facilities and infrastructure; and

(vi) commercial and industrial linkages:

(b) the need for cohesive, integrated and unfragmented areas, including metropolitan areas:

- (c) the financial viability and administrative capacity of the municipality to perform municipal functions efficiently and effectively:*
- (d) the need to share and redistribute financial and administrative resources:*
- (e) provincial and municipal boundaries:*
- (f) areas of traditional and rural communities:*
- (g) existing and proposed functional boundaries, including magisterial districts, voting districts, health, transport, police and census enumerator boundaries:*
- (h) existing and expected land use, social, economic and transport planning:*
- (i) the need for co-ordinated municipal, provincial and national programmes and services, including the needs for the administration of justice and healthcare:*
- (j) topographical, environmental and physical characteristics of the area:*
- (k) the administrative consequences of its boundary determination on-

 - (i) municipal creditworthiness:*
 - (ii) existing municipalities, their council members and staff:*
 - (iii) any other relevant matter; and**
- (l) the need to rationalise the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, financial viability and macro-economic stability.'*

The proposal as presented, does not take into account the following factors highlighted in our initial comprehensive submission:

OUR SUBMISSION INTENDED TO RECTIFY THE IRRATIONAL AND EXTREMELY CONTROVERSIAL DECISION TAKEN PRIOR TO THE 2001 FIRST LOCAL GOVERNMENT ELECTION BY INCORPORATING FOUR TRANSITIONAL LOCAL COUNCILS INTO ONE MUNICIPALITY. THAT DECISION HAD THE EFFECT OF CREATING AN UNGOVERNABLE, NON-VIABLE, AND FINANCIALLY UNSUSTAINABLE MUNICIPALITY. OVER THE PAST TWENTY TWO YEARS THAT DECISION HAS BEEN PROVEN TO BE DISASTROUS, AND HAS CREATED ONE OF THE WORST LOCAL GOVERNMENTS IN THE COUNTRY, IN WHICH RESIDENTS

RECEIVE NO SERVICES, ECONOMIC DEVELOPMENT IS IMPOSSIBLE, AND THE MUNICIPALITY OWES R10 BILLION TO ITS CREDITORS.

The published proposal, furthermore, creates additional difficulties by ignoring the principles of demarcation in the following:

- Existing commuting and transport patterns between Harrismith, the industrial areas and residential areas of Tshiame, and the town of Kestell, 50km away.
- Spending patterns of Tshiame and Kestell residents who do business in Harrismith.
- Commercial and industrial linkages between Harrismith town and the historical industrial areas around Tshiame and Harrismith.
- The published proposal splits off part of an integrated community to join this piece with another distant and struggling local government.
- The areas of Harrismith, Intabazwe and Tshiame have over the past 30 years built a cohesive community, as expressed in the successful Greater Harrismith TLC, which finds employment and investment opportunities in the industries close to Harrismith and Tshiame.
- The current proposal would further destroy the financial viability of the Harrismith area, and would have a serious impact on the tax base and creditworthiness of the area.
- The current Harrismith magisterial district includes the area of Ward 1,4,5,6, and 22, which this proposal would splinter. The Harrismith Magistrates Court serves the area including current wards 1, 4, 5, 6 and 22, which this proposal would splinter.
- The Harrismith Police Station serves the entire area of Harrismith, its surrounding farms, Intabazwe and Tshiame – a population of 180 000. This proposal would equally splinter this policing service. Kestell has its own police station and Magistrates court.
- The Harrismith District Farmers Union covers the areas of current Wards 1,4,5,6 and 22 of Maluti-a-Phofung.
- Instead of creating a more cohesive, efficient, administratively coherent municipality, the published proposal envisions another vast, unwieldy and incoherent administrative unit with the distance between the outermost towns being in excess of 200km. This would require four different basic administrative units in each of the four towns.

We reiterate our demand that a new municipality be created which includes the entire current areas of:

Maluti-a-Phofung Ward 1 - Registered Voters 5848

Vds: 22210096, 22210085, 22400244, 22400570, 22400637, 22400659

Maluti-a-Phofung Ward 4 - Registered Voters 5560

Vds: 22210175, 22210186, 22210221, 22210063, 22210074, 22210142, 22210232

Maluti-a-Phofung Ward 5 - Registered Voters 5767

Vds: 22210131, 22210254, 22210164, 22210120, 22210041, 22210030, 22210243

Maluti-a-Phofung Ward 6 - Registered Voters 5534

Vds: 22210265, 22400615, 22400389, 22400378, 22400648, 22400356, 22400323, 22210209, 22210029, 22210018, 22400334

Maluti-a-Phofung Ward 22 - Registered Voters 5632

Vds: 22210052, 22210108, 22210276, 22210119, 22210153

Maluti-a-Phofung Ward 3 - Registered Voters 5846

Vds: 22400075, 22400626, 22400569, 22400536, 22400491, 22400367, 22230054, 22230043, 22230032, 22230010, 22210197, 22230021

The total population of our proposed area is **220 000**

The total number of registered voters in our proposal is **34 187** spread over **48** voting districts.

It must be noted that the Local Government Municipal Demarcation Act 27 of 1998 places no maximum or minimum limit on population size in the act of demarcating municipalities. There are many examples in South Africa of successful, viable and sustainable municipalities such as Cederberg with a population of 49 768, and Bitou with a population of 49 162.

THE PUBLISHED PROPOSAL DEM6751 MUST BE REJECTED AS IT IS IRRATIONAL IN TERMS OF THE LOCAL GOVERNMENT MUNICIPAL

DEMARCATIION ACT 27 OF 1998, AND WOULD SIMPLY REPLACE THE CURRENT UNGOVERNABLE CONFIGURATION OF MALUTI-A-PHOFUNG WHICH INCORPORATED FOUR TRANSITIONAL LOCAL COUNCILS INTO ONE UNIT, WITH AN EQUALLY UNWIELDY AND IMPOSSIBLE TO ADMINISTER MUNICIPALITY.

THE PUBLISHED PROPOSAL MAKES NO SENSE AND WILL BE REJECTED BY THE COMMUNITY OF THE GREATER HARRISMITH, KESTELL AND PHUMELELA.

IT IS CLEAR THAT THE MUNICIPAL DEMARCATIION BOARD DID NOT APPLY ITS MIND TO THE SUBMISSIONS, AND SIMPLY PUBLISHED THIS PROPOSAL TO APPEASE SOME PERCEIVED FRUSTRATION IN THE HARRISMITH COMMUNITY.

The Municipal Demarcation Board must seriously apply its mind to the demand from the community of the Greater Harrismith and Kestell, to be removed from the current Maluti-a-Phofung municipality, and that a sustainable and viable municipality be created to align as closely as possible with the Greater Harrismith and Kestell Transitional Local Councils which existed prior to 2001.

I trust that this comment will receive the serious consideration which it deserves.

I am willing to testify should the MDB wish to establish an investigating board or committee as envisioned in Section 30 of the Demarcation Act.

Kind regards

Leona Kleynhans, Member of the Free State Provincial Legislature.

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