

MINUTES

of the

**1st ORDINARY COUNCIL MEETING
FOR THE YEAR 2012**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 31 JANUARY 2012

at

16:00

**COUNCILLORS ATTENDANCE: 1ST ORDINARY COUNCIL MEETING
MINUTES: 31 JANUARY 2012**

ANC

PROPORTIONAL			
1.	Ngangelizwe S (Executive Mayor)	12.	Ntsebeng MH
2.	Chaka CP	13.	Petleki KI
3.	Kotzee D	14.	Radebe MC
4.	Lande ME	15.	Radebe ML
5.	Mafa DM	16.	Sephiri MJ (Chief Whip)
6.	Mafongosi ZV (Written Apology)	17.	Speelman NW
7.	Mbana MA (Written Apology)	18.	Stofile B (Speaker)
8.	Menyatso KJ	19.	Vacant
9.	Mkhusane NC	20.	Tlhone ML (Written Apology)
10.	Molefi MJ	21.	Tsubane ME
11.	Motshabi MP (Written Apology)	22.	Vanga NM
WARD			
23.	Dali VN	38.	Morris VR
24.	Khalipha TD	39.	Mosala MS (Written Apology)
25.	Mabote TL	40.	Mothege MA
26.	Madumise MM	41.	Mphikeleli MA
27.	Makgowe PV	42.	Ntlele KI
28.	Masienyane MD (Written Apology)	43.	Phetise ME
29.	Mbambo AX	44.	Qwasha GL
30.	Mfebe MSE	45.	Riet MI
31.	Mokausi LC (Written Apology)	46.	Sifatya Z
32.	Mokhomo HA	47.	Taliwe FE
33.	Molelekoa PA	48.	Thateng MJ
34.	Molelekoa PMI	49.	Thelingoane TJ
35.	Molete TN	50.	Tlake KR
36.	Molupe RT	51.	Tsatsa SJ
37.	Monjovo NE	52.	Tsubella KS

DA

PROPORTIONAL			
53.	Banyane ME	58.	Marais JS
54.	Beneke R	59.	Mholo PP
55.	Botha PF	60.	Mlangeni MG
56.	Fanie D	61.	Mokotedi TG (Absent)
57.	Fourie JJC	62.	Styger A (Written Apology)
WARD			
63.	De Villiers MT	66.	Smit DC
64.	Meyer KL (Absent)	67.	Van Rooyen MS
65.	Naude HJ	68.	Van Schalkwyk HCT

II

COPE

PROPORTIONAL			
69.	Matlebe MM (Written Apology)	71.	Thoabala TE
70.	May FG		

FF+

PROPORTIONAL	
72.	Taljaard SDM

OFFICIALS

Mr G Ramathebane	:	Municipal Manager
Mr S Makhubu	:	Executive Director Strategic Support Services
Mr J Molawa	:	Acting Executive Director Corporate Support Services
Mr J van Niekerk	:	Acting Executive Director Social Services
Mr LB de Bruyn	:	Acting Chief Financial Officer
Mr J Jankowitz	:	Snr Admin Officer (Corporate Services)

III

SECTION A

1. OPENING

The Speaker welcomed everybody present and requested Cllr TE Thoabala to open the meeting with a prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

See Councillors Attendance List on **pages I and II** of these minutes.

3. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

None.

4. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

The Speaker congratulated the Executive Mayor on his birthday.

5. DISCLOSURE OF INTEREST

None

6. DEPUTATIONS AND INTERVIEWS

None

7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

A10/2012 - A11/2012

8. MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLVED (31 JANUARY 2012)

1. That the minutes of the 4th Extra-Ordinary Council Meeting held on 29 November 2011 **BE APPROVED**.
2. That the minutes of the 6th Ordinary Council Meeting held on 29 November 2011 **BE APPROVED** in conjunction with the following amendments:

Councillors Attendance: By deleting the name of the late Cllr PP Thembane.

IV

3. That the minutes of the 5th Special Council Meeting held on 13 December 2011 **BE APPROVED** in conjunction with the following amendments:

Councillors Attendance: By indicating that Cllr HCT van Schalkwyk submitted and apology.

Page 1. SA11/2011 DEMARCATIION REPORT (ADCSS) (18/1/1)

By deletion of the words **delimitation of wards** in the purpose and substituting it with **redetermination of outer boundaries**.

4. That the minutes of the 6th Special Council Meeting held on 22 December 2011 **BE APPROVED** in conjunction with the following amendment:

Councillors Attendance: By deleting the name of the late Cllr PP Thembane.

Page 1. SA12/2011 DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS FOR COUNCILLORS (ACFO) (6/6/2)

By changing paragraph 2 of Council's resolution to read as follows:

That Council **CONDONES** *the action of Administration regarding* the payments made to Councillors before the Council sitting.

9. **MATTERS ARISING FROM THE MINUTES**

Minutes of the 6th Ordinary Council Meeting held on 29 November 2011

A61/2011

REPORT ON PORTIONS OF MUNICIPAL LAND AS WELL AS PROPERTIES AVAILABLE FOR DISPOSAL (8/1/1) (SMTP&HS)

COUNCIL RESOLVED (31 JANUARY 2012)

That the Municipal Manager **MUST SUBMIT** the market value of sites depicted in the table on page 9 of the minutes at the next Council meeting.

V

Minutes of the 6th Special Council Meeting held on 22 December 2011

SA12/2011

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS FOR COUNCILLORS (ACFO) (6/6/2)

COUNCIL RESOLVED (31 JANUARY 2012)

That the Acting Chief Financial Officer be requested **TO SUBMIT** the correct figures indicated in paragraph 3 under Discussions, at the next meeting.

10. FORMAL SIGNING OF MINUTES

The Speaker indicated that he would sign the minutes after the meeting.

SECTION B

11. REPORTS OF THE SPEAKER IN TERMS OF RULES 15(1) AND 99(4)

None

12. REPORTS OF THE EXECUTIVE MAYOR

A1/2012 – A12/2012

13. MOTIONS

A8/2012 – A9/2012

14. CLOSING REMARKS

None

15. CLOSURE

The Speaker ended the meeting at **19:50**.

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CLLR B STOFIL (SPEAKER)

.....
DATE

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A1/2012

MONTHLY FINANCIAL REPORT – DECEMBER 2011 (ACFO) (12/1/2/3)

PURPOSE

To submit to Council the Financial Report for December 2011 in terms of Section 71 of the Municipal Finance Management Act number 56 of 2003.

DISCUSSIONS

The Executive Mayor presented the report.

COUNCIL RESOLVED (31 JANUARY 2012)

1. That Council **TAKES NOTE** of the Monthly Financial Report for December 2011.
2. That the Monthly Financial Report for December 2011 **BE SUBMITTED** to Provincial and National Government.

A2/2012

MUNICIPAL ADJUSTMENT BUDGET (2011/12) (ACFO)

PURPOSE

To submit to Council a recommendation for an Adjustment Capital Budget in terms of Section 28 of the Municipal Finance Management Act no.56 of 2003.

DISCUSSIONS

The Executive Mayor presented the item.

Cllr Smit requested that Ward Councillors be involved in projects in their wards.

COUNCIL RESOLVED (31 JANUARY 2012)

That Council **APPROVES** the 2011/12 Draft Adjusted Budget.

A3 /2012

**MID-YEAR BUDGET AND PERFORMANCE REPORT – DECEMBER 2011
(6/1/1/1) (ACFO)**

PURPOSE

To submit to Council the Budget report in terms of Section 72 of the Municipal Finance Management Act, number 56 of 2003, for six months ended 31 December 2011.

DISCUSSIONS

The Executive Mayor presented the report.

COUNCIL RESOLVED (31 JANUARY 2012)

That Council **TAKES NOTE** of the Budget report in terms of Section 72 of the Municipal Finance Management Act, number 56 of 2003, for six months ended 31 December 2011.

A4 /2012

**MATJHABENG LOCAL MUNICIPALITY: DRAFT ANNUAL REPORT: 2010/2011
FINANCIAL YEAR (MM) (2/1)**

PURPOSE OF THE REPORT

To submit to Council the Draft Annual Report of Matjhabeng Local Municipality for the 2010/2011 Financial Year.

DISCUSSIONS

The Executive Mayor presented the report.

COUNCIL RESOLVED (31 JANUARY 2012)

1. That the contents of the Annual Report of the Matjhabeng Local Municipality for the 2010/2011 Financial Year, compiled in terms of section 121 of the Municipal Finance Management Act, Act 53 of 2003, **BE NOTED**.
2. That the report **BE REFERRED** to the Municipal Public Accounts Committee and that their comments be included in the report to be submitted to Council in terms of section 129 of the MFMA.

A5/2012

SUBMISSION OF THE 2011/2012 MID-YEAR PERFORMANCE REPORT OF THE MATJHABENG LOCAL MUNICIPALITY (EDSSS) (2/1)

COUNCIL RESOLVED (31 JANUARY 2012)

That the item **BE WITHDRAWN**.

A6/2012

SOUTH AFRICAN POLICE SERVICE: APPLICATION TO PURCHASE A PORTION OF ERF 2591, KUTLWANONG FOR THE DEVELOPMENT A COMMUNITY POLICE STATION (8/3/2/10) (LED)

PURPOSE OF REPORT

To motivate the alienation of a portion of Erf 2591, Kutlwanong to the South African Police Service for the development of a community police station.

DISCUSSIONS

The Executive Mayor presented the item.

COUNCIL RESOLVED (31 JANUARY 2012)

1. That it **BE NOTED** that Erf 2591 would not be required by the Municipality, now or in future, to provide the minimum level of basic municipal services and that the alienation thereof be supported.
2. That **COGNIZANCE BE TAKEN** that the market value of Erf 2591 (25 881m²) as determined by an independent and registered property valuer amounts to R388 215 for the larger erf or R15/m².
3. That the Municipal Manager **BE MANDATED** to alienate a portion of Erf 2591 (approximately 1,8189 ha) to SAPS at full market value of R15/m².
4. That the following conditions of alienation and development **BE APPLICABLE**:
 - a) That the applicant accepts the conditions in writing within thirty days from date the applicant was informed of the resolution.

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- b) That a Deed of Sale, also addressing all proposed aspects of the development be signed by the applicant within thirty days after the written acceptance of the Council's conditions.
- c) That all relevant costs to the sales transaction, which include the cost of the sale agreement and the registration of the transfer, be for the account of the applicant.
- d) That the developer be responsible for the subdivision of Erf 2591 into two alienable portions in accordance with the layout plan T1008/K on **page 42 of the Annexures**, and that such application for subdivision be submitted to the Acting Director for Planning and Housing of the Municipality for approval prior to the submission of the application to the Provincial authority.
- e) That both portions of the subdivided erf be registered in the Deeds Office within 90 days from the notice of the approval of the subdivision.
- f) That 10% of the purchase price be paid on the signing of the sales agreement and that the remainder of the selling price shall be payable upon registration of the properties in die Deeds Office.
- g) That the development be done in terms of the applicable Town Planning Scheme.
- h) That the development of the erf commence within two years after date of registration in the Deeds Office, failing of which the developer will at his cost transfer the property back to the Municipality at th original contract value.
- i) That prior to any development on the erf, the applicable site development plan, building elevation, service construction and drainage plans be prepared in consultation with and to the satisfaction of all relevant departments, and that the site development plans at least show the following information:
 - i) All buildings, utility areas, open spaces etc.
 - ii) The position of all vehicle and pedestrian entrances and movement areas.
 - iii) The position of all municipal services on the erf.
- j) That where applicable, the applicant will at his cost register servitudes in favor of the Municipality on all municipal services situated on the property in which case the Municipality reserves the right to perform normal maintenance on all municipal services that may be covered by paved parking areas or alternatively, at the expense of the developer reposition such services to a suitable position outside the erf boundary in consultation with and to the satisfaction of the Municipality.

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- k) That any development on the erf be done in terms of the National Building regulations.
- l) That the following be applicable regarding the provision of infrastructure on the erf:
 - i) Planning of all services connections must be done in consultation with and to the satisfaction of the Directorate Infrastructure.
 - ii) The cost for the water connection will be for the account of the developer and in accordance with the tariff list.
 - iii) The cost for the sewer connection will be for the account of the purchaser. Regarding the planning and provision of the sewer connection the following must be adhered to:
 - The sewage connection can be constructed from Road KUT212.
 - It must be verified if this will be sufficient to service the proposed development.
 - Provision must be made for the subdivided portion to be serviced with a sewer connection.

A7/2012

DEVELOPMENT PROPOSAL FOR THE PURCHASE OF REMAINING EXTENT OF ERF 150, BOK STREET, WELKOM CBD (LED) (8/3/2/10)

PURPOSE OF REPORT

The purpose of the report is to:

- a) Present Council with the market value of the Remainder of Erf 150, Welkom CBD as requested in terms of Council Resolution A16 of 23 February 2010.
- b) To motivate the alienation of the Remainder of Erf 150, Welkom CBD to Pro- Direct Investments 315 (Pty) Ltd (a member of Cavaleros Group Holdings (Pty) Ltd.

DISCUSSIONS

The Executive Mayor presented the item.

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COUNCIL RESOLVED (31 JANUARY 2012)

1. That **COGNISANCE BE TAKEN** that all procedures in terms of the alienation of property as stipulated in the Municipal Financial Management Act regarding the alienation of assets by means of a competitive bidding process were adhered to including:
 - a) Council Resolution of 23 February 2010 (A16/2010) which supports the alienation of the property.
 - b) Invitation of development proposals in the media.
 - c) Evaluation of development proposals
2. That **COGNISANCE BE TAKEN** that only one development proposal was received viz. that of Pro-Direct Investments 315 (Pty) Ltd.
2. That **COGNIZANCE BE TAKEN** of the taken that the market value of the land amounts to R370 000 as indicated in the valuation report enclosed on **page 113 to page 118 of the Annexures.**
4. That the development proposal of Pro-Direct Investments 315 (Pty) Ltd., inclusive of the following key aspects **BE SUPPORTED**:
 - a) The purchase offer of R 580 600,00.
 - b) The development of palisade fencing on the borders of the entire area.
 - c) The provision of sliding gates with security control at each gate.
 - d) The provision of pedestrian gates.
 - e) Resurfacing of the parking area with additional landscaping.
 - f) The development of two hawkers areas (53,4m²) each with stands comprising of 106m² at a total development cost of R2000/m = R212 000.
5. That the conditions of alienation and development as enclosed in the evaluation report on **page 100 to page 111 of the Annexures BE APPLICABLE.**
6. That the Municipal Manager **BE MANDATED** to alienate Remainder of Erf 150, Welkom CBD to Pro-Direct Investments 315 (Pty) Ltd (a member of Cavaleros Group Holdings (Pty) Ltd.

//Items A8/2012 and A9/2012 were handled simultaneously.//

A8/2012

MOTION BY COUNCILLOR TE THOABALA: HIRING OF FACILITIES
(3/1/3/2) (AEDCSS)

PURPOSE

To submit to Council the motion received from Cllr TE Thoabala, for consideration.

A9/2012

MOTION BY COUNCILLOR PP MHOLO: SECURITY MEASURES AT CENTRAL
PARK (3/1/3/2) (AEDCSS)

PURPOSE

To submit to Council the motion received from Cllr PP Mholo, for consideration.

DISCUSSIONS

The Speaker gave Cllrs TE Thoabala and PP Mholo the opportunity to present their motions.

The Executive Mayor indicated that the two motions should be discussed with him.

COUNCIL RESOLVED (31 JANUARY 2012)

That Cllrs TE Thoabala and PP Mholo **MUST DISCUSS** their motions with the Executive Mayor.

//Items A10/2012 and A11/2012 were handled simultaneously.//

A10/2012

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR HCT VAN SCHALKWYK
(3/1/1) (3/1/3/2) (MM)

PURPOSE

To submit the questions raised by Cllr HCT van Schalkwyk and the response thereon by the Municipal Manager.

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DISCUSSION

The Speaker indicated that the answers on the questions raised in items A10/2012 and A11/2012 are attached in the annexures and should any further clarity be needed it be discussed with the Municipal Manager.

COUNCIL RESOLVED (31 JANUARY 2012)

That Council **TAKES NOTE** of the questions raised by Cllr HCT van Schalkwyk and the response thereon by the Municipal Manager.

A11/2012

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR TE THOABALA (3/1/1) (3/1/3/2) (MM)

PURPOSE

To submit the questions raised by Cllr TE Thoabala and the response thereon by the Municipal Manager.

COUNCIL RESOLVED (31 JANUARY 2012)

That Council **TAKES NOTE** of the questions raised by Cllr TE Thoabala and the response thereon by the Municipal Manager.

A12/2012

APPOINTMENT OF EXECUTIVE DIRECTORS (2/1) (MM)

PURPOSE

To submit the list of recommended candidates for appointment to Council for approval.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (31 JANUARY 2012)

1. That Ms F Ntlemeza **BE APPOINTED** as Executive Director Corporate Support Services.

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2. That Ms M Mogopodi **BE APPOINTED** as Executive Director Community Services.
3. That Mr X Msweli **BE APPOINTED** as Executive Director Local Economic Development and Planning.
4. That the Municipal Manager **BE DELEGATED** the function of negotiating the remuneration packages with the appointed Executive Directors and **FINALIZES** the contracts of employment and performance agreements.
5. That the CV's of the candidates **BE SUBMITTED** to the next Council meeting.