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**Ref: EDM/EHP  
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The Municipal Manager  
Ehlanzeni District Municipality

Attention: Ms F Bongweni

By e-mail

## **REPORT – EHLANZENI STRATEGIC DIRECTION AND DEVELOPMENT OF BY-LAWS**

Various work sessions were held in Mbombela on 1, 2 and 3 September 2015. The sessions were facilitated by Mr D Nel. There were multiple objectives with the sessions, including:

1. To workshop the by-laws that were prepared for Ehlanzeni District Municipality (EDM).
2. To motivate to council that funds allocated for environmental health services and revenue raised by the department should be ring-fenced.
3. To motivate the conclusion of an MOU between the Mpumalanga Department of Health and Ehlanzeni District Municipality.

On 1 September a briefing session was held with the EDM municipal matter, the director responsible for municipal health and ms Funeka Bongweni. The by-laws that were prepared for EDM (Noise Control, Municipal Health and Air Quality) as well as the relationship with the Mpumalanga Department of Health were discussed.

On 2 September a presentation and a broad discussion of the by-laws and the EHP function was undertaken. More than 50 people attended the session.

On 3 September there was a discussion with province about the transfer of EHP's to EDM. The general feeling was that the EHP's in the employ of the provincial department should be transferred. A representative from the Gert Sibande DM expressed his extreme dismay that nothing has happened in this regard despite numerous requests. Province undertook to provide EDM with a report by 11 September 2015. The provincial chair of the meeting gave instruction to their HR manager to provide a report by the end of the next week. The SALGA representative also indicated that the matter should be taken up with them regarding the extension of the equitable share for the municipal health function.

As a result of the deliberations the following suggestions are made:

**1. Transfer of EHP's from province:**

- (a) The financial detail and costing of the transfer process should be obtained as a matter of urgency to allow the Ehlanzeni DM CFO to prepare for takeover in the budget process for July 2016;
- (b) Once the financial implications are known, it is suggested that the 3 DM's, backed by SALGA, send a strong delegation to National Treasury in an effort to get the DORA allocations presently given to province redirected to the DM's.
- (c) In the meantime the SLA between DM's and province should be finalised but separated from the "Transfer Agreement" The issue of finances should be dealt with in the latter agreement and not the SLA.

**2. Air Quality function:**

Given the limited capacity of the LM's in the area of EDM, it is suggested that EDM considers creating the capacity to render the whole air quality service in terms of Service Level Agreements with local municipalities. EDM already has the licensing function through which considerable income can be generated in the form of applications fees. Attach for your information is an example of the fees calculator used by Cape Winelands District Municipality.

The benefit from this option would be cost savings for everyone as you will only need one AQ management plan and one AQ By-law which will apply throughout the district. The cost for the plan, by-law and staff required can be shared by those involved. Apart from cost benefits the most important will be more effective service delivery.

### 3. Health related by-laws for local municipalities

In order to eradicate the grey areas that are currently causing serious misunderstandings as to responsibilities and service delivery, it is suggested that NMMU be approached to assist with the drafting of a few standard by-laws which can be collectively funded by the LM's who wish to take part.

The critical by-laws in this regard are the following:

- (a) Water Services
- (b) Waste Disposal
- (c) Keeping of animals
- (d) Public Events
- (e) Public Nuisances
- (f) Public Amenities
- (g) Cemeteries and Crematoria
- (h) Informal Trading.

*HJ van As*

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