



Is Section 139 (5) of the Constitution adequate to address all of the problems of Makana Municipality?

By LUNGILE PENXA

Makana civic organizations are mostly calling for the municipality to be placed under full administration. If it is feasible, the provincial COGTA, the office of the Premier and Provincial Treasury can intervene in Makana Municipality under section 139 (1) (b) (i) (iii) and s139 (5) (a). If the previous interventions by these 3 provincial departments were implemented by the Municipality, this will increase chances of them intervening again. If not, it means that their efforts were undermined by the municipality decreasing the chances of them intervening with the hope that things will change. They will be intervening for the sake of compliance. It is important to also think about whether these provincial departments have capacity or not to implement full administration in Makana Municipality since most municipalities in the province and in the entire country are in a financial and administrative crisis.

The Makana Unity League is proposing an intervention under section 139(5) of the RSA Constitution. Section 139 (5) of the Constitution is about a financial assistance which is not the root cause of the problem in the Makana Municipality; the municipal problems require more than just money.

When the municipality was previously placed under administration based on Section 139 (1) (b), there was a financial recovery plan in place to assist the municipality. Did the municipality implement this recovery plan? How effective was it to address the problems of the municipality which still persist today? Did the Eastern Cape COGTA, Premier and the Eastern Cape Provincial Treasury monitor the implementation of this recovery plan?

If they did, how effective or not effective was this plan to stabilise the municipal finances. The current financial problems are clearly signs that the Municipal problems are more than just money. In every ordinary or special council meeting I have attended, the Speaker and her council always strongly argue against the amount of money spent on the administrative staff overtime; the municipal staff who are always roaming around time, lying down behind the Shoprite lawns, and underperforming on their administrative duties.

I strongly argue for an urgent provincial government intervention from COGTA and the Premier that will ensure that there is a permanent Municipal Manager which is qualified and competent to lead and manage the administrative staff of Makana Municipality. Currently, there is a dissatisfaction from the public, and the Municipal Council on the conduct of the municipal staff which affects the few dedicated staff.

What is the majority of Makana residents doing about their dissatisfaction with its municipality?

There are no consequences for the actions of the underperforming staff, because the existing performance management system is not implemented.

Makana Municipality needs a Municipal Manager to function effectively and efficiently. A Municipal Manager is also an accounting officer of the institution, it is therefore necessary to urgently have one so that accountability within the Makana Municipality can be implemented from senior management to the lowest ranked officials.

A municipal manager is further necessary to ensure that the existing municipal staff implement all the plans and interventions created to save the Municipality to improve its revenue even before seeking external financial assistance.

- *Lungile Penxa is the Local Government Researcher at the Public Service Accountability Monitor, School of Journalism and Media Studies, Rhodes University. This is Penxa's full response – part of which was quoted in an article in Grocott's Mail 'Concern at call for administration' Page 5, 7 July 2017.*