IN THE HIGH COURT OF SOUTH AFRICA

NORTH WEST DIVISION, MAHIKENG

CASE NO. UM192/22

In the matter between:-

SAKELIGA NPC	**First Applicant**
CENTER FOR GOOD GOVRNANCE AND SOCIAL JUSTICE NPC	**Second Applicant**
BAREND LOURENS SNYMAN	**Third Applicant**
And	
DITSOBOTLA LOCAL MUNICIPALITY	**First Respondent**
THE MUNICIPAL MANAGER /ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second Respondent**
THE PREMIER OF NORTH WEST PROVINCE	**Third Respondent**
PROVINCIAL EXECUTICE OF THE NORTH WEST PROVINCE	**Fourth Respondent**

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MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	**Fifth Respondent**
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	**Sixth Respondent**
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	**Seventh Respondent**
MINISTER NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	**Eighth Respondent**
MINISTER: NATIONAL DEPARTMENT OF FINANCE	**Ninth Respondent**
MINISTER: WATER AND SANISTATION	**Tenth Respondent**
NGAKA ODIRI MOLEMA DISTRICT MUNICIPALITY	**Eleventh Respondent**
ESKOM SOC LTD	**Twelfth Respondent**
MAGALIES WATER BOARD	**Thirteenth Respondent**
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	**Fourteenth Respondent**

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FILING NOTICE

DOCUMENTS PRESENTED FOR FILING: -

ELEVENTH RESPONDENT'S PROGRESS REPORT

DATED AND SIGNED AT MAFIKENG ON THIS THE 17TH DAY OF MARCH 2023

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REF: Mr Molefe/NMMDM2/UM/2022

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

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AND TO: **LABUSCHAGNE ATTORNEYS**

Attorneys for the Applicants

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Instructed by

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AND TO: **M.E TLOU ATTORNEYS & ASSOCIATES**

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AND TO: **THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY 14th RESPONDENT**

Ditsobotla Local Municipality

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Lichtenburg

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mosamet@ditsobotla.gov.za

moserwkw@gmail.com

IN THE HIGH COURT OF SOUTH AFRICA

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CASE NO. UM192/22

In the matter between: -

SAKELIGA NPC	First Applicant
CENTER FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	Second Applicant
BAREND LOURENS SNYMAN	Third Applicant

And

DITSOBOTLA LOCAL MUNICIPALITY	First Respondent
THE MUNICIPAL MANAGER /ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	Second Respondent
THE PREMIER OF NORTHWEST PROVINCE	Third Respondent
PROVINCIAL EXECUTIVE OF THE NORTHWEST PROVINCE	Fourth Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTHWEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	Fifth Respondent

MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	Sixth Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Seventh Respondent
MINISTER NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Eighth Respondent
MINISTER: NATIONAL DEPARTMENT OF FINANCE	Ninth Respondent
MINISTER: WATER AND SANITATION	Tenth Respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY MODIRI MOLEMA DISTRICT MUNICIPALITY	Eleventh Respondent
ESKOM SOC LTD	Twelfth Respondent
MAGALIES WATER BOARD	Thirteenth Respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	Fourteenth Respondent

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ELEVENTH RESPONDENT'S PROGRESS REPORT

I, the undersigned:

OLEHILE ALLAN LOSABA

declare under oath and say that:

A. INTRODUCTION

1. I am:

1.1. A Major of full legal capacity;

1.2. employed by Ngaka Modiri Molema District Municipality in the capacity of a Municipal Manager, and therefore, the administrative head and accounting officer;

1.3. executing my duties at Corner of Carrington street and 1st Avenue, Industrial site, Mahikeng.

PT

1.4. By virtue of my capacity as such and the relevant delegations of authority, I am duly authorized to depose to this affidavit on behalf of Ngaka Modiri Molema District Municipality.

1.5. The facts set out in this affidavit are, unless otherwise stated or the converse appears from the context, within my personal knowledge, and are both true and correct.

1.6. Where I make legal submissions in this affidavit, I do so based on the advice of Ngaka Modiri Molema District Municipality's legal representatives.

1.7. I am the head of administration of Ngaka Modiri Molema District Municipality and in my capacity as such, I am responsible and accountable for:-

1.7.1 The formation and development of an economical, effective, efficient, and accountable administration.

1.7.2 The management of the Municipality's administration in accordance with the systems' Act and other legislation applicable to the Municipality;

1.7.3 The implementation of the Municipality's integrated development plan, and the monitoring of progress with implementation of the plan;

1.7.4 The management of the provision of services to the local community in a sustainable and equitable manner;

1.7.5 Facilitating participation by the local community in the affairs of the Municipality;

1.7.6 Developing and maintaining a system whereby community satisfaction with municipal services is assessed;

1.7.7 all income and expenditure of the Municipality;

1.7.8 all assets and discharge of all liabilities of the Municipality; and

1.7.8 proper and diligent compliance with the Municipal Finance Management Act, amongst others.

1.8 I am also responsible for the effective, efficient, economical and transparent use of the resources of Ngaka Modiri Molema District Municipality and to take effective and appropriate steps to prevent unauthorized, irregular and fruitless and wasteful expenditure and losses resulting from criminal conduct and to manage available working capital efficiently and economically.

1.9 In addition, I am responsible for ensuring that the expenditure of Ngaka Modiri Molema District Municipality is in accordance with its vote and that effective and appropriate steps are taken to prevent any unauthorized expenditure.

B. LITIGATION HISTORY

2 Ngaka Modiri Molema District Municipality ("Ngaka") being the eleventh Respondent in these proceedings, has previously filed an explanatory affidavit to Part A application.[1] The explanatory affidavit deals with the upgrading of the bulk water supply at Lichtenburg, refurbishment of existing boreholes, perimeter fencing of boreholes, constructions of sludge dam and the 5ML reservoir for Ditsobotla.

[1] Page 507 - 522

3 Subsequent the filing of the explanatory affidavit, Ngaka then filed a report wherein it dealt with the bulk water challenges within Ditsobotla Local Municipality[2]. In the aforesaid report, the following were identified as the main cause of the inadequate water supply:

3.1 Loadshedding;

3.2 Limited resources; and

3.3 Leakages in the distribution network.

4 Further in the report, Ngaka also dealt with the intervention measures that it has undertaken to ensure the supply of sufficient bulk water to Ditsobotla.

5 The following are the intervention measures proposed and some have already been put in place;

5.1 the installation of a backup generator for the Boreholes;

[2] Page 1253 - 1302

5.2 the need to employ more operators and skilled workers;

5.3 the need to replace the old AC pipeline with UPVC or HDPE pipe material which is better suited for bulk water or water reticulation;

5.4 aiding Ditsobotla by providing an additional 8 ground staff personnel; and

5.5 deployment of an 18 000.00 litres water truck to provide water to the community on daily basis.

6 On the 10 February 2023, the Applicant ("Sakeliga") then filed a replying affidavit to Ngaka's report[3]. In its reply, Sakeliga vehemently disputed the contents of Ngaka's report and further insisted that the bulk water crisis was continuing.

7 Following the above, a Judicial Case Management meeting was held on the 13 February 2023 before the Honourable Djadje; DJP. During the meeting, a directive was issued wherein Sakeliga was to file an amended notice of motion by no later than the 14 February 2023. Further thereto, any of the Respondents who wishes to oppose the relief sought as per the amended notice of motion, was to file its papers by no later than 22 February 2023

[3] 1335 - 1363

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and for Sakeliga to reply by no later than 28 February 2023. Part A application was then allocated for the 02 March 2023.

8 As per the directive, Ngaka was served with the amended notice of motion. Importantly, in the aforesaid amended notice and for the first time, Sakeliga sought a relief against Ngaka in that, pending the outcome and final determination of Part B of this application, and the successful implementation of the provision of the basic service of providing water to the community of Ditsobotla;

8.1 Ngaka be ordered and directed to supply and ensure the provision of sufficient potable bulk water to Ditsobotla;

8.2 Ngaka, Ditsobotla, the Administrator and alternatively to the Administrator, any other respondent as the court may find responsible for the sustainable provision of portable water to the community of Ditsobotla be ordered and directed to forthwith take all such steps as are necessary and required to ensure the sustainable provision of portable water to the community of Ditsobotla;

8.3 Ngaka, Ditsobotla, the Administrator and alternatively to the Administrator, any other respondent as the court may find

responsible for the sustainable provision of portable water to the community of Ditsobotla be ordered and directed to restore the sustainable provision of portable water to the community of Ditsobotla within 5 (five) days of the date of the order;

8.4 that in the event of the aforementioned parties fail to comply with the aforesaid orders and the sustainable provision of portable water is not restored to the community of Ditsobotla within 5 (five) days of date of this order;

8.5 Sakeliga and its duly authorized representative(s) be authorized to take all such steps as may be necessary to return to the communities in the towns of Lichtenburg and Coligny, and surrounding arears, the basic service of portable water supply through reticulation of the existing water infrastructure, including but not limited to accessing any part of the potable water reticulation system; and

8.6 that Ngaka, Ditsobotla, the Administrator and alternatively to the Administrator, any other respondent as the court may find responsible for the sustainable provision of portable water to the community of Ditsobotla be ordered and directed to report back to the court on affidavit within 5(five) days of this order setting out

factual proof of all steps that have been taken to ensure the provision of access to the basic service of water within the jurisdictional area of Ditsobotla, whether the sustainable provision of potable water to the community of Ditsobotla has been restored or not, and any further steps that are required to be taken to ensure the sustainable provision of potable water to the community of Ditsobotla.

9 Based on this amended notice of motion, Ngaka then filed an answering affidavit, opposing the relief sought[4]. In its opposition and to demonstrate that bulk water was being supplied to Ditsobotla, Ngaka also attached water readings of the bulk water that was being pumped into Waterworks reservoir. The water readings are annexure "AA1" to the answering affidavit[5]. If these readings are to be accepted as accurate, which I submit they are, then the relief sought against Ngaka was to fail. There was however a reply by Sakeliga to Ngaka's answer, which of course disputed Ngaka's contention.[6]

10 On the 02 March 2023 the matter came before the honourable Djadje; DJP for the determination of Part A urgent application as per the amended notice of motion. It is imperative to mention that at this stage, Ditsobotla

[4] Page 1510 - 1527
[5] Page 1528 - 1559
[6] Page 1590 - 1615

had now entered the fray and had filed its answering affidavit to Part A application.

11 When the matter was called, her Ladyship advised the parties of their non-compliance with her directives of the 22 February 2023, in that Sakeliga had failed to file its amended notice of motion and further that Ngaka has also failed to file its answering affidavit. The court's reasoning was based on the fact that both the amended notice of motion and the answering affidavit were not contained in the court file. As such a postponement was inevitable unless the parties were able to finalise the settlement negotiations that they were already engaged in. Based on the aforesaid, the matter was partially settled as per the agreed court order, pending the final determination of Part B, which is set down for the 23 and 24 March 2023.

12 In terms of the court order, the parties agreed as follows:

12.1 that, pending the outcome and final determination of Part B of this application, and the successful implementation of the provision of the basic service of providing water to the community of Ditsobotla, it is ordered:

12.1.1 That the eleventh respondent, the Ngaka Modiri Molema District Municipality (the "Ngaka District Municipality"), be ordered and directed forthwith to take all such steps

necessary and required, and as a matter of urgency, to supply and ensure the provision of sufficient potable bulk water to Ditsobotla.

12.1.2 That Ngaka District Municipality be ordered and directed to forthwith take all such steps as are necessary and required to ensure the sustainable provision of potable water to the community of Ditsobotla.

12.1.3 That Ngaka District Municipality is ordered and directed to restore the sustainable provision of potable water to the community of Ditsobotla on or before 17 March 2023, and to report back to this court on affidavit on or before 17 March 2023 regarding (a) its detailed plan of all steps necessary to restore the sustainable provision of potable water to the community of Ditsobotla, including but not limited to who will take such steps, how the restoration will be achieved, and when the steps shall be taken; (b) all steps that have been taken to restore the sustainable provision of potable water to the community of Ditsobotla; (c) whether the sustainable provision of potable water to the community of Ditsobotla has been achieved or not; (d) further steps that still need to be taken to restore the sustainable provision of potable water to the community of Ditsobotla.

13 This report is therefore filed in compliance with the court order and deals with the following:

13.1 detailed plan of all steps necessary to restore the sustainable provision of potable water to the community of Ditsobotla;

13.2 steps that have been taken to restore the sustainable provision of potable water to the community of Ditsobotla;

13.3 whether the sustainable provision of potable water to the community of Ditsobotla has been achieved or not; and

13.4 steps that still need to be taken to restore the sustainable provision of potable water to the community of Ditsobotla.

C. PLANS OF STEPS NECESSARY TO RESTORE THE SUSTAINABLE PROVISION OF POTABLE WATER TO THE COMMUNITY OF DITSOBOTLA

14 It is imperative to point out that as of the 06 March 2023 to date, the organized labour of Ngaka which comprises of employees in the water and

sanitation department amongst others, have embarked on an unprotected strike. Not only have they embarked on an unprotected strike but they have also failed to declare a dispute with the employer. I annex a copy of Ngaka's notice calling upon the employees concerned to desist with their unlawful action and return to work, marked **"Annexure OAL1."**

15 The unprotected strike has effectively obstructed Ngaka from providing sufficient portable water to the community of Ditsobotla in that;

15.1 the boreholes are not properly monitored and maintained. The non striking employees that are determined to carry out the work, fear victimization and attack from their striking colleagues. As a result, they only report for duty and do nothing;

15.2 Ngaka is unable to transport diesel from its offices in Mahikeng to Lichtenburg in order to power the generators that gets affected during loadshedding;

15.3 There are no drivers available to operate the water tankers and those that report for duty to carry out the work, they also fear victimization and attack; and

15.4 currently most reservoirs are not properly manned due to the unavailability of enough work force.

16 Nonetheless, with the help of Ditsobotla employees, Ngaka is still able to provide potable water to Ditsobotla, *albeit* not to its full potential due to the ongoing unprotected strike action. Below I set out steps necessary to restore the sustainable provision of potable water.

17 The Ditsobotla Local Municipality consists of Lichtenburg, Coligny, Itsoseng and Biesiesvlei. Ditsobotla solely relies on underground water for provision of water to its community. Boreholes are connected to a reticulation network that distributes water to the households and other users.

18 The reticulation network is made up of a combination of pipelines, reservoirs and storage tanks. The municipality also operates water tankers to supply waters to areas that are not connected to the reticulation network.

19 Despite the presence of boreholes, the supply is often interrupted due to maintenance and repairs of the infrastructure, power outages which often affects the operation of the boreholes and the pumping stations.

PT

20 To mitigate against the power outages, Ngaka has developed the following action plan to ensure the provision of potable water to Ditsobotla:

Klipveld / Lichtenburg Game Reserve

20.1 Currently there 17 boreholes supplying water to the Klipveld / Lichtenburg Game reserve. Of this number, 4 are however dysfunctional as of 16 March 2023.

20.2 The Lichtenburg reticulation network has severe leaks at different points which results in massive water losses and reduced water pressure. Ngaka has since allocated a water team to Lichtenburg to assist Ditsobotla water team with repairing pipelines and leakages. To date 70 leaks have been repaired in Lichtenburg by Ngaka assisted by Ditsobotla. As and when a new or existing leaking point is identified, the team swiftly attend to it.

20.3 To mitigate against loadshedding, Ngaka has installed a ring feeder at the 2 power lines at Klipveld which links the Eskom line and that of the Municipality. Eskom has completed the connection of the ring feeder on the 14 March 2023. This has eliminated the impact of loadshedding.

AP

20.4 The Lichtenburg water works plant was not operating optimally due to electrical and the damaged control valves. Ngaka has attended to the aforesaid. This has resulted in a decrease of water losses and the increased production.

20.5 Despite yielding the required quantity of bulk water, we are still unable to meet the demand, which raises a possibility of illegal connections and/ or diversion. The team is on the ground investigating this issue.

20.6 I further confirm that the bulk water supply from Klipveld is 13,3 Ml/d, whereas the demand for the broader Lichtenburg is approximately 19Ml/d. due to the rapid growth of the community, water losses due to illegal connection and the dilapidated infrastructure, Ngaka is unable to meet the current demand. A team comprising of Ngaka, Ditsobotla and MISA has been deployed to identify the illegal connections that I have mentioned above.

Burgersdorp

20.7 The Burgersdorp area is currently experiencing inadequate water supply. The reason being that the mini substation is not

operational due to vandalism. This has resulted in the reduced water pressure in the area as well as inadequate water supply.

20.8 As a solution, an 11Kva mini sub has been ordered to replace the vandalized one. The mini sub will provide electricity to the water pump station. Same is currently being manufactured and it is anticipated that its delivery and installation will be on or before 30 June 2023.

Blydeville and Boikhutso

20.9 4 boreholes at Scotland have been migrated from diesel to electricity. The project is complete, and the boreholes are operational.

20.10 A leakage on the 11Km 450mm AC bulk line between Blydeville and Boikhutso has been identified. The leakage has resulted in a water shortage in Blydeville and Boikhutso.

20.11 A service provider has been appointed to replace the 2.8Km 450mm AC bulk pipeline in Boikutso, including the internal 8.2Km internal reticulation leaking pipelines.

20.12 The contractor commenced with work mid-February 2023 and the estimated completion date is on or before October 2023.

20.13 The scope of work also includes the drilling of 4 additional boreholes and an elevated 1Ml steel tank. The contractor is on site and has already drilled 3 boreholes. Upon completion of drilling all the 4 boreholes, the work required for the pipelines will commence.

D. STEPS THAT HAVE BEEN TAKEN TO RESTORE THE SUSTAINABLE PROVISION OF POTABLE WATER TO THE COMMUNITY OF DITSOBOTLA

21 In conjunction with the steps that Ngaka has to take to restore the sustainable provision of potable water, I have cumulatively dealt with the steps that Ngaka has taken to restore the sustainable provision of potable water to the community of Ditsobotla.

22 It is also imperative to point out that previously Ngaka had procured 5 standby generators for the reservoirs and the boreholes. Unfortunately, 3 generators at Klipveld were stolen during the 31 January 2023. There is a pending criminal case: 291/01/2023.

E. WHETHER THE SUSTAINABLE PROVISION OF POTABLE WATER TO THE COMMUNITY OF DITSOBOTLA HAS BEEN ACHIEVED OR NOT

23 Had it not been of the ongoing unprotected strike action, I would submit that by now, Ngaka would have achieved 80 – 90% of its intended objectives of providing potable water to the community of Ditsobotla.

24 As already stated, Ngaka has been able to identify some of the major causes that adds to the lack of potable water. Some of these causes and the solutions are dealt with herein below.

25 In as much as the provision of potable water is not at the optimal capacity, I submit that same is within the reasonable means, having regard to the aging infrastructure and the lack of funding. With time, I am optimistic that the end goal will be realized.

F. STEPS THAT STILL NEED TO BE TAKEN TO RESTORE THE SUSTAINABLE PROVISION OF POTABLE WATER TO THE COMMUNITY OF DITSOBOTLA

26 Lichtenburg has 4 reservoirs with a total capacity of 13 Megaliters. This capacity is not sufficient to meet the demand of the rapid growing population, especially during peak demand periods.

27 Therefore, there is a need for a continuous assessment of the growing population and for the upgrade of the water infrastructure to ensure that it meets the growing population.

28 There has also been a decrease of the ground water level in Ditsobotla. The available data shows a decrease of 0.1 – 1 m in the past year. The current demand for the broader Lichtenburg area is very high. To mitigate against this, the drilling and equipment of 04 boreholes around Zone 3 aquifer and Boikutso has commenced.

29 Most of the water tanks have minor to severe structural damages. Whereas some of them are missing flow meters, pressure gauges and monitoring devices amongst others. Some pipe fittings are not functioning properly or absolute. As a result, the instrumentation and the fitting issues have a negative impact on the overall functionality and efficiency of the storage tanks.

30 Ngaka intends to install valves within the reticulation network to mitigate against water losses. A team has been deployed to assess the network to determine locations for valve installations.

31 Further to the above, all infrastructures that are at a risk of being vandalized are being identified. At the moment, we are experiencing an extremely high rate of vandalism which poses a threat to a continuous

supply of water. As a result, there is a need for a physical security, however this will require additional funding.

32 In a nutshell, there is a need for the complete replacement of the Lichtenburg reticulation network which currently has a severe leak. This is however dependent on the availability of the funds. To adequately deal with this issue, an estimate of R34 674 530.00 is required to meet Ditsobotla's current potable water challenges.

33 Currently there are 6 standpipes that serves ward 2 & 3 (Boikhutso & Blydeville). These standpipes do not meet the standard set by the guidelines for human settlement planning and design. The set guidelines is that 1 stand pipe is required for every 25 – 50 dwellings. There is a need for an additional 14 standpipes to meet the water demand in ward 2, 3 and the informal settlement.

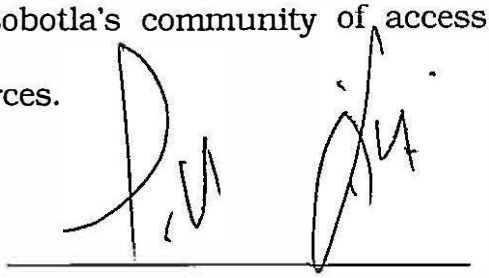
34 Ditsobotla is also experiencing lack of qualified personnel to operate and manage the water supply. The shortage of qualified staff and expertise has led to a delay in attending to issues like leakage, pump failures and other operational problems.

35 The limited resources of Ditsobotla have also affected the planning and implementation of water supply projects.

36 In order to deal with all these issues raised above, Ngaka has drawn an action plan for Ditsobotla which entails a solution for each issue, together with time frames thereto. Ngaka's action plan is an annexure hereto, marked **"Annexure OAL1".**

G. CONCLUSION

37 In conclusion, I submit that Ngaka is taking reasonable measures to progressively realize the right of Ditsobotla's community of access to sufficient water, within available resources.



OLEHILE ALLAN LOSABA

I CERTIFY that this affidavit was signed before and sworn to before me at Mahikeng on this the 17th day of MARCH 2023, by the deponent who acknowledge that he knew and understood the contents of this affidavit, had no objection to taking this oath, considered this oath to be binding on his conscience and who uttered the following words: "I swear that the contents of this affidavit are true, so help me God".



COMMISSIONER OF OATHS

The DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn to before me at MANICCNG on this the 17th day of MARCH 2023, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having complied with.

BUSINESS ASSIST
REG NO: 2007/141443/23
TEL: 018 381 0043
NO 13, CNR ROBINSON &
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NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

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Private Bag X2167, Mahikeng, 2745 | www.nmmdm.gov.za

OFFICE OF THE MUNICIPAL MANAGER

1747

MEMORANDUM

TO : SAMWU SHOPSTEWARDS AND MEMBERS

FROM : THE MUNIPAL MANAGER

SUBJECT : UNPROTECTED STRIKE: 6 – 13 MARCH 2023

1. Whereas organized labour has embarked on an unprotected strike as of 6 March 2023. The Executive Mayor of the District, Councillor Khumalo Molefe has facilitated a joint meeting of parties (Management, Organized Labour, and Members of MAYCO) to address challenges presented. The first meeting inclusive of all workers was held on 7 March 2023. Subsequent thereto, a meeting of Management, members of MAYCO, and Shop stewards was held on 8 March 2023.

2. In the joint meeting of parties, deliverables were agreed to and organized labour was favoured with a draft copy of these deliverables on 13 March 2023. The copy is referred to as "draft" in that the Executive Mayor wanted to have cite of it to ensure that each item raised was captured. One key element of

these deliverables was a side line session between the parties with the SALGA Acting CEO during the SALGA NEC meeting scheduled 14 – 15 March 2023. That meeting is scheduled for 15 March 2023 at 14:00 hours.

3. Despite the deliverables agreed to by the parties, organized labour continued with the strike action. These deliverables had timelines, one of which was the evaluation of the PPE bid on 13 March 2023. It is unfortunate that the meeting was disrupted as members of organized labour stormed the meeting and instructed the evaluation committee to vacate and stop proceedings.

4. Section 23 of the Labour Relations Act of 1995 defines a strike as " the partial or complete concerted refusal to work, in the retardation or obstruction of work, by person who are or have been employed by the same employer of by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee and every reference to 'work' in tis definition includes overtime work, whether it is voluntary of compulsory."

5. A strike takes place to resolve a dispute between employer and its employees. The dispute must be amongst others about an issue of mutual interest between the parties and their strike must comply with the requirements of the Labour Relations Act, where the subject matter of the strike is legitimate and procedural requirements are complied with before the strike commences. It is to the best knowledge of management of this municipality that no dispute has been declared by SAMWU NMMDM against the municipality about any other matter and no referral has been formally registered with the South African Local Government Bargaining Council (SALGBC).

6. May I take this opportunity to reiterate to SAMWU that for your gathering at head office which constitutes a strike to be legitimate and protected, SAMWU must issue the municipality with a strike notice after 30 days have lapsed from when the dispute was referred by SAMWU to the SALGBC or a certificate must have been issued stating that your dispute remains unresolved. This if followed by giving a written notice to the municipality stipulating the commencement of the strike at least 48 hours before the commencement of the strike.

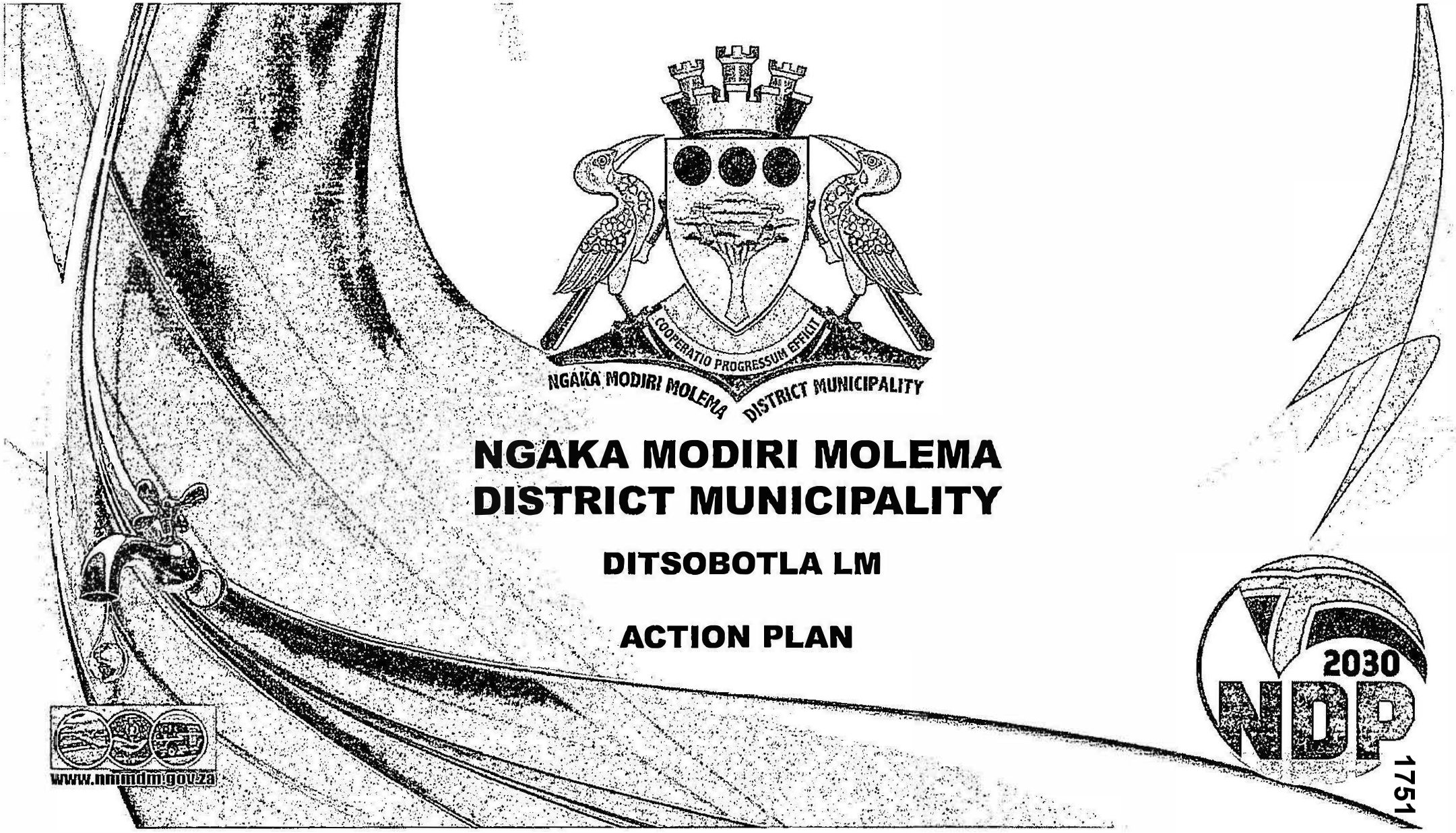
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7. Given the fact that service delivery is compromised across the board due to lack of diesel for borehole generators, the main building and a burst pipe at Ditsobotla Local Municipality, employees are implored to return to work with immediate effect.

8. Failure to return to work shall leave the employer with no option but to invoke the Labour Relations Act and such invocation includes but is not limited to "no work, no pay," for the March 2023, salary run. Further thereto, SAMWU must be reminded that employees employed in Water and Sanitation, Fire and Emergency Services, Disaster Management and Municipal Health are declared essential in terms of the Act, and they ae therefore instructed to resume duties and normalize the situation at their respective work stations. Failing to do so will leave the employer with no option but to approach a competent court for an urgent interdict and/or relief.

With kind regards,

O. ALLAN LOSABA
MUNICIPAL MANAGER
DATE 14/03/2023



NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

DITSOBOTLA LM

ACTION PLAN

2030 NDP 1751

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NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

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RESTORATION OF WATER SERVICES ACTION PLAN

Nr	BACKGROUND	CORRECTIVE ACTION	CURRENT STATUS
	SHORT TERM (1-12 months)		
1	LICHTENBURG(KLIPVELD) The Municipality is likely to spend a lot of money on procurement of diesel for the generators.	Since there are 2 separate power lines at klipveld, the DM has decided to install a ring feed linking the Eskom line with the Municipal line (20m). The power of the feeder is 1 000kva.	The Construction of the Ring Feed line has been completed, Eskom has completed the connection on the 14/03/2023
2	BURGERSDORP (Borokoro) The mini-sub which was supplying the intermediate pump station is completely damaged and vandalised. As a result, water from the main reservoir cannot be pumped into the pressure tower.	Increase the operating capacity The 11kva mini-sub (step-down transformer) has already been ordered. It will be used to replace the damaged one.	We awaiting the delivery of a Mini-Sub, however the installation of the Mi ni-Sub is to be completed on or before end June 2023
3	The Booster pumps at the 3 intermediate reservoirs in klipveld were decommissioned around 2014	To re-install the booster pumps and reconfigure the inlet into the command reservoir	Due to the decommissioning of the booster pumps, pressure to the command reservoir is very low
4	The Mahikeng High Court issued a Court Order wherein NMMDM is to ensure sustainable water provision in Ditsobotla LM	Develop a Business case for submi sion to various sectors for funding requirements in order to implement this action plan	NMMDM is required to take over as per the court order, however funding is required to implement major matters within the plan

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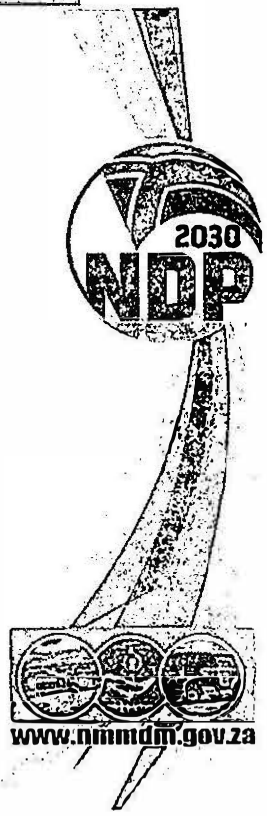
RESTORATION OF WATER SERVICES ACTION PLAN

Nr	BACKGROUND	CORRECTIVE ACTION	CURRENT STATUS
	MEDIUM TERM (1-3 years)		
1	BLYIDEVILLE – LEAKING PIPELINE There is a leaking 450mm AC bulk line for 11km between blyideville and Boikhutso. The leak is wasting a lot of water and as a result there is shortage of water in Blyideville and Boikhutso.	To replace a total of 11km leaking pipe lines.	Construction is currently at 10%
2	LICHTENBURG The reticulation network managed by Ditsobotla LM has severe leaks at different points which results in massive water losses and reduced water pressure	A water team has been allocated to Lichtenburg to assist the LM water teams with repairing pipelines and leakages	To date a total of 70 leaks have been repaired by the Districts team assisting the Local Team, as new or existing points are identified, these areas are addressed by the team.
4	The current Demand is not being met by the supply, there is a need to augment additional water to enable the municipality to supply sufficient water as demand increases	A plan in place to Drill and equip 10 boreholes around the Zone 3 aquifer and Boikhutso	The Geohydrological assessment has been conducted, Drilling has commenced in Boikhutso.

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RESTORATION OF WATER SERVICES ACTION PLAN

Nr	BACKGROUND	CORRECTIVE ACTION	CURRENT STATUS
	LONG TERM (3 Years +)		
1	The Lichtenburg Reticulation network has sever leaks and is delipidated, this affects the supply of water and increases water losses	Replace complete network infrastructure (Funding Dependent)	Leaks along the network are being repaired by the team, however due to the condition of the infrastructure, this infrastructure needs to be replaced in the long term



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ACTION PLAN TO INCORPORATE COURT ORDER MATTERS INTO THE SLA

Nr	ACTION	CURRENT STATUS	DURATION	RESPONSIBILITY	SUPPORT ORGANIZATION
1	Amend the curent Draft SLA to cover the Court Order	A Draft SLA has been prepared and Shared with Ditsobotla LM. However the SLA now requires additional amendments to incorporate matters arising from the Court Order, it should include but not limited to: • Redefining responsibilities around the provision of water, The responsibilities around reticulation were based with Ditsobotla LM, It may now be required to become the full function of NMMDM • The costs of operating the Reticulation will need to be determined and included in the SLA, recovery and funding of this function will need to be specified. • Currently the DLM collects revenue on behalf of services rendered, however should the NMMDM take over this responsibility, billing and collection of revenue for such services will need to received by NMMDM and not DLM, NMMDM will re-invest this revenue in the infrastructure of DLM	Draft to be completed by 30 June 2023, Final Amendments to be completed by 31 December 2023 which will be informed by actual practice after taking over	DLM & NMMDM	MISA/Province/DWS

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ACTION PLAN AS PER SUBMISSION MADE BY MISA

Nr	ACTION	CURRENT STATUS	RESPONSIBILITY	SUPPORT ORGANIZATION
	SHORT TERM (1-12 months)			
1	Install valves to enable isolation of the CBD and provide water	A team has been deployed to assess the net workto determine locations for valveinstallations	DLM & NMMDM	Province/MISA
2	Procure standby generators for reservoir and boreholes	A total of 5 standby generators have been delivered, how ever 3 generators at Klipveld were stolen, a case has been opened, the theft took plaœ on the 31 January 2023, case number 291/01/2023	NMMDM	MISA
3	Securin ghe critical infrastructure	Inf rastructurewith high risks of vandalism are being identi fied, vandalism in the area is extremely high, this poses a threat to water infrastructure, and hence requires physical security, however that will require additional funding for such which is something that still needs to be thoroughly i nvestigated (Funding Dependent)	DLM & NMMDM	MISA
4	Re-structure the operation & maintenance teams	THE DLM O&M team to repor t to the district in dealing with O&M of water infrastructure, The NMMDM's current human capacity only caters for bul k water services, in order to de al wth the reticulation, NMMDM and DLM will develop a working structure wherein the two teams will work toget her but report to NMMDM as the court order instructs NMMDM to en sure sustainable water	DLM & NMMDM	MISA
5	Purchase Tools & Plant n eededby maintenance staff	NMMDM has purchased tools for DLM team during November 2022, this may not necessarily be all equipment and tools required to execute work, a l istwill be provided from Ditsobotla wherein the NMMDM will assist in providi ngsuch tools, furthermore a list of plant required wi llalso be provided by Ditsobotla which the District will try and assist but will be budget dependent	DLM & NMMDM	MISA

ACTION PLAN AS PER SUBMISSION MADE BY MISA

Nr	ACTION	CURRENT STATUS	RESPONSIBILITY	SUPPORT ORGANIZATION
	SHORT TERM (1-12 months)			
6	DLM technical team to explore throttling the valves to balance the pressures	This is dependent on line item 1 on the previous slide, Once valves are installed, throttling will be implemented which will be used to build up pressure within the network and in return supply water at higher pressures to high lying areas within the Lichtenburg communities.	DLM & NMMDM	MISA
7	Prepare work Reservoir/Plant Operating Procedures & train staff	This is dependent on line item 4 on the previous slide, after teams have been merged and developed, identified staff will be provided with the necessary training assisted by MISA to operate such reservoirs. In the Interim the District team will assist the DLM team with pumping and investigating that will lead to developing of operating procedures.	DLM & NMMDM	MISA
8	Train staff on valve opening & closure, bedding & laying of pipes	This is dependent on line item 4 on the previous slide, after teams have been merged and developed, identified staff will be provided with the necessary training assisted by MISA and NMMDM.	DLM & NMMDM	MISA
9	Developing of Service Standards	Current service standards need to be updated to include the servicing of reticulation of Ditsobotla LM	NMMDM/MISA/DLM	Province/DWS

ACTION PLAN AS PER SUBMISSION MADE BY MISA

Nr	ACTION	CURRENT STATUS	RESPONSIBILITY	SUPPORT ORGANIZATION
		SHORT TERM (1-12 months)		
10	Repair or Rehabilitate boreholes	All boreholes operational apart from 2 which the land owner refuses access, this issue is being addressed by the Legal team of NMMDM with Ditsobotla LM as it is informed by an on-going arrangement between DLM and the Land Owner. This function will be on-going as and when boreholes breakdown a team will be sent immediately to restore the borehole, the average turnaround time in dealing with this matter is 24 hours after being reported. The Municipality has a dedicated customer care line where any challenges related to water services should be reported, the contact number is 0800 066 636	NMMDM & DLM	MISA
11	Create a Forum for Community Engagements	Communities are not thoroughly engaged on the status of water, The Forums are intended to address this matter, where every month a different section of the community will be engaged and provided a status quo on water supply and services DWS is currently developing Water Forums	DWS	Province/NMMDM/MISA
12	Investigate possible causes of pipe bursts in Lichtenburg	To conduct a full network analysis on the water infrastructure as the Klipveld provides sufficient water to meet the current demand, however there is still a shortage as experienced by the communities	DLM & NMMDM	MISA
13	DWS to ensure all borehole information is updated & there is no over-pumping of ground water	Boreholes are currently pumped according to groundwater studies that were conducted in the area, the studies show that 151 l/s can be abstracted from the Klipveld, should this be over pumped, we run the risk of depleting the ground water which might lead to Day 0 as was experienced in the Western Cape.	DWS/NMMDM	DLM/MISA

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ACTION PLAN AS PER SUBMISSION MADE BY MISA

Nr	ACTION	CURRENT STATUS	RESPONSIBILITY	SUPPORT ORGANIZATION
	MEDIUM TERM (1-3 years)			
1	Develop Water Conservation & Water Demand Management Plan	There is a draft water conservation and demand management plan, however in order to sustainably and reliably supply water, a fully developed Water Conservation and Demand Management Plan needs to be in place.	DLM & NMMDM	MISA
2	Reconfigue the pumping and reservoir system at Lichtenburg	The current status is as is ever since the infrastructure has been installed, reconfiguration is required for optimal operations.	DLM & NMMDM	MISA
3	Expedite pipe replacement projects for Blydeville, Boikhutso & Burgersdorp	The project is currently under construction	NMMDM	MISA
4	Develop operational policies, procedures & work instructions	These policies and procedures will provide detailed information on the operations of all water infrastructure	DLM & NMMDM	MISA/DWS
5	Appoint As and When Service providers (material, plant, specialists, maintenance, equipment)	NMMDM has a panel to deal with maintenance of water infrastructure, the current contracts will be reviewed and can be utilised for required maintenance as and when neces saryin Ditsobotla. The funding thereof will be detailed through the SLA	DLM & NMMDM	MISA
6	Meteringof all consumers	The DLM team to work with NMMDM and identify consumers that are not billed, Old meters need to be recalibrated to ensure optimal readings. (Funding Dependent)	DLM & NMMDM	MISA
7	Conduct Blue drop tests	Water sampling needs to be done on a monthly basis to ensure compliance with national water standards	DLM & NMMDM	MISA
8	Installation of a telemetric system	Currently water losses cannot be calculated do to old infrastructure and the lack of meters, a fully fledged telemetric system will enable the Municipality in monitoring water levels, running boreholes and water infrastructure. As soon as there is a breakdown, it will be electronically reported. (Funding Dependent)	NMMDM	MISA/DWS/PROVINCE

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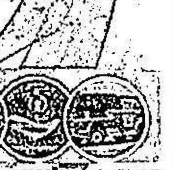
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ACTION PLAN AS PER SUBMISSION MADE BY MISA

Nr	ACTION	CURRENT STATUS	RESPONSIBILITY	SUPPORT ORGANIZATION
	LONG TERM (3 Years +)			
1	Develop a GIS system	The infrastructure is manually monitored and operated, with a telemetric system and full GIS system, all water infrastructure can then be electronically monitored and some electronically operated. This will lead to quicker turnaround times in responding to breakdowns	MISA	NMMDM/DLM/CoGTA/ DCOG
2	Develop asset management plan	An Asset management plan is pivotal in the long term management of infrastructure, currently infrastructure is only replaced once broken down, with an O&M plan and Asset management plan, planned maintenance and upgrading of assets can then be put in place. This is also funding dependent	MISA.	NMMDM/DLM/CoGTA/ DCOG
3	Construct additional reservoirs to ensure a Two(2) day Storage	With the current storage, water sufficient for day can be stored, ideally, sufficient water for 2 days needs to be stored in order to deal with maintenance and breakdown issues, hence additional storage is required. This is funding dependent.	MISA	NMMDM/DLM/CoGTA/ DCOG
4	Develop Water Services Plan	These plans are a requirement in line with water regulations, with drafts in place, these plans need to be finalized which in turn provide detailed information on future development plans. Once DWS has completed the ye ar reliability plan, this information will feed into the Master plans.	MISA	NMMDM/DLM/CoGTA/ DCOG
5	Develop Water Master Plan		MISA/DWS	NMMDM/DLM/CoGTA/ DCOG
7	Develop O& M plan		MISA	NMMDM/DLM/CoGTA/ DCOG
8	Explore usage of existing dams	A surface water analysis study needs to be conducted, this requires funding and support wherein future sustainable water sources can be developed	DWS	NMMDM/DLM/CoGTA/ DCOG
9	Explore construction of off-shore dams with DWS		DWS	NMMDM/DLM/CoGTA/ DCOG

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THANK YOU



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