



Member of the Executive Council
for Finance, Economic Development and Tourism
MPUMALANGA PROVINCE

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Litiko Letetimali, Kutfutukiswa
Kwetemnotfo netekuVakasha

Umnnyango weZeemali, weZokuThuthukiswa
KoMnotho nezamaVakatjho

Departement van Finansies,
Ekonomiese Ontwikkeling en Toerisme

Enquiries: Adv. V Baloyi @ 013 766 4155/ Mr. Basie Strauss @013 766 8682
Your Reference: Johan Coetzee/Save Emalahleni
Our Reference: MPT 10 1 3 36

Mr. Willem Heel Johannes Coetzee
42 Plumer Street
eMalahleni
1035

Dear Mr. Coetzee

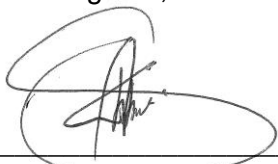
RE: NOTICE OF COMPLIANCE TO COURT ORDER OF 09 OCTOBER 2018 IN RE: CASE NO. 2799/2017 (SAVE EMALAHLENI)

1. The subject-matter bears reference.
2. As you are well aware, and with regard to the matter which is the subject-matter, on 09 October 2018, the Court granted an order on the Application to the effect that *"1. The First, Second, Third Respondents and Fourth respondents (The Premier, the Executive Council for Province of Mpumalanga, the MEC for Co-operative Governance and Traditional Affairs, Mpumalanga as well as the MEC for Treasury, Economic Development and Tourism [be] compelled and directed to intervene into the affairs of the Emalahleni Local Municipality by way of a **mandatory intervention** as provided for in section 139(5)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution), within 3 working days after date of the order."*
3. Furthermore *"2. The Province is ordered, compelled and directed to submit the request to the Municipal Financial Recovery Services (MFRS) (eleventh respondent, established in terms of Section 157 of the MFMA) to take the required steps in accordance with the provisions of section 139(1)(a) of the MFMA within three day period referred in Order (1)"*.
4. The Province was further "ordered, compelled and directed to notify the Applicants, within 3 days that it has complied with the time periods referred in orders 1 and 2" as already quoted above.

5. This letter therefore serves to comply with order 3 as quoted in paragraph 4 of this letter also to confirm with the Applicants that the time periods referred to in orders 1 and 2 above have been complied with as follows:-
- 5.1. In compliance with the Court Order, the Mpumalanga Executive Council (EXCO) met on 11 October 2018 and considered the order for a mandatory intervention in terms of section 139(5)(a) of the Constitution as well as in compliance to section 139(1)(a) of the MFMA and the order in this regard was noted by EXCO;
- 5.2. Furthermore, in my capacity as the MEC for Finance in the Province, I was mandated to facilitate the request for a Recovery Plan to the Municipal Financial Recovery Service on behalf of the Provincial Executive in order for the Province to comply with the provisions of section 139(1) of the MFMA.
- 5.3. Compliance to relevant legislation which are an incidental of the Order have also been complied with as follows:-
- 5.3.1. A letter to the Executive Mayor of eMalahleni for co-operation on the implementation of the Recovery Plan was done even prior to the order.
- 5.3.2. Copy of the request for a Recovery Plan to the Minister of Finance was sent;
- 5.3.3. Copy of the request for a Recovery Plan to the Minister of Co-operative Governance and Traditional Affairs was sent; and
- 5.3.4. Copy of the request for a Recovery Plan to the Municipality (eMalahleni) was sent.
6. As per your Office's telecom of today with our Mr. L Mpandeli, we further confirm that our compliance in this regard will be shared with the second Applicant (Save eMalahleni Action Group) and the third Applicant (Sam Nape on behalf of Interested and Affected Parties in terms of section 38 of the Constitution) and therefore for the purpose our compliance to Order 3, this letter will also serve as a Notification of Compliance to the second and third Applicants in this regard.

We hope and trust that you will find this in order.

Kind Regards,



MR SE KHOLWANE, (MPL)

MEC FOR FINANCE, ECONOMIC DEVELOPMENT AND TOURISM

DATE: 12 / 10 / 2018