

MINUTES

of the

**1ST ORDINARY COUNCIL MEETING
FOR THE YEAR 2017**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 31 JANUARY 2017

at

14:00

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,
WELKOM**

COUNCILLORS ATTENDANCE

1ST ORDINARY COUNCIL MEETING MINUTES: 31 JANUARY 2017

PROPORTIONAL			
1.	Stofile B (Speaker)	19.	Moipatle KSV
2.	Sephiri MJ (Chief Whip)	20.	Mthebere NA (Apology)
3.	Speelman NW (Executive Mayor)	21.	Ngesi TM (Resigned)
4.	Badenhorst MJ	22.	Ntsebeng MH
5.	Botha PF	23.	Phofeli NM
6.	Direko DR	24.	Presente LN
7.	Jacobs EJ	25.	Radebe MC
8.	Kabi M	26.	Radebe ML
9.	Khetsi LE (Apology)	27.	Rakaki MM
10.	Letlhake TW	28.	Ramabodu BM
11.	Lushaba TB	29.	Senxezi ME (Apology)
12.	Macingwane MT (Apology)	30.	Sithole AM (Apology)
13.	Mafaisa MG	31.	Styger A
14.	Manenye AJ	32.	Taljaard SDM
15.	Manese SD	33.	Thelingoane NE
16.	Marais JS	34.	Tshopo ME
17.	Masina XN	35.	Tsoaeli MS (Apology)
18.	Mbana MA (Resigned)	36.	Tsupa MR
WARD			
37.	Badenhorst HS	55.	Moshoeu ZS
38.	Chaka MS	56.	Mosia TJ
39.	Daly A	57.	Mphikeleli MA
40.	Khalipha TD	58.	Nkonka BB
41.	Khothule MJ	59.	Nthako TD
42.	Liphoko SJ (Apology)	60.	Ntuli BN
43.	Mafa DM	61.	Pholo SJ
44.	Mahlumba BH	62.	Poo IP
45.	Malherbe C	63.	Ramalefane SJ
46.	Manzana NR	64.	Ramatisa PT
47.	Masienyane MD	65.	Schlebusch CJ
48.	Meli TS	66.	Sebotsa MM
49.	Mokhomo HA	67.	Thelingoane TJ
50.	Molefi M	68.	Tlake KR
51.	Molelekoa PMI	69.	Tsatsa SJ
52.	Moloja NJ	70.	Tshabangu SE
53.	Monjovo NE	71.	Van Rooyen MS
54.	Morris VR	72.	Van Schalkwyk HCT



EXECUTIVE MANAGEMENT

Mr MF Lepheana	:	Municipal Manager
Mr T. Makofane	:	Executive Director: Strategic Support Services
Mr ET Tsoaeli	:	Chief Financial Officer
Mr FF Wetes	:	Executive Director: Corporate Services
Mr X. Msweli	:	Executive Director: LED, Planning & HS
Me M. Mogopodi	:	Executive Director: Community Services
Me HB Maswanganyi	:	Executive Director: Infrastructure

COUNCIL ADMINISTRATION SECRETARIAT

Mr M. Atolo	:	Senior Manager: Council Admin
Me PP Seleka	:	Admin Officer (Corporate Services)

III

(a)	<p>Opening</p> <p>The Speaker welcomed everybody present at the 1st Ordinary Council meeting for the year 2017 and declared the meeting open.</p>
(b)	<p>Applications for leave of absence</p> <p>See Councillors' attendance list on page 1 of these minutes.</p>
(c)	<p>Official announcements of the Speaker</p> <p>The Speaker informed members that his Office would be starting a process of inducting Ward Committee members and the programme would commence from the 1st - 7th February 2017. He mentioned that Ward Committee members from Wards 1, 2, & 3 would be inducted on the 1st February 2017.</p>
(d)	<p>Reports of the Speaker in terms of rules 15(1) and 99(4)</p> <p>None</p>
(e)	<p>Tabling of documents prescribed by statute or these rules and orders</p> <p>None</p>
(f)	<p>Applications and appeals from Councillors in terms of rules 14(1), 67 and 72</p> <p>None</p>
(g)	<p>Reports received from the Speaker</p> <p>A2/2017 – A3/2017 & A16/2017</p>
(h)	<p>Motions of sympathy and congratulations by the Speaker</p> <p>None</p>
(i)	<p>Motions of sympathy and congratulations by other Councillors</p> <p><u>Sympathy</u></p> <ol style="list-style-type: none"> 1. Cllr H.A. Mokhomo conveyed a message of sympathy to the Lento family for the passing on of their son, Thabiso who served as a Ward Committee member in Ward 31 during the 2011-2016 term. 2. Cllr M.L. Radebe conveyed a message of condolences to the Stofile family for the passing on of the Speaker's sister. 3. Cllr M.S. Chaka conveyed a message of sympathy for the passing on of a Ward 14 Committee member, Bishop Jaca who was awarded a position of an Education Officer of Ward 14 and who was already buried. 4. Cllr KSV Moipatle conveyed a message of sympathy to the Executive Mayor of Mangaung Municipality, Me Mlamleli for the passing on of her uncle who would be buried in Zimbabwe. 5. Cllr M.D. Masienyane conveyed a message of condolences to the Tsopo family for the passing on of the former Speaker of the Free State Provincial Legislature, Me Ouma Tsopo. 6. He also conveyed a message of sympathy to the Qabathe family for the passing on of Me Qabathe's two grandchildren.

IV

	<p><u>Congratulations</u></p> <ol style="list-style-type: none"> 1. Cllr KR Tlake congratulated the Office of the Executive Mayor and members of the Mayoral Committee: Cllrs Direko, Morris, Tshopo and Lushaba who made the 20 year anniversary of the establishment of Hani Park, held on the 16 December 2016, a success. 2. He also thanked the office of the MMC for Public Safety and Law Enforcement, Cllr VR Morris who worked together with them for the whole night, assisting people whose houses were flooded during the heavy rains. 3. He also congratulated himself and his committee for acquiring a constituency office that is fully equipped with all tools of trade and indicated that his office is named Chief Albert Luthuli house. 4. Cllr TJ Thelingoane congratulated ANC Councillors in Lejweleputswa for winning the 2nd position award at the National ANC event which was held recently and commended them for working very hard and showing the Country that ANC Councillors are hard workers. 5. Cllr KSV Moipatle congratulated the Free State Education Department for attaining the highest Matric pass rate in the Country and commended School Governing Bodies, Parents, the entire Department and MEC Makgoe for their support.
(j)	<p>Deputations and interviews</p> <p>None</p>
(k)	<p>Disclosure of interest</p> <p>The Speaker reminded Councillors to update their declaration forms at the office of the Municipal Manager, however if a Councillor has a personnel/financial interest on any matter for consideration by Council, such Councillor has to declare his/her interest in the meeting.</p>
(l)	<p>Minutes of the previous meetings:</p> <p><u>Council resolved: (31 January 2017)</u></p> <ol style="list-style-type: none"> 1. That the minutes of the 3rd Ordinary Council meeting for the 4th term held on 13 December 2016 be adopted with the following corrections: <ol style="list-style-type: none"> 1.1 That the word “<i>Thunya</i>” in Motion 6 reflected in roman figure IV of the minutes be corrected to read as “<i>Thunywa</i>”. 1.2 That resolution 2 of Item A109/2016 be corrected to read as follows: <p style="text-align: center;"><i>“That Council APPROVES the donation of the list of 62 erven to the Provincial Department of Human Settlements at their Municipal Valuation roll value, for Military Veterans Housing Assistance Programme”.</i></p>

V

<p>(m)</p>	<p>Matters arising from the minutes: 13 December 2016</p> <p>A94/2016</p> <p>Cllr MJ Badenhorst wanted to know the reason why the Municipal Manager did not submit a comprehensive report of overtime worked by various municipal officials as per resolution 3 of Item A94/2016.</p> <p>The Executive Mayor explained that the report was submitted to the Mayoral Committee but it was not credible enough to be submitted to Council.</p> <p><u>Council resolved:</u> (31 January 2016)</p> <ol style="list-style-type: none">1. That a comprehensive overtime report REFLECTING overtime worked in all Departments including the Offices of the Executive Mayor and the Speaker should BE SUBMITTED at the next Council meeting.2. That proper management should BE MAINTAINED to monitor the issue of excessive overtime. <p>A147/2016</p> <p>Cllr A. Styger wanted to know the reason why the Multi-Party Committee appointed by Council to deal with alleged illegal sale of land without Council approval was not established as per resolution 4 of Item A147/2016.</p> <p>It was explained that Councillors who were appointed to the Committee belonged to 2 parties only and other names from other parties were not submitted yet.</p> <p><u>Council resolved:</u> (31 January 2016)</p> <ol style="list-style-type: none">1. That Council APPOINTS Cllrs TD Khalipha, DR Direko, SD Manese, A. Styger, HS Badenhorst, SE Tshabangu, 1 Councillor from EFF and Cllr SDM Taljaard to serve in the Multi-Party Ad-hoc Committee on alleged illegal sale of land without Council approval.2. That the Office of the Speaker should INFORM the Parties that were not present at the Council meeting and the Executive Mayor would CONVENE the first meeting with the appointed Committee. <p>A149/2016</p> <p>Cllr A. Styger wanted to know the reason why the resolutions of Item A149/2016 were not adhered to in totality.</p> <p>The Executive Mayor explained that the matter was not finalized yet but a report would be submitted in Council upon completion.</p>
<p>(n)</p>	<p>Questions of which notice had been given</p> <p>A1/2017 & A14/2017</p>

VI

(o)	Reports of the Executive Committee/ Executive Mayor/ Committee Reports A4/2017 – A13/2017
(p)	Reports of decisions taken under delegated powers None
(q)	Motions A15/2017
(r)	Closing The Speaker thanked everyone present and closed the meeting at 19h00 .

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CLLR B. STOFIE (SPEAKER)

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DATE

INDEX

ITEM NO	ITEM	PAGE
A1/2017	QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR TM NGESI (SPEAKER) (3/1/3/2)	1
A2/2017	RESIGNATION OF COUNCILLOR TM NGESI AS A COPE COUNCILLOR (SPEAKER)	1
A3/2017	RESIGNATION OF COUNCILLOR MA MBANA AS AN ANC COUNCILLOR IN MATJHABENG (SPEAKER)	1-2
A4/2017	MONTHLY FINANCE REPORT – DECEMBER 2016 (EXECUTIVE MAYOR) (12/1/2/3)	2
A5/2017	THREE MONTHS FINANCE REPORT – OCTOBER - DECEMBER 2016 (EXECUTIVE MAYOR) (12/1/2/3)	2-3
A6/2017	MID-YEAR BUDGET AND PERFORMANCE REPORT- 1 JULY 2016 - 31 DECEMBER 2016 (EXECUTIVE MAYOR) (12/1/1)	3
A7/2017	CURRENT STATUS OF THE MUNICIPAL INFRASTRUCTURE GRANT (MIG) CAPITAL PROJECTS IN MATJHABENG LOCAL MUNICIPALITY DECEMBER 2016 (EXECUTIVE MAYOR) (6/4/1)	4
A8/2017	PROGRESS REPORT ON COUNCIL RESOLUTIONS (EXECUTIVE MAYOR) (2/2/2)	4
A9/2017	DRAFT MUNICIPAL ADJUSTMENT BUDGET (2016/2017) (EXECUTIVE MAYOR) (6/1/1/1)	5-6
A10/2017	COUNTER-FUNDING FOR THE PHOMOLONG UPGRADING OF SEWAGE PUMPING STATION, OUTFALL AND RISING MAIN (EXECUTIVE MAYOR) (19/8/1/1)	6-7
A11/2017	SUBMISSION OF 2 nd QUARTERLY DRAFT PERFORMANCE REPORT TO COUNCIL FOR CONSIDERATION (EXECUTIVE MAYOR) (6/12/2/1)	7
A12/2017	DRAFT ANNUAL REPORT 2015/2016: MATJHABENG MUNICIPALITY (EXECUTIVE MAYOR) (12/1/1)	7-8

II

A13/2017	DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCIL (EXECUTIVE MAYOR) (6/6/2)	8
A14/2017	QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR PF BOTHA (MM) (3/1/3/2)	8-9
A15/2017	MOTION BY COUNCILLOR PF BOTHA: BESTOWMENT OF ALDERMAN STATUS ON COUNCILLOR DR JS MARAIS (MM) (20/19)	9
A16/2017	COMPLAINT BY THE DEMOCRATIC ALLIANCE (SPEAKER) (20/19)	9

1

A1/2017

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR T.M. NGESI (MM)
(3/1/3/2)

PURPOSE

To submit a request made by Cllr T.M. Ngesi and the report thereon by the Municipal Manager.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the item.

A2/2017

RESIGNATION OF COUNCILLOR T.M. NGESI AS A COPE COUNCILLOR
(SPEAKER) (3/1/4/2)

PURPOSE

The purpose of this item is to submit to Council the resignation of Cllr T.M. Ngesi as a Councillor representing COPE in Matjhabeng Council, for noting.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the resignation of Cllr T.M. Ngesi.

A3/2017

RESIGNATION OF COUNCILLOR M.A. MBANA AS AN ANC COUNCILLOR IN
MATJHABENG (SPEAKER) (3/1/4/2)

PURPOSE

The purpose of this item is to submit to Council the resignation of Cllr M.A. Mbana as a Councillor representing ANC in the Matjhabeng Local Council, for noting.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the resignation of Cllr M.A. Mbana.

A4/2017

MONTHLY FINANCE REPORT – DECEMBER 2016 (EXECUTIVE MAYOR)
(12/1/2/3)

PURPOSE

To submit to Council the Monthly Finance report for December 2016 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the Finance report for December 2016 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.
2. That the Finance report for December 2016 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.

A5/2017

THREE MONTHS FINANCE REPORT – OCTOBER - DECEMBER 2016
(EXECUTIVE MAYOR) (12/1/2/3)

PURPOSE

To submit to Council the three Months Finance report for October - December 2016 in terms of Section 52(d) of the Municipal Finance Management Act, number 56 of 2003.

DISCUSSION

The Executive Mayor presented the item to Council.

3

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the Finance report for the quarter (October- December 2016) in terms of Section 52(d) of the Municipal Finance Management Act, number 56 of 2003.
2. That the Finance report for the quarter (October - December 2016) in terms of Section 52(d) of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.

A6/2017

MID-YEAR BUDGET AND PERFORMANCE REPORT- 1 JULY 2016 - 31 DECEMBER 2016 (EXECUTIVE MAYOR) (12/1/1)

PURPOSE

To present to Council a report on the mid-year Budget and Performance report of the Municipality for the period 1 July 2016 to 31 December 2016 as required by Section 72 of the Municipal Finance Management Act No 56 of 2003.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the financial and non-financial reports for a period of six months (July - December 2016) in terms of Section 72 of the Municipal Finance Management Act, number 56 of 2003.
2. That both the financial and non-financial reports for a period of six months (July - December 2016) in terms of Section 72 of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.
3. That Council **TAKES NOTE** of the amendments to be made in the SDBIP of 2016/2017.

A7/2017

CURRENT STATUS OF THE MUNICIPAL INFRASTRUCTURE GRANT (MIG) CAPITAL PROJECTS IN MATJHABENG LOCAL MUNICIPALITY - DECEMBER 2016 (EXECUTIVE MAYOR) (6/4/1)

PURPOSE

To present to Council the current status and progress report on the implementation of capital projects funded through MIG for the month of December 2016.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the report.
2. That the implementation of the procurement plan **BE EXPEDITED**.
3. That all outstanding projects must **BE ADVERTISED** in February 2017.
4. That all monies allocated for the 2016/17 financial year should **BE UTILIZED** in full by the 31st of June 2017.
5. That if the MIG allocation is not spent in full at 100% by the end of the current financial year, the Municipal Manager must **TAKE RESPONSIBILITY**.
6. That the Municipal Manager and the Executive Mayor **SHOULD URGENTLY ADDRESS** the challenges pertaining to the Virginia/ Meloding Construction of 2 km Paved Road and Dr Mngoma Road Projects.

A8/2017

PROGRESS REPORT ON COUNCIL RESOLUTIONS (EXECUTIVE MAYOR) (2/2/2)

PURPOSE

To submit a progress report on Council Resolutions, to Council for noting.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of the progress report on Council Resolutions Audit.

A9/2017

DRAFT MUNICIPAL ADJUSTMENT BUDGET (2016/2017) (EXECUTIVE MAYOR) (6/1/1/1)

PURPOSE

To submit to Council the Draft Municipal Adjustment Budget for the 2016/17 financial year in terms of Section 28 of the Municipal Finance Management Act No. 56 of 2003 and the Municipal Budget and Reporting Regulations.

DISCUSSION

The Executive Mayor presented the item to Council indicating that the adjustment budget was aimed at addressing fundamental issues and challenges in Matjhabeng, such as:

- economic empowerment of Matjhabeng community by ensuring that 70% of projects are awarded to benefit them;
- attraction of investors by creating an environment that is conducive for business;
- promotion of township tourism;
- promotion of sports such as boxing tournaments; and
- finding means of assisting needy students in order to help them to improve the living conditions of their families.

The Executive Mayor also highlighted that factors such as poor sanitation, high rate of crime, zama-zamas, illegal businesses etc. are discouraging investors from coming to invest in our area and therefore urged management and officials to keep all Matjhabeng areas very clean and attractive to investors.

The Executive Mayor informed members that the approved Annual Budget for 2016/17 financial year was based at 65% which was informed by the past collection trends but the actual pay rate for the first six months of the current financial year was 62%. He indicated that the consumer debt was R1.9 billion as from August 2016 to December 2016 and the debt of the business sector from August 2016 to date is R240 million.

In conclusion, the Executive Mayor emphasized that the Municipality should put rigorous debt collection efforts and credit control measures to improve revenue collection in order to prevent disconnection of services by ESKOM and Sedibeng. He urged all Councillors to encourage residents to pay for the services rendered and management to deal with businesses that owe the Municipality huge amounts for long periods as well officials who are tasked to disconnect services but fail to do so because of accepting bribes.

He also reported that the Municipality is experiencing 80% bypass of water and electricity and emphasized that urgent steps should be taken to curb such offenses.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **APPROVES** the 2016/2017 Draft Adjustment Budget.
2. That the Adjusted Total Capital Budget for the 2016/17 financial year is **R 153 363 000** and the funding consist of a mixture of grants and own funding. The breakdown is as follows:

Municipal Infrastructure Grant R 113 363 000
Internally Generated Funds R 40 000 000

The Regional Bulk Infrastructure Grant and Integrated National Electrification Grant (Eskom) are indirect grants.
3. The additional R 20 000 000 on the capital budget **BE FUNDED** from the sale of land as approved by Council. This further allocation **BE UTILIZED** to address the urgent sewer and sanitation challenges facing the Municipality.
4. The SDBIP **BE ADJUSTED** as per new budget allocations.
5. That the R1 000 out-of-pocket expense for Ward Committee members from January to June 2017 **BE PAID** from the allocation saved since August 2016 to date and an allocation for the next financial year out-of-pocket expense **BE PROVIDED** for in the 2017/18 financial year Annual budget.

A10/2017

COUNTER-FUNDING FOR THE PHOMOLONG UPGRADING OF SEWAGE PUMPING STATION, OUTFALL AND RISING MAIN (EXECUTIVE MAYOR) (19/8/17)

PURPOSE

To request Council for the approval of counter-funding for the Upgrading of Sewage Pumping Station; Outfall and rising main in Phomolong for which partial MIG funding was recommended by the Department of Water and Sanitation (DWS) as the Sector Department.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **APPROVES** an amount of R3 833 905.00 for counter-funding the Phomolong upgrading of Sewage Pumping Station, Outfall and Rising main project.

2. That the counter-funding amount **BE ALLOCATED** in the 2017/18 financial year budget.

A11/2017

SUBMISSION OF 2ND QUARTERLY DRAFT PERFORMANCE REPORT TO COUNCIL FOR CONSIDERATION (EXECUTIVE MAYOR) (6/12/2/1)

PURPOSE

To submit a 2016/2017 second Quarter Draft Performance report to Council for consideration.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **TAKES NOTE** of progress achieved in the second quarter of the current financial year.
2. That the Municipal Manager **SHOULD DEVELOP** an Action Plan to address issues raised in the quarterly performance report.
3. That the report **BE REFERRED** to MPAC.

A12/2017

REPORT OF DRAFT ANNUAL REPORT FOR THE FINANCIAL YEAR 2015/2016: MATJHABENG MUNICIPALITY (EXECUTIVE MAYOR) (12/1/1)

PURPOSE

The purpose of the report is to table the Draft Annual Report of the financial year 2015/2016 to Council in line with section 121, 127(2) and (3), 133(1)(a) of the Municipal Finance Management Act, No. 56 of 2000 for noting.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **NOTES** the Draft Annual report for the Financial Year 2015/16.

8

2. That a complete Draft Annual report **BE SUBMITTED** to Council for adoption before the end of February 2017.
3. That the Draft Annual report **BE REFERRED** to MPAC.
4. That a Council meeting **BE CONVENED** immediately after the Auditor General has submitted an Audited Statement to the Municipality.

A13/2017

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCIL (EXECUTIVE MAYOR) (6/6/2)

PURPOSE

To submit to Council the upper limits of salaries, allowances and benefits of different members of Municipal Council as per Government Gazette No 40519 dated 21 December 2016.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **APPROVES** the increase of 4% for the Section 79 Chairperson and 4% for Part-time Councillors, backdated from 1 July 2016.
2. That the increase of 4% for the Section 79 Chairperson and 4% for Part-time Councillors **BE IMPLEMENTED** with immediate effect.

A14/2017

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR PF BOTHA (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr PF Botha and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker presented the item to Council.

Cllr PF Botha wanted to know the reason why his questions were not answered instead he was given the same response that was submitted at the meeting of 13 December 2016.

9

The Municipal Manager explained that the investigations were not finalized yet and promised to submit a response at the next Council meeting.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That the response by the Municipal Manager on all questions raised by Cllr PF Botha **BE SUBMITTED** at the next Council meeting.

A15/2017

MOTION BY COUNCILLOR PF BOTHA: BESTOWMENT OF ALDERMAN STATUS ON COUNCILLOR DR JS MARAIS (MM) (20/19)

PURPOSE

To submit to Council the motion received from Cllr PF Botha for consideration.

DISCUSSION

The Speaker allowed Cllr PF Botha to present his motion to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That Council **APPROVES** to **BESTOW** Cllr JS Marais an honor and status of an Alderman for serving the Community and Council of Matjhabeng for the past 32 years.
2. That the Executive Mayor should **FACILITATE** the process.

A16/2017

COMPLAINT BY THE DEMOCRATIC ALLIANCE (SPEAKER) (20/19)

PURPOSE

To present before Council the conduct of the Executive Mayor on the 2nd January 2017.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 JANUARY 2017)

1. That the matter **BE DELIBERATED** at the Whippery Forum.
2. That the details of what ensued in that meeting should **NOT BE DIVULGED** in Council but Council members should be given feedback that a solution had been reached.