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IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: M311/2021

In the matter between :-

SAKELIGA NPC	Applicant
And	
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	1st Respondent
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	2nd Respondent
THE THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	3rd Respondent
THE MINISTER OF FINANCE	4th Respondent
DITSOBOTLA LOCAL MUNICIPALITY	5th Respondent
NALEDI LOCAL MUNICIPALITY	6th Respondent
THE PREMIER: NORTH WEST PROVINCE	7th Respondent
ESKOM SOC LIMITED	8th Respondent
MAGALIES WATER BOARD	9th Respondent

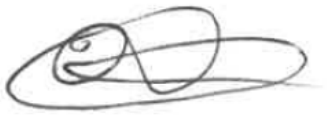
SEDIBENG WATER BOARD 10th Respondent

FILING NOTICE

Document presented for filing:

1. Fourth Respondent's Reply To The Applicant's Notice In Terms Of Rule 35(12)**.**

DATED at **PRETORIA** this **11TH** day of **MAY 2023**



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Ref: Mr M Moholo

TO: **THE REGISTRAR OF THE HIGH COURT**
MAHIKENG

AND

TO: **KRIEK WASSENNAR & VENTER INC.**
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AND

TO: **STATE ATTORNEY – MMABATHO**
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Secret

EXCO RESOLUTION EXTRACT

MINUTES OF VIRTUAL MEETING 25/2021 OF THE NORTH WEST EXECUTIVE COUNCIL HELD ON WEDNESDAY, 24 NOVEMBER 2021 AT 09:00

4.3.5 INVOKING SECTION 139 (5) (a) AND (c) OF THE CONSTITUTION, 1996 (ACT NO. 108 OF 1996), READ TOGETHER WITH SECTION 139 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (Act No. 56 of 2003) (MFMA) AT MADIBENG, KGETLENGRIVIER, TSWAING, MAHIKENG, DITSOBOTLA, RAMOTSHERE MOILOA, NALEDI LOCAL MUNICIPALITY AND DR RSM DISTRICT MUNICIPALITY

The matter was introduced by the MEC: Provincial Treasury and the presentation was tabled by the HOD for Provincial Treasury. The purpose of the submission was to seek approval for the proposed invocation of provisions of Section 139(5) (a) and (c) of the Constitution read together with Section 139 of the MFMA at Madibeng, Kgetlengrivier, Tswaing, Mahikeng, Ditsobotla, Ramotshere Moiloa, Naledi Local Municipalities and Dr RSM District Municipality to the Executive Council for consideration; to provide a report on matters of emphasis to the incoming council derived from close-out reports of administrators of Section 139 (1) (b); (C) and Section 154 of the constitution , in the following Municipalities: Madibeng Local Municipality; Ditsobotla Local Municipality; JB Marks Local Municipality; Ratlou Local Municipality; Dr. Ruth Segomotsi Mompati District Municipality; Kgetlengrivier Local Municipality; Tswaing Local Municipality and Bojanala Platinum District Municipality; to make recommendations for consideration by EXCO on the implementation of Section 154 of the Constitution of RSA, to ensure that in the period of transition post elections, the necessary supervision and support continues to be provided to those municipalities that were affected by EXCOs decision to avoid lapses in governance and service delivery as initially intended.

NORTH WEST PROVINCE
DEPARTMENT OF FINANCE
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1 EXCO resolved: That-

a) EXCO noted the high level close out reports as well as areas that requires attention by the newly established councils post the intervention for Madibeng, Ditsobotla, JB Marks, Ratlou, Kgetlengrivier and Tswaing Local Municipalities and Dr RSM District Municipality.

b) EXCO agreed to the invocation of Provisions of Section 139(5) (a) and (c) of the Constitution read together with Section 139 of the MFMA at Madibeng, Kgetlengrivier, Tswaing, Mahikeng, Ditsobotla, Ramotshere Moiloa, Naledi Local Municipalities and Dr RSM District Municipality.

c) Approved the establishment of the political intervention oversight structure including the establishment of the technical multi-disciplinary intervention task team to support the political intervention oversight structure.

d) EXCO mandated the MECs for Provincial Treasury and COGHSTA to communicate the decisions of EXCO on intervention with the leadership of the affected Municipalities.

e) EXCO mandated the MEC for COGHSTA and to communicate the decisions with the National Council on Provinces, North West Provincial Legislature, Minister of Finance, Minister of COGTA and SALGA North West.

f) EXCO approved the implementation of Section 154 of the Constitution of RSA, to ensure that in the period of transition post elections, the necessary supervision and support continues to be provided to those municipalities including Bojanala District Municipality that were affected by EXCO"s decision to avoid lapses in governance and service delivery as initially intended.

g) EXCO approved the broad terms of reference which will be used as a basic document for the development of tor for the affected Municipalities.

h) EXCO agreed that the framework must be presented at the NWPCC meeting on the 2 December 2021 and thereafter the MECs for Provincial Treasury and COGHSTA should engage the leadership of affected municipalities to outline processes going forward.

24/01/2022

DIRECTOR-GENERAL
P.MOGOTLHE