Municipal Demarcation Board

In-depth qualitative capacity assessment: Fezile Dabi District Municipality

FINAL

29 June 2012

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1 Introduction

This report represents the findings of the in-depth qualitative assessment of capacity in Fezile Dabi District Municipality and its respective local municipalities, namely Moqhaka, Ngwathe, Metsimaholo and Mafube. Fezile Dabi is one of nine pilot cases being assessed this year as part of the Municipal Demarcation Board's Capacity Assessment process covering the 2010/2011 Municipal Financial Year.1

The qualitative assessments aim to better understand the capacity spread across the district and local municipalities and to assess the effectiveness of the current institutional arrangements specifically for the following municipal functions:

- Municipal roads
- Refuse removal, refuse dumps and solid waste disposal
- Fire fighting services

This study therefore aims to assess the role of the district and local municipalities in delivering these functions.

1.1 Research questions

The assessment seeks to answer the following research questions:

- What are the current arrangements and capacity levels in delivering the service?
- What are the performance challenges in delivering the service?
- What are the underlying causes of the performance challenges?
- What role does capacity play in terms of impacting on performance?
- Would an MEC adjustment of the function assist in addressing the challenges identified?
- If so, what are shifts that should be considered?
- What are the prerequisites for such a shift?
- What are the implications of an MEC adjustment to the delivery of the function?

1.2 Methodology for qualitative process

The process for conducting the assessments included the following steps:

1.2.1 Initial communication through letters

The MDB distributed letters to each of the selected Districts' Municipal Managers and the local municipalities' Municipal Managers.

1.2.2 Telephonic engagement with the municipal managers

A preliminary telephonic interview was undertaken with the Municipal Manager of Fezile Dabi District in order to gain a sense of current institutional and financial arrangement and to provide some background to the context in this district.

The district was also asked to host the engagements/ workshops.

[1] These qualitative assessments follow on from the quantitative data collection process of the MDB which entailed gathering capacity data from all municipalities in the country.

1.2.3 Focus group discussion

In Fezile Dabi District it was agreed that a full-day focus group session would take place with all Municipal Managers as well as the responsible managers for fire, solid waste and roads, in attendance. The session took place on 15th June 2012. Unfortunately, although the municipal managers had agreed to attend, they were called out on other urgent meetings and were therefore not in attendance.

1.2.4 Background research to context

Background research included making use of the Municipal Capacity Assessment data provided by municipalities this year and collecting relevant secondary data.

1.2.5 Assessment report

The final output of the assessment is a report capturing the main findings and presenting an analysis of the context and institutional and financial arrangements.

1.3 Structure of this assessment report

The remainder of this report is structured as follows:

- Overview of the Municipal Structures Act Section 84
- Background to the Fezile Dabi District
- Assessment of Fire Services Function
- Assessment of Solid Waste Services Function
- Assessment of Roads Function
- Summary and conclusion

2 Section 84 of the Municipal Structures Act

Section 84 of the Municipal Structures Act advocates a split in authority between local and district municipalities for the three chosen functions. There is often contention or lack of clarity around the sharing of these responsibilities, and as a result the assessments focused on the roles of the local and district municipalities in delivering these functions.

Table 1: Powers and Functions

Performing Function	***Roads***	***Solid Waste***	***Fire-fighting***
Fezile Dabi	×	×	✓
Metsimaholo	✓	✓	✓
Mafube	✓	✓	×
Moqhaka	✓	✓	✓
Ngwathe	✓	✓	✓

Table 1 draws results from the Municipal Capacity Assessment quantitative data collection process. The results are skewed because Mafube LM had not yet begun to answer questionnaire at the time of the workshop. Nevertheless, after consultation with the municipal representatives, the powers and functions were and clarified and

are depicted in Table 1. The local municipalities are solely responsible for the performance of the solid waste and roads functions, whereas the fire-fighting function is shared with Fezile Dabi DM. The dynamics of the relationship will be explored in the later sections.

3 Background to Fezile Dabi DM

Fezile Dabi District Municipality, situated in the Free State, (DM) comprises of four local municipalities, as shown in Table 2 and Figure 1. Fezile Dabi is a C1 District Municipality which means that it is neither a Water Services Authority nor does is have any service delivery obligations.

Table 2: Demographics of Fezile Dabi DM and its Local Municipalities (Report Card, IDP 2011)

Municipality	*Municipal Category*	*Households*	*Household used in analysis*	*population*	*GDP per capita*
Moqhaka	B2	64 898	66 254	170 525	20 909
Ngwathe	B3	32 871	32 719	95 188	13 957
Metsimaholo	B2	37 319	38 100	154 658	37 909
Mafube	B3	14 006	13 940	53 721	7 367
Fezile Dabi	**C1**	**149 094**	**151 013**	**474 092**	**23 525**

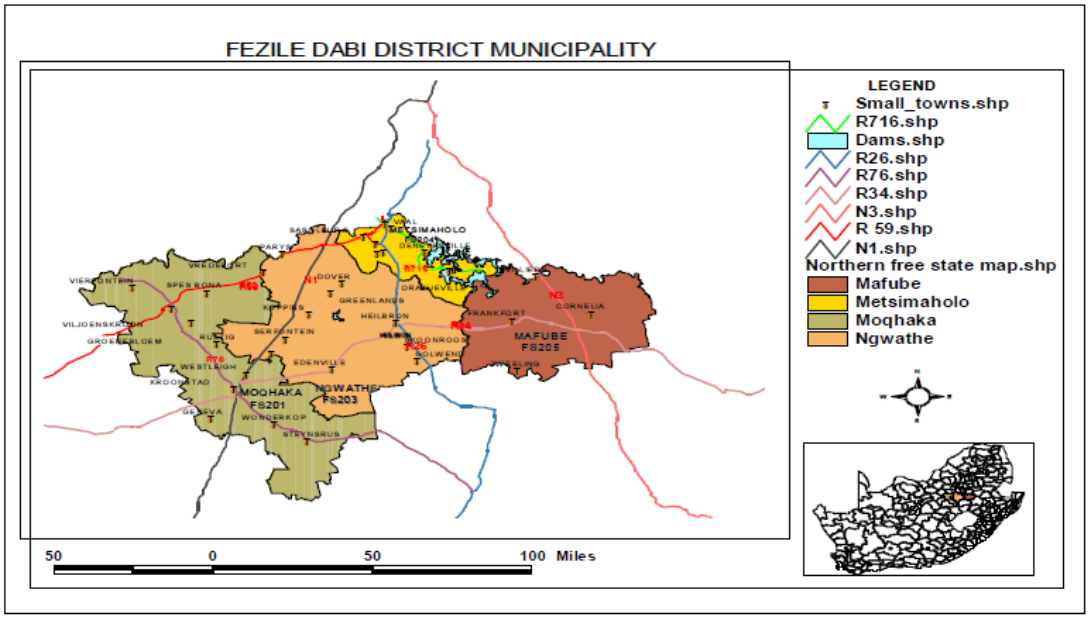


Figure 1: Fezile Dabi DM (IDP, 2011)

Fezile Dabi District Municipality consists predominantly of an urban population, with 80% of the households residing in urban settlements. The settlement split often impacts the municipalities' ability to raise property rates revenue in addition to influencing level of service delivery.

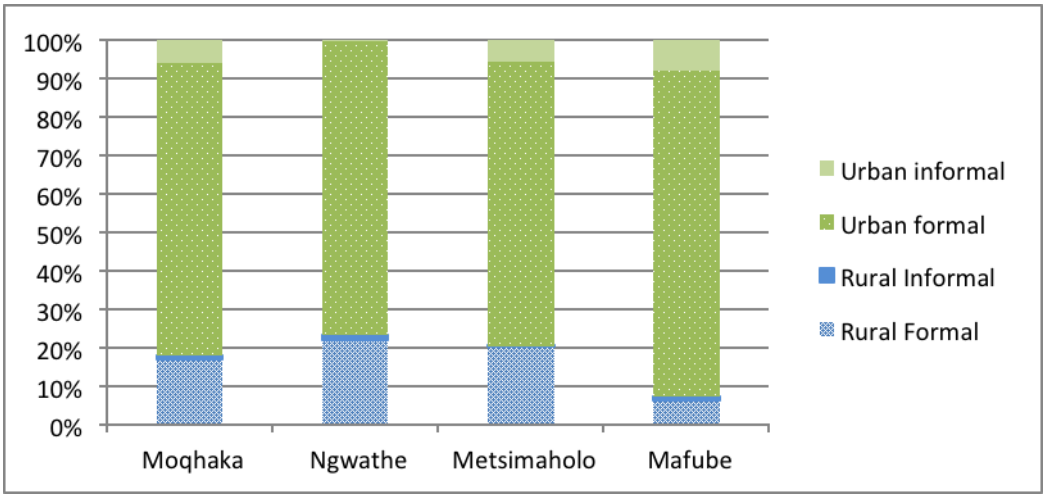


Figure 2: Urban/Rural Split (2001 Census, StatsSA 2003)

4 Financing

4.1 Operating Account

Fezile Dabi's total budgeted operating expenditure is divided into salaries and wages (31%) and "other" expenditure (67%).

The local municipalities have a similar operating expenditure profile, whereby salaries and wages and 'other expenditure' dominate the cost structure. Metsimaholo is the only municipality who budgets for water and electricity bulk purchases. This is surprising since Metsimaholo, Moqhaka and Ngwathe claim to be responsible for performing the electricity and water supply function.

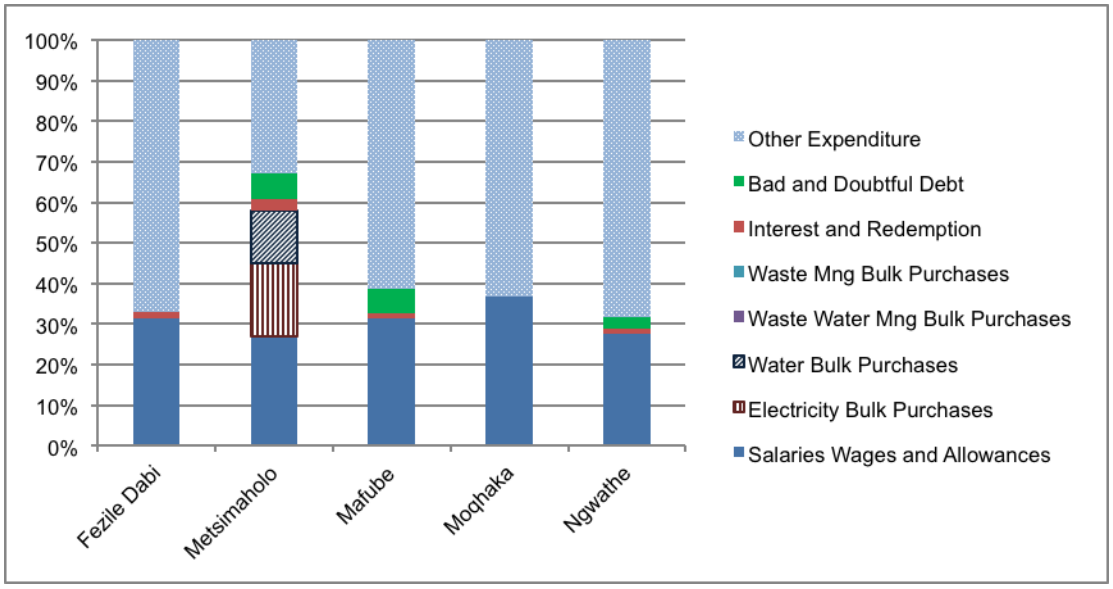


Figure 3: Budgeted Operating Expenditure Distribution (National Treasury 2011)

Fezile Dabi is heavily reliant on transfers and subsidies, which constitutes 85% of its total revenue, with "other" revenue contributing the remaining 15%. Mafube and Ngwathe expect to receive a small proportion (between 5% and 9%) of their revenue from property rates, but most of their revenue is generated from transfers and subsidies and 'other' revenue sources.

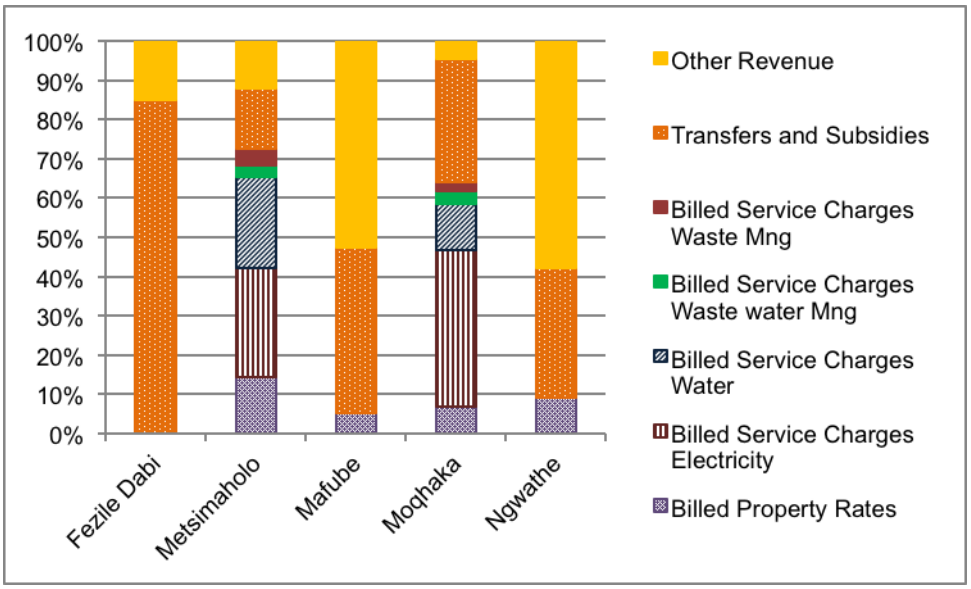


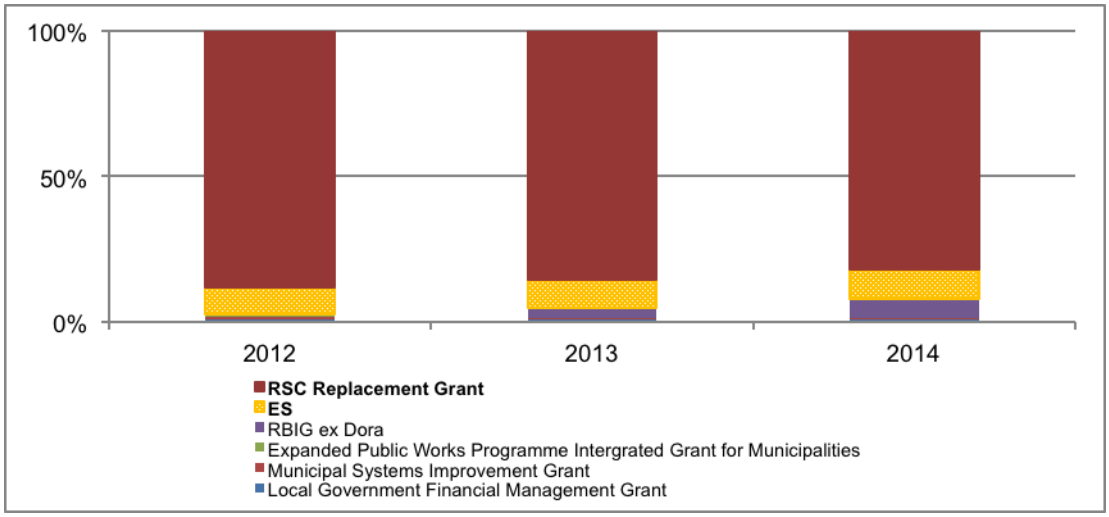
Figure 4: Operating Revenue % Distribution (National Treasury 2011)

Metsimaholo and Moqhaka both expect to receive revenue from water and electricity charges. It is curious that 40% and 12% of Moqhaka's budgeted revenue comes from electricity and water charges respectively and yet it does not budget for either of these services. The budgeted revenue published by National Treasury relates to the fiscal capacity of the municipalities and not the fiscal effort. This means that actual revenue collected could differ substantially from these graphs.

4.2 Transfers

The graphs in Figure 5 indicate a clear reliance of Fezile Dabi on the RSC Levy Replacement Grant. In 2012, Fezile Dabi receives R118 million from this grant and R12.7 million from the Equitable Share (DORA, 2012). The RSC Levy Replacement Grant is not a properly harvested fund can be used at the discretion of the District Municipality.

Figure 5: Fezile Dabi's Transfers 2012-2014 (DORA, 2012)



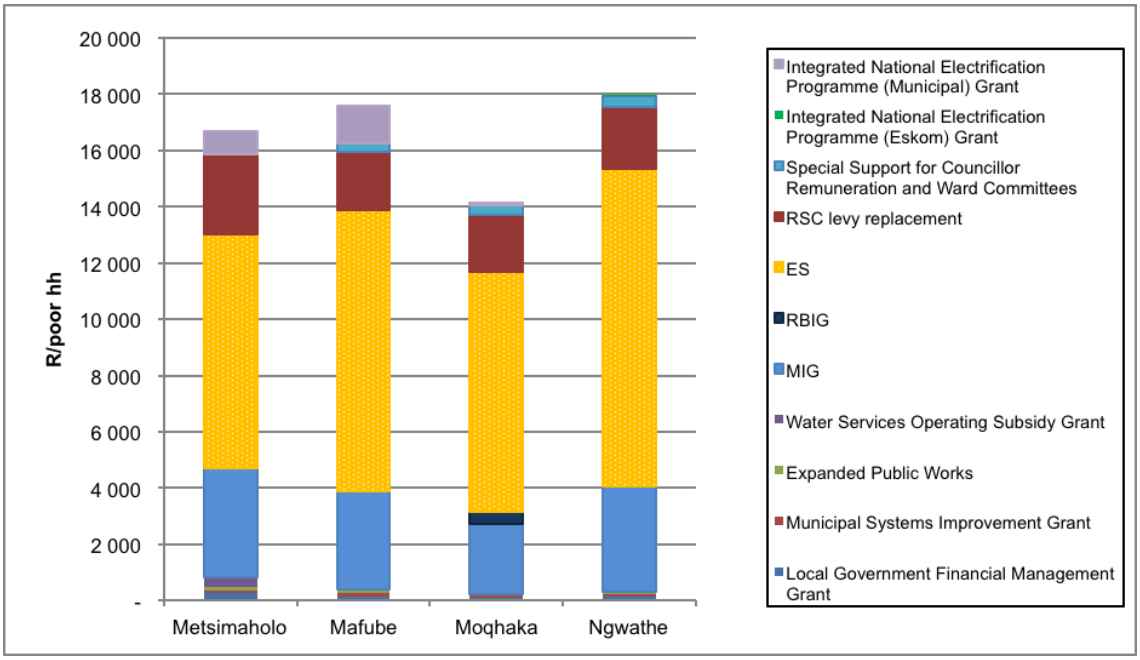


Figure 6 describes the transfers to the LM's per poor household. The Equitable Share (ES) is the prominent transfer, followed by the Municipal Infrastructure Grant (MIG). The ES, which is based on the four trading services and the municipal health service, accommodates solid waste, but does not account for public services such as roads or fire fighting. On average, the LMs receive around R9 500/poor household from the ES.

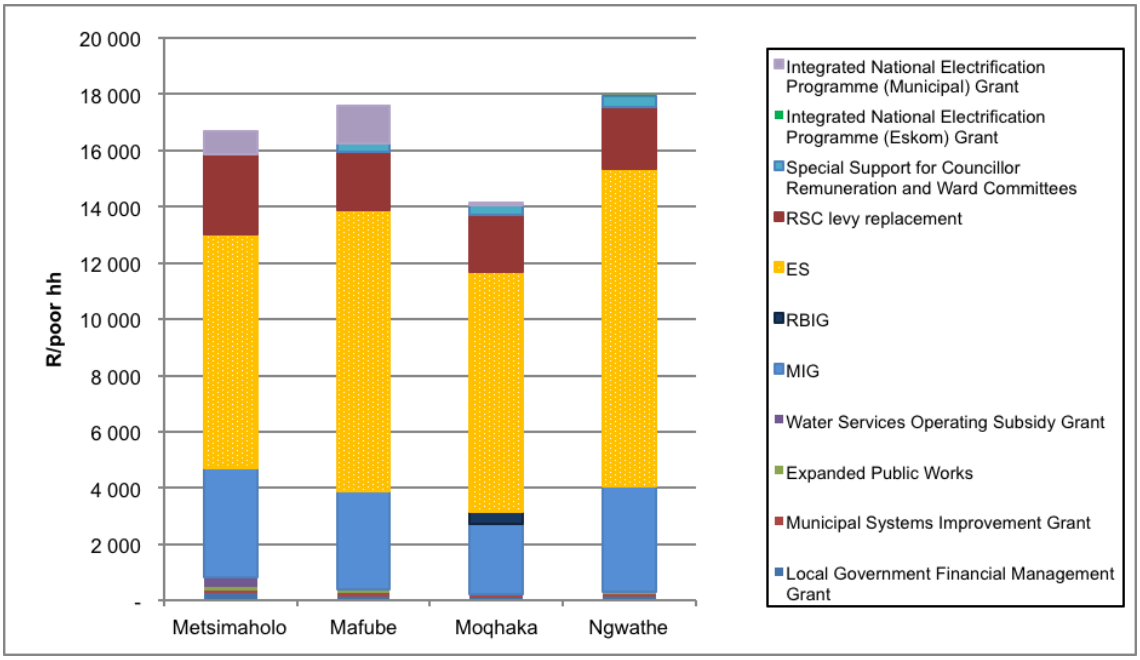


Figure 6: Transfers to LMs per poor household (DORA 2012)

4.3 Staffing

Information in this section derives from the Municipal Capacity Assessment report cards, cards, which is based on data supplied by the municipalities. There is substantial data missing missing and thus the results should be treated with caution. Table 3 and

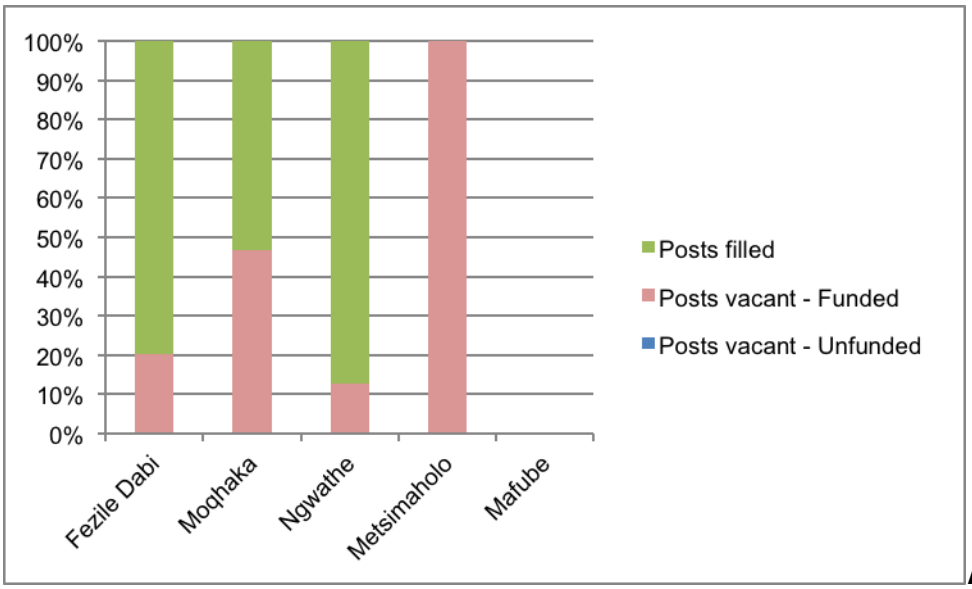


Figure 7 describe the 2010/2011 staff employment figures and

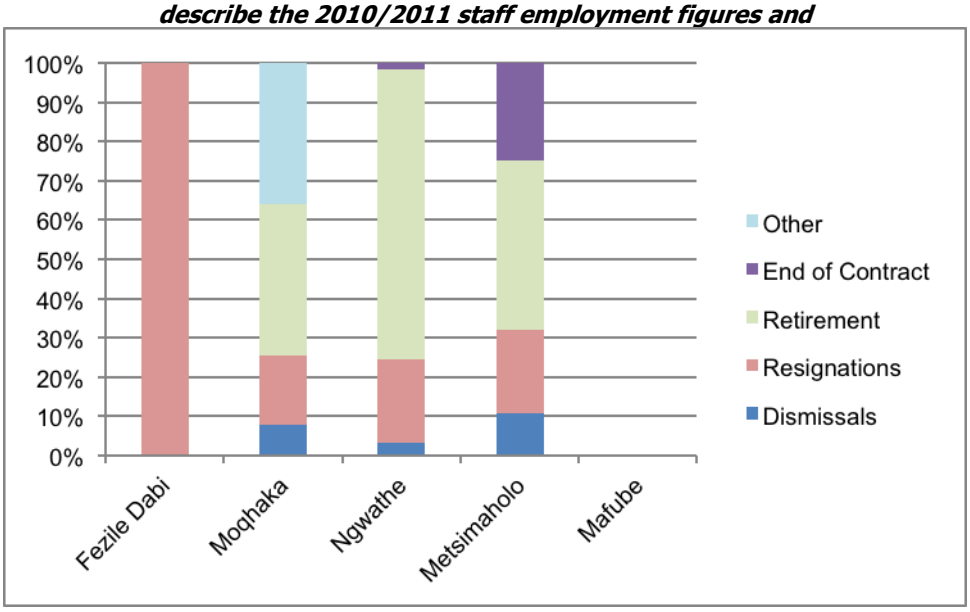


Figure 8 shows the staff departures for the same year.

Table 3: Staff Employment

	Fezile Dabi	***Moqhaka***	***Ngwathe***	***Metsimaholo***	***Mafube***
Total number of staff employed	119	802	718	841	No data
Ratio of staff employed relative to total number of posts filled	100%	53.20%	110.00%	No data	No data
Total number of posts in organogram	149	802	904	1 080	No data
Total number of exits	2	39	65	28	0

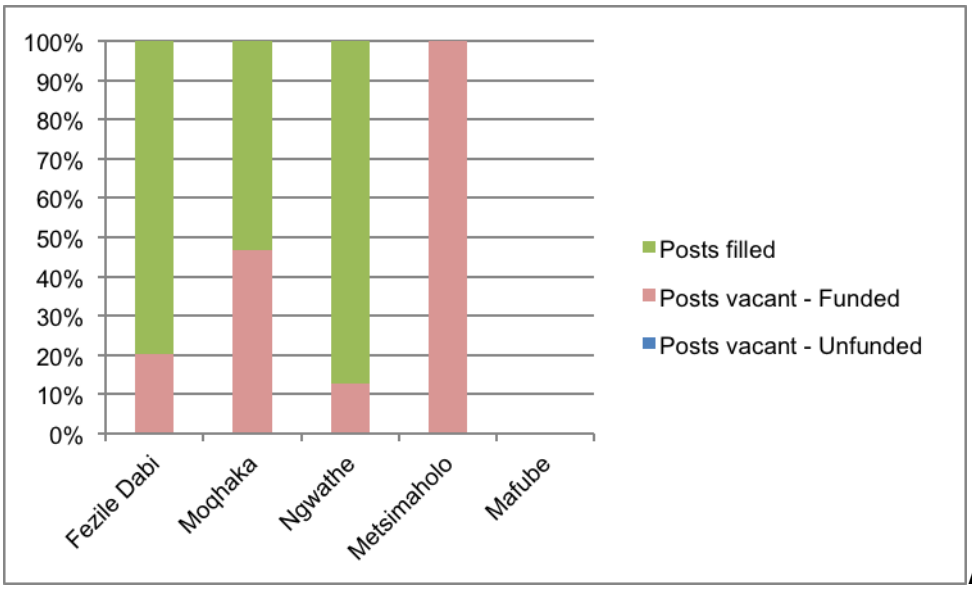


Figure 7: Staff Employment

It appears that there is an error on Metsimaholo's questionnaire, since the results in Table 3 and

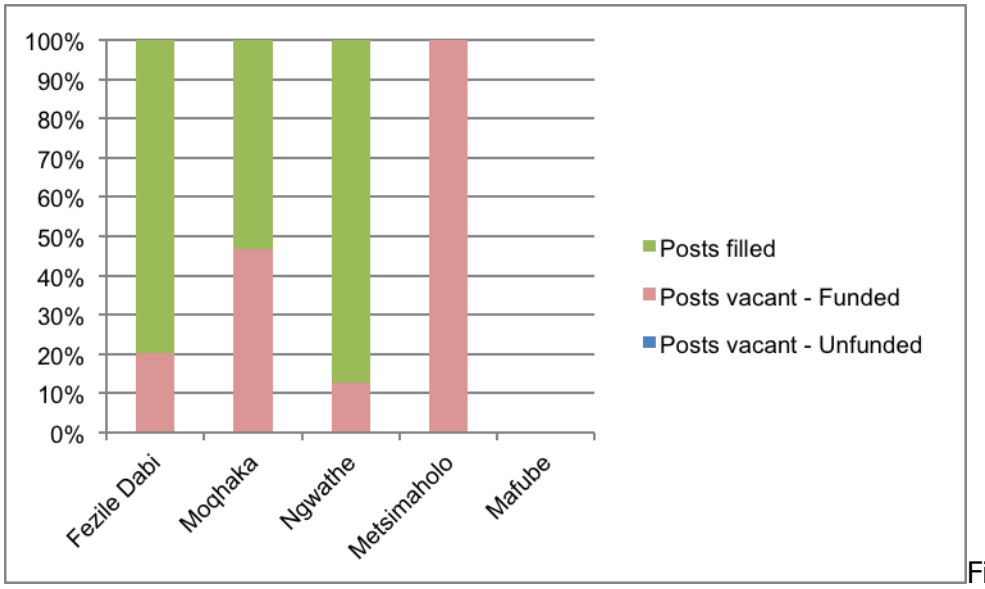


Figure 7 are contradictory.

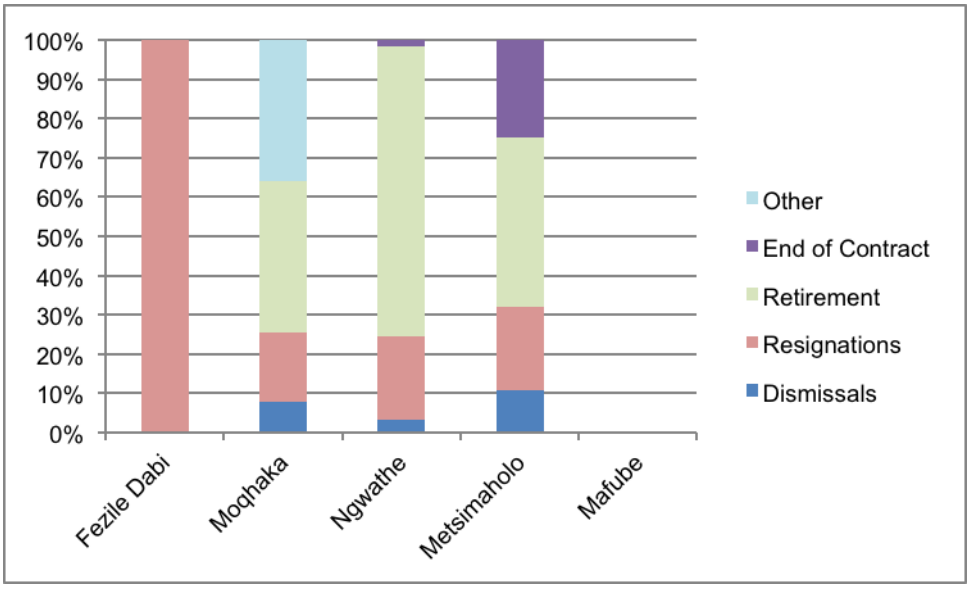


Figure 8: Staff Exits

Ngwathe had the most number of staff exits (65), and 74% of these are attributed to retirement reasons. Retirement was also the main reason for the staff departures in Moqhaka and Metsimaholo.

5 Fire-fighting

5.1 Current Arrangement

The three local municipalities, Moqhaka, Metsimaholo and Ngwathe, perform the fire-fighting function without any support from Fezile Dabi. They budget for the function and provide the necessary equipment, machinery and staff. Funds are generated through property rates.

Mafube LM has not been rendering the fire-fighting service, and thus Fezile Dabi DM has recently stepped in to support Mafube Local Municipality.

The District established the office, employed staff and has supplied resources (machinery and equipment) and funding to enable the functioning of the fire-fighting unit. This explains the DM's investment in staff and equipment as depicted in Table 4. The District chose to assist Mafube because it was a case of priority.

The high rate of vacancies, shown in Table 4 within the fire-fighting function should be highlighted. The large number of staff departures, portrayed in Table 3 could be an underlying factor.

Table 4: Fire fighting function

	% staff professional	*% posts vacant*	*No. fire-fighters*	*No. fire trucks & emergency vehicles*	*No. fire stations*
Fezile Dabi	11.10%	25%	13	3	1
Metsimaholo	0%	32.4%	25	3	1
Moqhaka	33.3%	63.2%	19	7	1

Ngwathe	*No data*	46.7%	*No data*	*No data*	*No data*
Mafube	n/a	n/a	n/a	n/a	n/a

5.2 Assessment of current arrangements

Performance Challenges and Underlying Causes

The municipalities are severely lacking resources and the distance they are expected to cover in emergencies is far too large (greater than 105km). The technical manager in Moqhaka explained that they have one station, one fire engine and four staff on duty, and using only these resources, it is impossible to render the service adequately. All three municipalities have old technology, and the latest edition to their fleets was apparently in 1994. Capacity is an overarching challenge for the fire-fighting units.

Table 5: Performance Indicators

	% fire services responded to within 7min	*Approved Disaster Plan*
Fezile Dabi	*No data*	yes
Metsimaholo	100%	yes
Moqhaka	80%	yes
Ngwathe	*No data*	yes
Mafube	n/a	n/a

Other than the lack of resources, the municipalities indicated that there is no clear suggestion as to how the "sharing" of the fire-fighting function should be executed. The Act[2] makes provision for joint-authority and yet there is no clear understanding as to how this division really works in reality.

5.3 Assessment of alternative arrangements

Going forward – addressing performance challenges

It was proposed that a Memorandum of Understanding (MOU), which clearly outlines the roles and responsibilities of the local and district municipalities, be drawn up. Fezile Dabi indicated that they are visibly moving towards more involvement in the fire-fighting function and the new appointment of district chief fire operator and the purchasing of vehicles for Mafube LM was evidence of such a move. The LMs claim that since the DM is increasing its involvement in performing the function, it is even more important that a MOU be created so that the division of roles can be understood from the onset.

[2] Section 84 of the Structures Act: 'In relation to the district municipality, "fire fighting" means fire brigade services serving the area of the district municipality as a whole intended to be employed for preventing the outbreak or spread of a fire, and includes-

- planning, co-ordination and regulation of fire services;
- specialised fire fighting services such as mountain, veld and chemical fire services;
- co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures;
- training of fire officers.

Local municipalities proposed that strategic points around the district be selected as fire units from which the service can be run. It is suggested that these units be located close to the "hot-spots" and priority areas and close to the people who need them. It was proposed that the District needs coordinate these strategic points and the LM has welcomed further participation from the DM.

However, the local municipalities stressed that the process in which the MOU is derived is as important as the MOU itself. Pilot schemes need to be initiated and liaison with the Provincial MECs needs to take place, before any decisions are made by the MEC. The LMs stressed the importance of Provincial Government engaging in the process and believe improved communication is needed between these tiers of government.

5.4 Conclusion and Recommendations on Fire Services

The municipalities agree that the principle of subsidiarity should be applied to the fire-fighting services and that the function should continue to be performed at the local municipality level. To overcome the technical issue of distance, it was proposed that key strategic units be created. The LMs welcome more involvement from the DM, and believe that the DM has a role to play in the coordination key strategic units and could assist in further resource provision.

It is advised that a MOU be established to iron out the uncertainties regarding the institutional arrangements.

6 Solid Waste

6.1 Current Arrangement

The local municipalities perform the solid waste function and are both the service authorities and providers. The local municipalities do not receive any assistance from the DM and provide the service using their own funds.

Table 6 shows that Fezile Dabi is not involved in the delivery of the solid waste function. In 2008, the DM funded the Integrated Waste Management Plan and in the past the DM was involved in the licensing of waste disposal sites, but since then Fezile Dabi has distanced itself from waste management and does not perform any distinct functions. The District believes that gaps have been created since the establishment of the Municipal Health function and that these should be addressed.

Table 6: Solid Waste Function

	Refuse Removal	***Refuse dumps/solid waste disposal***	***cleansing***
Fezile Dabi	×	×	×
Metsimaholo	✓	✓	✓
Moqhaka	✓	✓	✓
Ngwathe	✓	✓	✓
Mafube	✓	✓	✓

Although there is substantial staff data missing in Table 7, it appears that there are no professional engineers, technologists or technicians involved in solid waste in the

district. There is a high level of service delivery in Metsimaholo and Moqhaka with 80% and 100% of the household receiving kerbside collection respectively.

Table 7: Staff and Performance Indicators

	% staff professional	*% posts vacant*	*Integrated Waste Management Plan*	*% eligible for kerbside collection*	*% registered municipal owned landfill sites*	*% waste recycled*
Fezile Dabi	n/a	n/a		n/a	n/a	n/a
Metsimaholo	0.9%	28.3%	no	80%	100%	10%
Mafube	n/a	n/a	n/a	n/a	n/a	n/a
Moqhaka	0%	48.1%	yes	100%	66.7%	10%
Ngwathe	No data	No data	no	No data	No data	No data

6.2 Assessment of current arrangements

6.2.1 Performance Challenges

A shortage of resources and staff plague the municipalities. The old vehicles in Metsimaholo are constantly breaking down, and as a result service delivery is constantly disrupted. The waste handling equipment and the waste compactors are old and carrying out the weekly solid waste collection is a challenge. The municipality is struggling with major backlogs, for example, Metsimaholo has three informal settlements, consisting of 3 000 households each, with no access to refuse removal. One can conclude that Table 7 overestimates the municipalities' performance in terms of service delivery.

Ngwathe has five landfill sites, of which two are licensed. The municipality has more than 5 000 households who have do not have refuse bins, and illegal dumping occurs as a consequence. There is only one compactor and as a result the operator often has to work 14 hour shifts at a time. Mafube experiences the same problems of illegal dumping and aging equipment.

The government garage houses vehicles, however, it is problematic to access the vehicles and hiring is often more costly than acquiring the vehicles elsewhere.

6.2.2 Underlying Causes

Illegal dumping stems from the poor condition of the landfill sites. Since they are not fenced, unauthorised access is inevitable and it has attracted dangerous people who threaten the safety of users. Municipalities charge a landfill site dumping fee tariff, but since access to the dumps are dangerous, and no regulation takes place, the tariffs are seldom collected.

Population growth is a key challenge. The large influx of people to Fezile Dabi, compounded by the fact that solid waste is now classified as a free basic service, means that the municipalities are struggling to deliver the services and address the growing backlogs.

The municipalities complained that red tape has hindered people from recycling and beginning recycling initiatives.

The municipalities believe that proportion of ES and MIG that is assigned to waste management is not properly allocated and is not aligned to the actual costs of performing the function. A review of the grants should take place.

The Integrated Waste Management Plan (IWMP) is not recognised as a comprehensive plan, since it is a high-level desktop study that does not address the local issues. A plan which is relevant to each municipality needs to be created and the local municipalities need the district to assist them.

6.3 Assessment of alternative arrangements

Going forward – addressing performance challenges

Centralisation vs. Decentralisation

It is difficult to identify suitable landfill sites since the region possesses chemical related refuse, heavy mining activity and experiences ground water levels close to the surface. Municipalities have been requested to identify five possible landfill sites and after analyses are performed, two sites will be chosen. However, the landfill sites are reaching their capacity faster than which municipalities are able to identify additional, suitable land. It is requested that municipalities engage with one another and with Fezile Dabi to identify a regional or central area which can serve all the municipalities.

However, not all the local municipalities are convinced by the benefits of a regional landfill site. Metsimaholo doubts that any of the local municipalities have the capacity to manage such a site, which will involve the establishment of a weigh-bridge proper regulation. Distance is also a concern, as the LM doubts that residents will drive hundreds of kilometres to dispose of their waste.

However, the introduction of transfer stations, whereby the haulage from transfer stations to regional landfill sites is centralised, was also proposed and this will address the challenge of distance.

COGTA has been engaging with Fezile Dabi and the local municipalities to discuss the issue of centralisation and will take the debate further.

District Role

Fezile Dabi sees itself playing a greater role in terms of solid waste management. The District believes that gaps have been created since the establishment of the Municipal Health portfolio and they believe that in addition to rendering this service, they can also provide more assistance to the LMs, particular in terms of landfill sites.

Shared Service Centre

Fezile Dabi was chosen to pilot a Shared Service Centre, through which struggling municipalities can be supported. However, due to lack of political support, the concept has not been taken further.

6.4 Conclusion and Recommendations on Solid Waste

The underlying causes of the performance challenges relate to a shortage of infrastructure and skills in addition to ill-managed and regulated landfill sites. It was also proposed that the DMs and LMs engage on solid waste issues and arrange regular meetings. The DM should continue discussions around Regional Landfill sites as this could address the capacity challenges which face the LMs.

Although there isn't any contention over Section 84 of the Structures Act[3], an MOU around the roles of provincial, district and local municipalities was requested. Clarity around issues such as hazardous waste also needs to be discussed.

7 Roads

7.1 Current Arrangement

The local municipalities are responsible for the general maintenance and upgrading of the roads. The District has little involvement in the roads function, although there are claims that it assists Mafube in maintaining the rural roads between the farms.

A further breakdown of the performance of the function is showed in Table 8.

Table 8: Performance of Roads Function

	Municipal roads	***Storm water systems in built-up areas***	***Municipality performs the 'District' roads function***
Fezile Dabi	×	×	×
Metsimaholo	✓	✓	✓
Moqhaka	✓	✓	×
Ngwathe	✓	✓	×
Mafube	×	×	×

However, municipalities do not distinguish between municipal and district roads as depicted in the table, but only differentiate between national, provincial and municipal roads.

According to Table 9, there are only 2 technicians, 3 technologists and no registered planners in all the municipalities and less than 5% of the staff are professionals. There is a high vacancy percentage (70%) in Moqhaka municipality and 25% vacancy in Metsimaholo.

Table 9: Staffing Skills

	% staff professional	***% posts vacant***	***No. technicians***	***No. technologists***	***No. registered planners***
Fezile Dabi	n/a	n/a	n/a	n/a	n/a
Metsimaholo	1.7%	25.3%	2	1	0
Moqhaka	4.2%	70%	0	2	0
Ngwathe	No data	No data	0	No data	No data

[3] "District municipalities to undertake the following: 'Solid waste disposal sites, in so far as it relates to-

- the determination of a waste disposal strategy;
- the regulation of waste disposal;
- the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality'.

Mafube	n/a	n/a	n/a	n/a	n/a

7.2 Assessment of current arrangements

Performance Challenges

Capacity issues

There is a major lack of resources: in Moqhaka, there are only four technicians and no operators. They do not have the appropriate software for designs and as a result, still have to design by hand. There is knowledge, but no resources or relevant systems in place. Risk analyses are done based on visual assistance only, and they do not have a proper roads maintenance plan.

Road worthiness

Although residents complain of potholes, the problems lie much deeper, as the roads have not been sealed for the past 15 years and in order to fix the roads properly, a budget of around R70-R80 million/annum (per municipality) is in order. The lack of refurbishment is a major concern.

The performance indicators show that all the municipalities monitor the condition of the roads. Ngwathe and Metsimaholo indicate that 50% and 69% of their roads are in good condition respectively, whereas in Moqhaka only 11% of the roads are in "good" condition.

Table 10: Performance Indicators

	Monitor Paved Roads Condition	***% roads in "good" condition***
Fezile Dabi	n/a	n/a
Metsimaholo	yes	69%
Moqhaka	yes	11%
Ngwathe	yes	50%
Mafube	n/a	n/a

Legal Issues

Claims have been lodged against the municipalities for damages due to potholes and other accidents. Legal claims are costing the local municipalities, when in many cases; the damages are due to the poor maintenance on provincial roads, and not municipal roads. Courts also indicate that municipalities need to ensure that there are adequate fences to keep stray animals off the roads (another cause of accidents). There are 1 500 head of cattle in Metsimaholo over whom there is no control. Theft of fences is a major issue and the municipalities believe that the agricultural department needs to come on board to assist the municipalities in their predicament.

Underlying Causes

Population Pressures

Fezile Dabi experiences high population growth with one official estimating this to be of the order of of around 25% per annum and this is becoming a socio-economic problem. The district is close to Gauteng and people are migrating from the City of JHB and Tshwane to towns such as Krugersdorp, Parys, Sasolburg and Heidelberg. In the rural areas, farming communities have reduced their staff numbers, another cause for

people to flock to the larger cities. Sasolburg is increasingly switching from manpower to machinery and so jobs are not increasing at the same rate as the population influx.

This is putting pressure on all services and there is an estimated 6 000 households in the informal settlements who have no services. The budget allocation is not increasing at the same rate as the influx of people. The municipality is unable to increase rates and taxes and tariffs to the degree necessary and the number of indigents requiring free basic services is increasing also rapidly.

Funding

Moqhaka receives funding from MIG, through the submission of business plans, and from Human Settlements. The MIG funding is limited and can only be used for historically disadvantaged areas, while the funding from Human Settlements is to be used in townships. This leaves no money for the CBDs and business area and although they have a maintenance budget, it does not suffice.

The bulk of the operating budget is spent on Rand Water, Eskom and then salaries, after which there is nothing left for roads.

Metsimaholo uses its operating budget for the maintenance of roads and also gets some assistance from SASOL. The relationship with the farming community is problematic, because although they do not pay rates and taxes, the municipality still spends a significant amount of money fixing the farm roads.

7.3 Assessment of alternative arrangements

Provincial relationship

Since there are many provincial roads which cut across municipalities, the LMs urge the provincial department to come on board and engage with the local municipalities. Metsimaholo spent R2.7million repairing the provincial roads on behalf of the province, and yet they have still not been paid. Greater communication and engagement is needed to resolve the legal and the maintenance and repair issues.

Greater Transparency

The Province is often involved in the upgrading of roads; however the municipalities are not informed about their plans. The District also assists with EPWP projects, but these programmes often focus on the less urgent issues, such as upgrading pavements instead of the roads themselves. Communication, transparency and further engagement is needed in terms of planning and prioritising the needs of the communities. It is suggested that the DM can assist in coordinating these issues and ensuring greater transparency and alignment of goals.

Economic vs. Social needs

In order for the economy of the municipalities to grow, they need to be able to attract business and investment to the towns. The roads are the cornerstone of this and currently the access roads are in a state of disrepair. In addition to this, existing businesses and industries are dependent on vehicles bringing resources into the towns and thus the maintenance and refurbishment of the roads is needed to address these economic imperatives. Since the funding is channelled towards historically disadvantaged areas, the roads in the CBDs and business areas are flailing and this in turn is having serious economic impacts.

7.4 Conclusion and Recommendations on Roads

Going forward – addressing performance challenges

The poor condition of roads is a significant problem and budgeted estimates to address the backlogs cannot be met through the existing funding structures. Legal issues are also costing the municipality. Greater interface and communication between the provincial departments and the municipalities could go a long way in addressing these concerns. An MOU could assist in clarifying the roles between municipalities and provinces, in addition to outlining the relationship between LMs and DMs, especially if the DM is to play a greater role[4].

There is a trade-off between social infrastructure, which addresses historical imbalances and provides the basic services for indigent people, and economic infrastructure. The roads in the CBDs are needed to sustain the economy of the town and generally economic infrastructure is self funded or funded through loans. It is suggested that a designated fund for industrial and economic investment be established to address the poor state of the roads. A more systematic way and strategic thinking is needed to ensure that rehabilitation of these roads occurs.

8 Disaster Management

Context and Capacity

Disaster Management was raised as an additional area of concern since the function is a grey area and the municipalities do not know if it's a local or district responsibility. Currently, the LMs use their own resources to assist the people, as they are closest to the communities and when the people cannot afford to deal with damage related to disasters, they turn to the local municipality to help them.

There is also uncertainty around the interpretation of what a disaster entails and there is uncertainty as to whether the local municipalities are mandated to deal with the issues. The Act also leaves room for interpretation and therefore clarity is needed.

The procedures around declaring an area a disaster area are also unclear. The DM mentioned that monitoring first takes place and only after a report is issued, presenting adequate evidence, is the area gazetted a disaster area. The funding that is available to the LMs is also unclear. The latest flood is a thorny issue, as the LMs invested their resources to assist the people, and yet they still have not received any disaster management funding.

Fezile Dabi indicated that although it previously was a DM function, it will soon become a LM function and therefore LMs will need disaster focal points and will need to budget for and employ relevant personnel.

Going forward – addressing performance challenges

The DM is currently developing by-laws and is visiting the municipalities to consult and amend any issues. It is hoped that in this process, the understanding around what warrants a disaster, the roles that the LMs have, and the processing relating to funding, will be clarified.

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[4] A district municipality has the following functions and powers:

"Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole."

9 Conclusion and Recommendations

The in-depth qualitative capacity assessments enabled a deeper conversation around the current institutional arrangements. Discussions went further than merely stating the performance challenges and delved into the underlying causes and reasons and the level of performance. Debate around how to address the performance challenges extended beyond merely an MEC adjustment.

The fact that an MEC adjustment relies on more than an assessment of capacity also emerged from the assessment. The principles of subsidiarity and grass-level interaction play a significant role in the fire-fighting and solid waste functions. It emerged that the ability to raise revenue and the issue of function following funding is critical to the performance of the function.

It transpired the current institutional arrangements were not the cause for the performance challenges and an adjustment to them would more often than not, hinder the performance even more. Population growth emerged as an underlying issue that is affecting the service delivery across all three functions. Funding and a lack of staff and old equipment are other major capacity problems.

The main points that surfaced during the assessments are summarised below.

9.1 Fire

A shortage of staff and equipment and the technical challenge of distance are hindering the municipalities' ability to perform the function. Nevertheless, the municipalities believe that the grass roots level of participation is necessary since it imperative for the function to be close to the communities and close to the 'hot spots.' The local municipalities welcome the involvement of the District Municipality in coordinating key strategic fire units, which will address the technical challenges of distance.

The DM has intervened in Mafube LM to assist them with the fire services and they are currently performing the function on their behalf. Further debate needs to take place on whether this intervention remains in place while the municipality capacitates itself, or whether an MEC adjustment is warranted.

9.2 Solid Waste

The state of the municipalities' landfill sites is of major concern. Unauthorized access is common because the sites are not regulated or fenced, and are dangerous for people to use. The landfill sites are nearing capacity and due to the location of the municipalities, suitable land is difficult to acquire.

It is for these reasons that the DM needs to look towards the establishment of Regional Landfill site, through which it can address these issues. Whether or not the DM takes the lead, the local municipalities still need to engage with one another to identify suitable land.

The municipalities agree that the principle of subsidiarity applies to the solid waste function and that the performance of the function depends on being close to the communities and also on the ability to collect tariffs.

The DM has a role to play in assisting local municipalities develop IWMPs.

9.3 Roads

The shortage of skills and appropriate resources, such as suitable software, hampers the municipalities' ability to develop proper road plans and address the maintenance backlogs.

Municipalities find the nature of the conditional grant funding frustrating, since they cannot invest it in maintenance issues or address deterioration of roads in the CBDs. The trade-off between economic and social infrastructure is highlighted in the funding structure, and municipalities have suggested an infrastructure fund, which can be used in business areas, be established.

Legal issues are costing the municipalities and engagement with the provincial government is needed to smooth out their relationship.

10 References

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