

# **MINUTES**

of the

**2<sup>nd</sup> ORDINARY COUNCIL MEETING  
FOR THE YEAR 2013**

of

**MATJHABENG MUNICIPALITY**

held on

**TUESDAY, 26 MARCH 2013**

at

**14:00**

**COUNCILLORS ATTENDANCE: 2<sup>nd</sup> ORDINARY COUNCIL MEETING  
MINUTES: 26 MARCH 2013**

**ANC**

<b>PROPORTIONAL</b>			
1.	Ngangelizwe S ( <b>Executive Mayor</b> )	12.	Radebe MC
2.	Chaka CP	13.	Radebe ML
3.	Kotzee D ( <b>Written Apology</b> )	14.	Rubulana L
4.	Mafa DM	15.	Sephiri MJ ( <b>Chief Whip</b> )
5.	Mafongosi ZV	16.	Speelman NW
6.	Mbana MA	17.	Stofile B ( <b>Speaker</b> )
7.	Menyatso	18.	Tlhone ML ( <b>Written Apology</b> )
8.	Mkhusane NC	19.	Tsubane ME
9.	Motshabi MP	20.	Twanana M ( <b>Written Apology</b> )
10.	Ntsebeng MH	21.	Vanga NM
11.	Petleki KI	22.	Van Rooyen KV
<b>WARD</b>			
23.	Dali VN ( <b>Written Apology</b> )	38.	Morris VR ( <b>Written Apology</b> )
24.	Khalipha TD	39.	Mosala MS
25.	Mabote TL	40.	Mothege MA
26.	Madumise MM	41.	Mphikeleli MA
27.	Makgowe PV	42.	Ntlele KI
28.	Masienyane MD	43.	Phetise ME
29.	Mbambo AX ( <b>Absent</b> )	44.	Qwasha GL ( <b>Written Apology</b> )
30.	Mfebe MSE	45.	Riet MI
31.	Mokausi LC	46.	Sifatya Z
32.	Mokhomo HA	47.	Taliwe FE ( <b>Absent</b> )
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**

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

## II

### COPE

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

### FF+

PROPORTIONAL	
72.	Taljaard SDM

### OFFICIALS

Mr G Ramathebane : Municipal Manager  
Mr S Makhubu : Executive Director Strategic Support Services  
Mr J Molawa : Executive Director Corporate Support Services  
Mr X Msweli : Executive Director LED & Planning  
Mr JKF Jankowitz : Snr Admin Officer (Corporate Services)

# III

## SECTION A

### 1. OPENING

The Speaker welcomed everybody present and declared the meeting opened.

### 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

#### Sympathy

Council conveyed condolences to South African soldiers that lost their lives, A moment of silence was observed.

### 5. DISCLOSURE OF INTEREST

None

### 6. DEPUTATIONS AND INTERVIEWS

None

### 7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

**A27/2013 – A28/2013**

### 8. MINUTES OF PREVIOUS MEETINGS

#### COUNCIL RESOLVED (29 JANUARY 2013)

That the minutes of the following meetings **BE APPROVED**:

8.1 Minutes of the 1<sup>st</sup> Ordinary Council meeting held on 29 January 2013.

## V

8.3 Minutes of the 1<sup>st</sup> Special Council meeting held on 8 February 2013.

8.4 Minutes of the 2<sup>nd</sup> Special Council meeting held on 15 March 2013 in conjunction with the following amendments:

- (a) **Attendance Register** – that it be indicated that Cllr MJ Badenhorst apologized for not being able to attend the meeting.

### 5. **MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER**

Cllr TE Thoabala indicated that he first conveyed condolences before the Executive Mayor conveyed his condolences.

### 9. **MATTERS ARISING FROM THE MINUTES**

**29 January 2013**

#### **DEPUTATIONS AND INTERVIEWS**

Cllr DC Smit wanted to know why the action plan to address issues raised by the Auditor General was not on the Agenda.

The Executive Mayor apologized for the item not on the Agenda, but that he would submit a plan, at the next Council meeting, on tracking of resolutions to avoid items not submitted as per Council resolutions.

The item on the action plan would be submitted at the next Ordinary Council meeting.

Item A83/2012 – Progress report N1 road in Ventersburg;

Cllr MJ Badenhorst indicated that the draft by-law as per point 3 on page (iv) was also not on the Agenda.

Covered under the explanation of the Executive Mayor under Deputations;

Cllr TE Thoabala requested that an item on the income derived from sale of the sport grounds to SANRAL under point 7 on page (iv) be submitted at the next Council 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)**

A29/2013 – A30/2013 – A44/2013

**12. REPORTS OF THE EXECUTIVE MAYOR**

A31/2013 – A43/2013

**14. MOTIONS**

None

**15. CLOSING REMARKS**

None

**16. CLOSURE**

The Speaker ended the meeting at **18:35**.

.....  
**CLLR B STOFIE (SPEAKER)**

.....  
**DATE**

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# 1

**A27/2013**

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

**PURPOSE**

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

**COUNCIL RESOLVED (26 MARCH 2013)**

That the questions raised by Cllr PF Botha and the response thereon by the Municipal Manager **BE NOTED**

**A28/2013**

**QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR PP MHOLO (MM) (3/1/1)**  
**(3/1/3/2)**

**PURPOSE**

To submit the questions raised by Cllr PP Mholo and the response thereon by the Municipal Manager.

**COUNCIL RESOLVED (26 MARCH 2013)**

That the questions raised by Cllr PP Mholo and the response thereon by the Municipal Manager **BE NOTED**

**//Cllr MJ Thateng was unanimously appointed to Chair the meeting in order to enable the Speaker to present his items (A29/2013 – A44/2013).**

**A29/2013**

**ELECTION OF COUNCILLOR REPRESENTATIVES TO THE GENERAL COMMITTEE OF THE FREE STATE MUNICIPAL PENSION FUND (EDCSS)(4/1/2/2)**

**PURPOSE**

To submit an item for the election of Councillor Representatives to the Free State Municipal Pension Fund.

**COUNCIL RESOLVED (26 MARCH 2013)**

That following five Councillors **BE ELECTED** to serve on the General Committee of the Free State Municipal Pension Fund.

Cllr L Rubulana  
Cllr PV Makgowe  
Cllr DM Mafa  
Cllr PF Botha  
Cllr TE Thoabala

**A30/2013**

**DRAFT OVERSIGHT REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (2011/2012) (3/1/3/4)(12/1/1) (Chairperson of MPAC)**

**PURPOSE**

To report to Council the findings of the Municipal Public Accounts Committee on their mandate which was to consider the Annual Report, receive input from various role players and to prepare a draft Oversight Report for consideration by Council.

**DISCUSSIONS**

The Chairperson of the Municipal Public Accounts Committee, Cllr MP Motshabi, presented the item

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That Council **ACCEPTS** the Annual Report without reservations.
2. That all recommendations per Department **BE IMPLEMENTED** immediately and **REPORT BACK** by Departments through the office of the Municipal Manager be done quarterly.
3. That the Executive Mayor **BE REQUESTED** to report on a regular basis on decisions taken under his Delegated Powers.
4. That Council allows MPAC **TO INVESTIGATE** issues raised by the Auditor-General.
5. That the Municipal Manager **MUST INVESTIGATE AND REPORT BACK** within three months, or by not later than the next Ordinary Council meeting, reasons

### 3

why the previous recommendations of the Oversight Committee were not implemented.

6. That MPAC as a Committee of Council **MUST RECOVER** unauthorized, fruitless, wasteful and irregular expenditure as stipulated under section 22, 23 and 24 of the Auditor-General's report, and **TO SUBMIT** a recommendation to Council.
7. That the terms of reference of MPAC **BE SUBMITTED** as soon as possible to Council for approval.
8. That the Oversight report **BE A STANDING ITEM** in all Section 80 Portfolio Committees to enable the Committees to make follow up on the implementation of the recommendations by MPAC.
9. That **FOLLOW UP** be done with the office of the Municipal Manager on Council Resolutions that were not implemented.
10. That the Speaker **BE MANDATED** to investigate and report back to MPAC on Councillors implicated in the Financial Statements owing Council money in respect of service accounts.

#### **A31/2013**

#### **IDP REVIEW 2013/2014 (EDSSS)(18/1/18)**

#### **PURPOSE**

To present to Council the first draft IDP review 2013/14 for adoption in terms of chapter 5 of the Municipal Systems Act.

#### **DISCUSSIONS**

The Executive Mayor presented the item to Council.

#### **COUNCIL RESOLVED (26 MARCH 2013)**

1. That Council **ADOPTS** the draft IDP document as a working document.
2. That the public participation and stakeholder consultation process **SHOULD CONTINUE** taking place.

3. That after incorporating inputs from consultations, the draft IDP **BE RESUBMITTED** to Council for approval.

#### **A32/2013**

### **EXECUTIVE SUMMARY OF THE 2013-2014 ANNUAL BUDGET FOR THE MATJHABENG MUNICIPALITY (ACFO)(6/1/1/1 2013/14)**

#### **PURPOSE**

To submit to Council the Draft Executive Summary of the 2013/2014 Budget.

#### **DISCUSSION**

The Executive Mayor presented the item to Council

#### **COUNCIL RESOLVED (26 MARCH 2013)**

It is therefore recommended

1. That the Operating Budget of **R 1 364 011 925[R 1 687 706 368(billing revenue) less anticipated bad debts due to 30% non collection of revenue]** of **R 323 694 443** and the **Capital Budget of R 212 482 000** be approved. The split up of Capital Budget allocation is as follows:

MIG	R189 907 000
Expanded Public Works Programme Integrated Grant	R1 000 000
Integrated National Electrification Programme Grant	R 1 575 000
Own funding	R 20 000 000
<b>Total Capital Funding:</b>	<b>R 212 482 000</b>

#### **A33/2013**

### **MONTHLY FINANCE REPORT – JANUARY 2013 (ACFO) (12/1/2/3)**

#### **PURPOSE**

To submit to Council the Monthly Finance Report for January 2013 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.

#### **COUNCIL RESOLVED (26 MARCH 2013)**

1. That the Finance Report for January 2013 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED.**

2. That the report **BE SUBMITTED** to the Provincial /CoGTA and National Treasury.

**A34/2013**

**MONTHLY FINANCE REPORT – FEBRUARY 2013 (ACFO) (12/1/2/3)**

**PURPOSE**

To submit to Council the Monthly Finance Report for February 2013 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That the Finance Report for February 2013 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That the report **BE SUBMITTED** to the Provincial /CoGTA and National Treasury.

**A35/2013**

**MUNICIPAL PROPERTY RATES POLICY (REVIEW) FOR IMPLIMENTATION (ACFO)(6/4B)**

**PURPOSE**

To submit proposals for the amendment of the Municipal Property Rates Policy to Council for consideration and to note the proposals that will align the current Municipal Rates Policy with the Local Municipal Property Rates Act no 6 of 2004. The public comment process have been complied with.

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That Council **TAKES NOTE** of the proposed amendment under review.
2. That the proposed amendments **BE SUBJECT** to public participation in terms of the Municipal Systems Act.

**A36/2013**

**DISPOSAL OF REDUNDANT FLEET THROUGH PUBLIC AUCTION (CFO)(7/1/6)**

**PURPOSE OF THE REPORT**

To inform Council on the envisaged auctioning of obsolete, high maintenance and accident damage fleet.

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That Council **APPROVES** the disposal of obsolete fleet as reflected on **page 60 to page 65 of the Annexures** except motorbikes.
2. That an independent appraisal and valuator be contracted to valuate to correctness of the list of obsolete fleet.

**A37/2013**

**REPORT ON IRREGULAR EXPENDITURE INCURRED DURING DECEMBER 2012 (MM)(6/1/2/2)**

**PURPOSE**

To submit Supply Chain Management Unit's report for the period December 2012 to Council for consideration.

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That Council **TAKES NOTE** of the report.
2. That the Municipal Manager **MUST IMPLEMENT** the measures taken to prevent recurrence as reflected on page 23 of the Agenda, point 1 to 5.
3. That the Municipal Manager must **INVESTIGATE** and submit a full report on irregular expenditure at the next Ordinary Council meeting, also indicating measures taken to apply the law to the letter.

**A38/2013**

**CONTRACTOR DEVELOPMENT PROGRAMME IN MATJHABENG LOCAL MUNICIPALITY (3/3/27)(PMU)**

**PURPOSE**

In partnership with the Department of Public Works national offices and Matjhabeng Local Municipality to have a contractor development programme in assisting small emerging contractors through the Construction Industry Development Board to participate as local emerging contractors trained and developed with greater CIDB grading after their exit

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That Council **APPROVES** the Contractor development programme in Matjhabeng Municipality
2. That the Municipal Manager **BE AUTHORIZED** to conclude the memorandum of agreement with the Public Works Department

**A39/2013**

**PROGRESS REPORT: CRITICAL VEHICLES STANDING DUE TO OUTSTANDING REPAIRS: DIRECTORATE INFRASTRUCTURE (7/1/2/3) (EDI)**

**PURPOSE OF REPORT**

To provide feedback to Council on the progress after an action plan was put in place to address critical vehicles standing.

**COUNCIL RESOLVED (26 MARCH 2013)**

That the item **BE WITHDRAWN**.

**A40/2013**

**DEVELOPMENT OF SERVICE LEVEL AGREEMENT BETWEEN MATJHABENG MUNICIPALITY AND GRIFFONS RUGBY UNION: NORTHERN FREE STATE RUGBY STADIUM (EDSS&LE)(10/1/1/2)**

**PURPOSE**

To present the proposal for development of Service Level Agreement between Matjhabeng Municipality and Griffons Rugby Union: Northern Free State Rugby Stadium to Council for consideration.

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That Council **TAKES NOTE** of the draft lease agreement.
2. That the Municipal Manager **BE AUTHORIZED** to discuss with Griffon Rugby Union on issues not agreed upon and report back to Council by end May 2013.

**A41/2013**

**DELEGATION OF COUNCIL AUTHORITY TO THE MUNICIPAL MANAGER (AEDCSS)(3/2/2)**

**PURPOSE**

The purpose of this item is to submit a recommendation to council for delegation of its authority to sign legal document, enter into contracts and to execute legal action for and on behalf of the Matjhabeng Local Council.

**COUNCIL RESOLVED (26 MARCH 2013)**

That the item **BE WITHDRAWN**.

**A42/2013**

**REPORT ON STATS SA 2011 CENSUS RESULTS FOR MATJHABENG MUNICIPALITY (MM)(20/18/5)**

**PURPOSE**

The purpose of this item is to present to council the results of 2011 census for information.

**COUNCIL RESOLVED (26 MARCH 2013)**

The Council **TAKES NOTE** of the report on Stats SA 2011 Census results for Matjhabeng Municipality.



A43/2013

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

**PURPOSE**

To submit before COUNCIL, **CHECKED AND RECTIFIED** municipal valuations in terms of Council resolution **A62**.

To submit before COUNCIL, valuation report of other erven in terms of the said resolution

To request COUNCIL to approve the sale of municipal land and properties in accordance with the approved policy on the disposal of immovable properties prescripts that stipulate as follows:

**“8.1 Unless otherwise provided in this policy, vacant or improved immovable property and rights in immovable property shall be alienated at a fair market related value as determined by the average market price of two (2) sworn Valuators).**

**8.2 Immovable capital assets must be sold at market related prices, unless public interest or the plight of the poor demands otherwise.”**

**COUNCIL RESOLVED (26 MARCH 2013)**

That the item **BE REFERRED BACK** to the next Council meeting in order to verify the average values of stands as indicated in the tables.

A44/2013

**TERMS OF REFERENCE OF THE MPAC (OFFICE OF THE SPEAKER)(4/1/2/2)**

**PURPOSE**

To submit to Council the outcome of discussions between the Speaker/SALGA/CoGTA on issues in the Terms of Reference of MPAC.

**COUNCIL RESOLVED (26 MARCH 2013)**

1. That following the interaction with SALGA, CoGTA and the MPAC, it is **RECOMMENDED** that the second set of Terms of Reference submitted in the Special Council of February 2013 **BE WITHDRAWN** from Council consideration.

## 10

2. The Council **REAFFIRMS** the resolution taken on 09 February 2012 on adoption of terms of reference drawn from the guidelines from the National Treasury and CoGTA as adopted by the Council meeting of 29 November 2011.
3. The Council further **REAFFIRMS** the resolution to expand the scope of the MPAC in line with the already adopted terms of reference.