

Municipal troubles appear worse

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A visit to the trouble-ridden Mafube Local Municipality by the Free State premier, Maqueen Letsoha-Mathae, on Wednesday, 23 April, came in the midst of a full-scale investigation, ordered by a judge of the Free State High Court.

Confronted with the same unresolved issues of poor management, she addressed the poverty-stricken community and current municipality executive in what proves to be a desperate attempt to fix this ANC-governed municipality.

The meeting was in Frankfort, one of the towns that forms part of the municipality.

Among the problems is authorities' dismal failure to pay workers' third-party contributions, which prompted Judge J. Opperman to order an investigation into the matter by the Director of Public Prosecutions (DPP) in the Free State.

The prosecution authority was ordered to report to the court within 60 days on the progress of the investigation, in writing.



Adv. Mothusi Lepheana, municipal manager of the Mafube Local Municipality. Photo: Supplied

Judge Opperman ordered this on 17 January this year, in the matter brought forward by the Municipal Workers' Retirement Fund (MWRF) against Mafube as the first respondent, plus four additional respondents. They are: Adv. Mothusi Lepheana (municipal manager), Dimakatso Tryphona Tau (chief financial officer),

Tlhoare Motsoeneng (executive mayor) and Thomas Mkaza (administrator of the municipality).

The judge ordered that all five respondents are liable, and made the order that all the respondents make a payment to the applicants' Workers Fund in the amount of R14 723 639,52, at the rate(s) which have been

prescribed in terms of section 13A(7) of the Pension Funds Act.

In addition, the respondents were ordered to pay the costs of this application on attorney-client scale, including the costs of two counsel.

"The municipality has become a faceless and untouchable perpetrator of the Pension Fund Adjudicator (PFA), to the detriment of the constitutional rights of the affected employee-members," Judge Opperman stated.

"The municipality has evaded accountability for many years, and illegitimately so.

"The individuals comprising the governing body and who were regularly in control of the financial affairs, have not been held legally liable and answerable to the neglect of their duties to pay the statutory imposed monthly retirement contributions to the fund."

The court found history of the litigation by the fund against the municipality, owing to ignorance of any legal means to pay workers' third-party contributions.

The court stated that the conduct of the respondent was criminal, according to the PFA.

Evidence of the municipality's ongoing non-payment of contributions and non-compliance with court orders obtained by the Municipal Workers' Retirement Fund date back to 2011.

Letsoha-Mathae repeated the same sentiments that the municipality was severely crippled by problems, and that it was merely one of the many municipalities in the province facing challenges.

She further reminded the officials of the grave concerns the Auditor-General (AG) raised about the state of the municipality, and further reiterated her commitment to assist the municipality as part of the provincial government leadership.

"It is not interference and should not be seen as such. It is intervention to help the municipality get back on its feet.

"The AG raised several issues regarding the Mafube Local Municipality, one of them being whether people appointed have the capacity to execute their duties.

"The team that will be established by the Office of the Premier will therefore help to build capacity," said Letsoha-Mathae.